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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25173; Directorate Identifier 2006–NE–24–AD; Amendment 39–16021; AD 2009–19–04]

RIN 2120–AA64

Airworthiness Directives; McCauley Propeller Systems Propeller Models B5JFR36C1101/114GCA–0, C5JFR36C1102/L114GCA–0, B5JFR36C1103/114HCA–0, and C5JFR36C1104/L114HCA–0

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) for McCauley Propeller Systems propeller models B5JFR36C1101/114GCA–0, C5JFR36C1102/L114GCA–0, B5JFR36C1103/114HCA–0, and C5JFR36C1104/L114HCA–0. That AD currently requires initial and repetitive fluorescent penetrant inspections (FPI) and eddy current inspections (ECI) of propeller blades for cracks, and if any crack indications are found, removing the blade from service. That AD also mandates a life limit for the blades. This AD requires the same inspections, adds a visual inspection, and mandates a new propeller blade life limit. This AD also requires removing propeller blades with more than 10,000 operating hours time-since-new (TSN), before further flight. This AD also requires removal from service of all the propeller blades and the propeller hub if one or more propeller blades have been found cracked on a propeller assembly. This AD also requires removing from service all C–5963 split retainers. This AD results from eight reports of propeller blades found cracked since May of 2006. We are issuing this AD to detect cracks in the propeller blade that could cause failure and separation of the propeller blade and loss of control of the airplane.

DATES: This AD becomes effective October 27, 2009. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of October 27, 2009.

ADDRESSES: You can get the service information identified in this AD from McCauley Propeller Systems, 5800 E. Pawnee, Wichita, KS 67218, telephone (800) 621–7767.

The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Jeff Janusz, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, Small Airplane Directorate, 1801 Airport Road, Room 100, Wichita, KS 67209; e-mail: *jeff.janusz@faa.gov;* telephone: (316) 946–4148; fax: (316) 946–4107.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 by superseding AD 2008–08–01, Amendment 39–15453 (73 FR 19971, April 14, 2008). The proposed AD applies to McCauley Propeller Systems propeller models B5JFR36C1101/114GCA–0, C5JFR36C1102/L114GCA–0, B5JFR36C1103/114HCA–0, and C5JFR36C1104/L114HCA–0. We published the proposed AD in the **Federal Register** on January 21, 2009 (74 FR 3462). That action proposed to require an FPI and ECI of propeller blades for cracks, visual inspection of the blade shank for a step condition, and a new propeller blade life limit of 3,500 hours TSN. That action also proposed to require removal of blades with more than 10,000 operating hours TSN before further flight. That action also proposed to require removal from service of all the propeller blades and the propeller hub if one or more propeller blades have been found cracked on a propeller assembly. That action also proposed to require removing from service all C–5963 split retainers at time of next inspection.

Guidance From McCauley Product Support

If there is any question as to the acceptability of a blade shank ''step condition'', the ability to accurately measure 0.005-inch wear, or the acceptability of any other wear present, we recommend that you contact McCauley Product Support for guidance.

Examining the AD Docket

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

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Claim That Blade Failure Is Primarily Due to a Blade Material Condition

Four commenters provided numerous observations that infer the probable cause for propeller blade failure is primarily due to a propeller blade material condition, which is the result of a manufacturing defect. The commenters did not present any examination or determination as to the cause of initiation of the propeller blade fatigue cracks. They did not present any evaluation or determination of the effect airplane operations in the restricted propeller RPM ranges have on propeller blade cracking, or any evaluation or determination of the effect the propeller blade material condition has, with respect to propeller fatigue life and thus propeller blade operating life.

We respect the commenters' observations, but the observations do not provide factual data to state a singular probable cause of propeller blade cracking. Therefore, as stated in the NPRM we have not yet determined if the blade cracking is the result of a design issue, an operational issue, or a combination of the two. We did not change the AD.

Concern Over Cost of Airplane Operations

Three commenters highlight and express their concern with the increase in cost of airplane operations associated with the proposed AD.

Per Order FAA–IR–M–8040.1B, we must consider the cost impact of an AD, including the direct cost to operators. We performed the economic analysis to include initial labor and parts costs, but we did not include the cost of aircraft down time, as we are not required to include it. Since we published the proposed AD, we became aware there are more affected airplanes with the subject propeller on the U.S. registry, bringing the number of propellers from 8 to 34. We also became aware that the total cost estimate we gave in the proposed AD was for the worldwide fleet. We changed the cost of compliance paragraph to cover only the U.S. fleet, and to reflect a corrected estimated cost, including the cost of prorated propeller life lost, which is a total of $1,523,049.

Revise the AD To Include the BAE Systems Regional Aircraft Proposal To Increase the Propeller Blade Life to 5,000 Hours

Five commenters, including BAE Systems (Operations) Ltd., point out that European Aviation Safety Agency (EASA) AD 2009–0038 mandates the installation of a propeller speed warning system per BAE Systems (Operations) Ltd. Service Bulletin No. SB J41–61–014. BAE Systems (Operations) Ltd. proposed that the propeller blade life could be increased to 5,000 hours with the installation of new, zero-time-since-new propeller blades. The commenters suggest that we revise our AD to do the same actions.

We do not agree. The above suggestions were not proposed as part of the proposed AD. The commenters state the reason for cracking as that stated in the McCauley Propeller Systems Service Bulletin No. ASB255A, included in the NPRM by reference; which is ''The blade cracks are caused by operation in the restricted and placarded regions.'' We have not yet determined if the blade cracking is the result of a design issue, an operational issue, or a combination of the two. The commenters presented observations that propellers have operated beyond the proposed AD 3,500-hour life limit satisfactorily without cracking. The commenters present that EASA is mandating by AD the propeller speed warning system and state that this system will provide a means to keep the propeller out of the restricted operating range. The proposed AD does not mandate a propeller speed warning system. We agree that this type of system has the potential to help limit the amount of time a propeller is operated in the restricted range. However, this type of system does not guarantee operations of the propeller will be conducted outside of the restricted operating range. The commenters did not examine or determine the cause of initiation of the propeller blade fatigue cracks, nor evaluate or determine the effect airplane operations in the restricted propeller RPM ranges have on propeller blade cracking. The commenters did not evaluate or determine the effect the propeller blade material condition has with respect to propeller fatigue life and thus propeller blade operating life. The commenters did not present any factual data to support increasing the life limit to 5,000 hours. Since May of 2006, we have received reports of eight propeller blades which were found cracked at fewer than 5,000 hours time-since-new. We did not change the AD.

Credit for Monitoring Propeller Operations

Two commenters present observations that infer credit should be given to operators for Digital Flight Data Recorder (DFDR) downloads to monitor operations of the airplane and hence monitor operations of the propeller in the restricted RPM ranges.

We do not agree. We find merit in monitoring of propeller operations, but as stated in the NPRM we have not yet determined if the blade cracking is the result of a design issue, an operational issue, or a combination of the two. We do not have any control over how the airplane is operated, as this AD relates to the type certification of the propeller. We did not change the AD.

Revise AD To Include a Wear Measurement Technique That Is Not Difficult and Is Practical

One commenter believes the wear measurement technique provided in the McCauley Propeller Systems Service Bulletin No. ASB255A and included in the proposed AD by reference, will be difficult and not practical, and requests a revised and more appropriate procedure be developed and included in the AD. McCauley Propeller Systems has defined this wear measurement criteria in the past in other Service Bulletins related to this propeller model. FAA has previously mandated the same criteria in now superseded ADs. There were no adverse comments to the superseded ADs while they were being proposed, from the propeller repair shops that are tasked with addressing the AD requirements at the propeller hardware level.

We find some merit to elaborate on the criticality of the wear measurement criteria and we have added wording to the Supplementary Information section of this AD, recommending that McCauley Product Support be contacted for additional guidance with this measurement.

Correction to Paragraph (i)

We found incorrect compliance information that was inadvertently placed in the first sentence of paragraph (i) of the proposed AD. We corrected that sentence in the AD from ''Remove the serial number (SN) propeller blades and the hubs listed in Table 1 of this AD from service, using the inspection compliance schedule in Table 2 of this AD'' to ''Before further flight, remove the serial number (SN) propeller blades and the hubs listed in Table 1 of this AD from service.''

Paragraph Added To Address Parts Not Reported on

We realized that since we state in paragraph (i) of the proposed AD that there may be other affected propeller assemblies, blades, hubs, or hub assemblies that we have not received reports on, and that we should address that population in a separate paragraph. We added a new paragraph (j) to the AD that states: ''Before further flight, remove from service any propeller blades and hubs found or documented to have been installed in any propeller assembly that has had one or more cracked propeller blades at any time. Propeller blades and the propeller hub of a propeller assembly that has had one or more cracked propeller blades are prohibited from installation in any configuration on any airframe.''

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

We estimate that this AD will affect 34 propeller assemblies installed on airplanes of U.S. registry. We estimate that it will take about 44 work-hours per propeller to perform the required actions, and that the average labor rate is $80 per work-hour. Required parts will cost about $260 per propeller, if no cracks are found. We estimate that one

propeller will fail the blade inspection required by this AD, and the propeller replacement cost will be about $67,067. Prorated life lost for the propeller assembly will cost about $39,043 per propeller. Based on these figures, we estimate the total cost of the AD to U.S. operators to be $1,523,049.

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 AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

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

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

(3) 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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 39–15453 (73 FR 19971, April 14, 2008) and by adding a new airworthiness directive, Amendment 39–16021, to read as follows:

2009–19–04 McCauley Propeller Systems: Amendment 39–16021. Docket No. FAA–2006–25173; Directorate Identifier 2006–NE–24–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 27, 2009.

Affected ADs

(b) This AD supersedes AD 2008–08–01, Amendment 39–15453.

Applicability

(c) This AD applies to McCauley Propeller Systems propeller models B5JFR36C1101/114GCA–0, C5JFR36C1102/L114GCA–0, B5JFR36C1103/114HCA–0, and C5JFR36C1104/L114HCA–0. These propellers are installed on, but not limited to, BAE Systems (Operations) Limited Jetstream Model 4100 and 4101 series airplanes (Jetstream 41).

Unsafe Condition

(d) This AD results from eight reports of propeller blades found cracked since May of 2006. We are issuing this AD to detect cracks in the propeller blade that could cause failure and separation of the propeller blade and loss of control of the airplane.

Compliance

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

Life Limit

(f) For propeller blades with more than 10,000 operating hours time-since-new (TSN) on the effective date of this AD, remove the propeller blades from service before further flight. These propeller blades are prohibited from installation in any configuration on any airframe.

(g) For propeller blades with more than 3,000 operating hours TSN on the effective date of this AD, remove the propeller blades from service within the next 500 operating hours, not to exceed 10,000 operating hours TSN. These propeller blades are prohibited from installation in any configuration on any airframe.

(h) For propeller blades with 3,000 or fewer operating hours TSN on the effective date of this AD, remove the propeller blades from service at or before reaching 3,500 operating hours TSN. These propeller blades are prohibited from installation in any configuration on any airframe.

Removal From Service of Propeller Blades and Hubs From Propeller Assemblies That Have Had One or More Cracked Propeller Blades

(i) Before further flight, remove the propeller blades and the hubs listed in Table 1 of this AD from service. The propeller blades and hubs listed in Table 1 are prohibited from installation in any configuration on any airframe.

(j) Before further flight, remove from service any propeller blades and hubs found or documented to have been installed in any propeller assembly that has had one or more cracked propeller blades at any time. Propeller blades and the propeller hub of a propeller assembly that has had one or more cracked propeller blades are prohibited from installation in any configuration on any airframe.

TABLE 1—PROPELLER BLADE AND HUB SERIAL NUMBERS REQUIRING REMOVAL FROM SERVICE BEFORE FURTHER FLIGHT AND ARE PROHIBITED FROM INSTALLATION IN ANY CONFIGURATION ON ANY AIRFRAME

Hub Serial No.	Blade Serial No.
023062	XH31043, XH31131, XE31002, XH31025, XI31014
040296	YA31058, YA31055, YB31084, YB31088, YB31090
041016	XB31009, XA31073, XA31071, XA31063, WK31013
051193	XH31018, XH31077, XH31081, XL31008, XL31043
040282	XG31015, XG31016, XH31113, XH31117, XI31017
051204	XI31049, XH31140, XH31129, XH31084, XH31074
051194	WF31010, WD31032, WF31002, WF31029, WF31078

Propeller Blade Inspection

(k) Perform a fluorescent penetrant inspection and eddy current inspection of the propeller blades, and a visual inspection for a ''step condition'' of the blade shank. Use the Equipment Required and Accomplishment Instructions of McCauley Propellers Alert Service Bulletin (ASB) No. ASB255A, dated October 6, 2008, and the compliance schedule in Table 2 of this AD:

TABLE 2—INSPECTION COMPLIANCE SCHEDULE

If on the effective date of this AD, the propeller blade:	Then inspect the propeller blade:
(1) Has more than 2,400 operating hours TSN, time-since-last inspection (TSLI), or time-since-overhaul (TSO) and has been inspected using AD 2008–08–01 or McCauley Propellers ASB No. ASB255, dated January 8, 2007 within the past 2,400 operating hours.	Upon reaching 2,500 operating hours TSLI. See TSLI definition paragraph (p) of this AD.
(2) Has more than 2,400 operating hours TSN, TSLI, or TSO and has not been inspected using AD 2008–08–01 or McCauley Propellers ASB No. ASB255, dated January 8, 2007 within the past 2,400 operating hours.	Within the next 100 operating hours time-in-service.
(3) Has 2,400 or fewer operating hours TSN, TSLI, or TSO	Upon reaching 2,500 operating hours TSN, TSLI, or TSO.

Propellers Failing Blade Inspection

(l) Remove from service all of the propeller blades, and the propeller hub, if one or more propeller blades are found cracked on a propeller assembly. Propeller blades and the propeller hub of a propeller assembly that has had one or more cracked propeller blades are prohibited from installation in any configuration on any airframe.

(m) Remove from service all propeller blades that exhibit a blade shank ''step condition'' of 0.005-inch or greater. Blades removed from service are prohibited from installation in any configuration on any airframe.

Removal of C–5963 Split Retainers From Service

(n) Remove from service all C–5963 split retainers at the time of blade inspection specified in paragraph (k) of this AD. C–5963 split retainers removed from service are prohibited from installation in any configuration on any airframe.

(o) After the effective date of this AD, do not install propeller assemblies with C–5963 split retainers on any airframe.

Definition

(p) For the purpose of this AD, TSLI refers only to inspections performed using AD 2008–08–01 or McCauley ASB No. ASB255, dated January 8, 2007.

Reporting Requirements

(q) Within 10 calendar days of the inspection, use the Reporting Form in McCauley ASB No. ASB255A, to report all inspection findings to the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, KS 67209, Attention: Jeff Janusz; telephone (316) 946–4148; fax (316) 946–4107; e-mail: *jeff.janusz@faa.gov.*

(r) Include any photographs, and any other information related to the means of detection of the crack, and the history of the propeller and blades.

(s) The Office of Management and Budget (OMB) has approved the reporting requirements and assigned OMB control number 2120–0056.

Alternative Methods of Compliance

(t) The Manager, Wichita Aircraft Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Special Flight Permits

(u) Under 39.23, we are limiting the availability of special flight permits for this AD. Special flight permits are available only if:

(1) The operator has not seen signs of external oil leakage from the hub;

(2) The operator has not observed abnormal propeller vibration or abnormal engine vibration;

(3) The operator has not observed any other abnormal operation from the propeller;

(4) The operator has not made earlier reports of abnormal propeller vibration, abnormal engine vibration, or other abnormal propeller operations that have not been addressed.

Related Information

(v) Contact Jeff Janusz, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, Small Airplane Directorate, 1801 Airport Road, Room 100, Wichita, KS 67209; e-mail: *jeff.janusz@faa.gov;* telephone: (316) 946–4148; fax: (316) 946–4107, for more information about this AD.

Material Incorporated by Reference

(w) You must use McCauley Propellers Alert Service Bulletin No. ASB255A, dated October 6, 2008 to perform the actions required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact McCauley Propeller Systems, 5800 E. Pawnee, Wichita, KS 67218, telephone (800) 621–7767 for a copy of this service information. You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Burlington, Massachusetts, on September 3, 2009.

Peter A. White,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E9–21919 Filed 9–21–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0136; Directorate Identifier 2008–NM–171–AD; Amendment 39–16022; AD 2009–19–05]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Boeing Model 747 airplanes. This AD requires repetitive inspections for cracking of the fuselage frames in section 41, and corrective actions if necessary. This AD results from reports of cracking in fuselage frames made of 2024 aluminum alloy that were installed during previous modification of the frames in section 41 and during production. We are issuing this AD to detect and correct frame cracks, which could result in cracking of the adjacent fuselage skin and consequent rapid decompression of the airplane.

DATES: This AD is effective October 27, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of October 27, 2009.

ADDRESSES: For service information identified in this 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.*

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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to certain Boeing Model 747 airplanes. That NPRM was published in the **Federal Register** on February 23, 2009 (74 FR 8034). That NPRM proposed to require repetitive inspections for cracking of the fuselage frames in section 41, and corrective actions if necessary.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Requests To Delay or Withdraw NPRM

Japan Airlines (JAL) asks that we delay issuing the AD until Boeing revises the referenced service information. JAL states that Boeing Alert Service Bulletin 747–53A2753, dated August 28, 2008, does not include access and restoration information for the frame structure inspection. JAL adds that without this information operators are caused an undue burden such as engineering costs and validation. JAL notes that it asked Boeing to develop access and restoration procedures and Boeing agreed to revise the service information to include those procedures.

We do not agree to delay issuing the AD to wait for revised service information, nor has Boeing informed us of its intent to issue revised service information to include the procedures discussed by the commenter. We have determined that although Boeing Alert Service Bulletin 747–53A2753, dated August 28, 2008, does not include access information for the frame inspection, the majority of operators have their own acceptable access and closing procedures. Although this AD does not mandate a particular method of doing the access and closing procedures, operators can obtain those procedures directly from Boeing if necessary. We have not changed the AD in this regard.

Northwest Airlines (NWA) would like the NPRM to be withdrawn. NWA states that, in view of the reported damage findings and service information specified in the preamble of the NPRM, there is no justification to support issuing an NPRM which covers a much broader area than where the crack damage was found. NWA states that the inspection for cracking of certain critical regions of the body section 41 structure is also addressed in the supplemental structural inspection document (SSID) inspection program. NWA notes that the SSID inspection program is mandated in previously issued rulemaking and should be used to determine if mandated inspections of the entire body section 41 structure are necessary. NWA adds that additional justification is needed to support mandating those inspections.

Although we understand NWA's concern, we do not agree to withdraw the NPRM. We have received several reports of significant cracking of certain fuselage frames in section 41; the cracked frames were found when the airplanes had accumulated relatively low flight cycles. As the fuselage frames on the airplanes affected by this AD are of similar type design, we have determined that all fuselage frames in section 41 are susceptible to the same unsafe condition.

We are aware that the Boeing Model 747 SSID inspection program, as mandated by AD 2004–07–22 R1, amendment 39–15326 (73 FR 1052, January 7, 2008), requires repetitive inspections of the fuselage frames in section 41. However, analysis by the manufacturer shows that a repetitive inspection interval significantly reduced from the interval specified in the SSID inspection program is required to ensure safety. Rather than revising AD 2004–07–22 R1, which is complex and includes numerous inspections, we have determined that this new AD is appropriate and must be issued without further delay.

Request To Correct Paragraph Identifiers

Boeing requests a correction to the paragraph identifiers specified in paragraph (g) of this AD—i.e., to specify paragraphs (h) and (i) instead of paragraphs (g) and (h).

We agree with the Boeing comment. The paragraph identifiers were incorrectly identified in the NPRM; therefore, we have changed those identifiers in paragraph (g) of this AD accordingly.

Change to AD Preamble

The Costs of Compliance paragraph has been revised to note that for certain airplanes, it may be necessary to accomplish more than one Part of Boeing Alert Service Bulletin 747–53A2732, dated August 28, 2008, depending on airplane configuration.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the change described previously. We also determined that this change will not increase the economic burden on any operator or increase the scope of the AD.

Costs of Compliance

We estimate that this proposed AD would affect 165 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD. For airplanes on which Boeing Alert Service Bulletin 747–53A2732, dated August 28, 2008, must be done, accomplishment of more than one Part of the alert service bulletin may be required, depending on airplane configuration.

TABLE—ESTIMATED COSTS

Inspection	Work hours	Average labor rate per hour	Cost per product	Number of U.S-registered airplanes	Fleet cost
Boeing Alert Service Bulletin 747–53A2732, Part 1.	50	$80	Up to $4,000, per inspection cycle	94	Up to $376,000, per inspection cycle.

TABLE—ESTIMATED COSTS—Continued

Inspection	Work hours	Average labor rate per hour	Cost per product	Number of U.S-registered airplanes	Fleet cost
Boeing Alert Service Bulletin 747–53A2732, Part 2.	650	80	Up to $52,000, per inspection cycle.	94	Up to $4,888,000, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 3.	6	80	$480, per inspection cycle	94	Up to $45,120, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 4.	51	80	Up to $4,080, per inspection cycle	94	Up to $383,520, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 5.	11	80	Up to $880, per inspection cycle ..	94	Up to $82,720, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 6.	52	80	Up to $4,160, per inspection cycle	94	Up to $391,040, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 7.	13	80	Up to $1,040, per inspection cycle	94	Up to $97,760, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 8.	54	80	Up to $4,320, per inspection cycle	94	Up to $406,080, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2753.	244	80	Up to $19,520, per inspection cycle.	71	Up to $1,385,920, per inspection cycle.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2009–19–05 Boeing: Amendment 39–16022. Docket No. FAA–2009–0136; Directorate Identifier 2008–NM–171–AD.

Effective Date

(a) This airworthiness directive (AD) is effective October 27, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747 airplanes, certificated in any category, as specified in paragraph (c)(1) or (c)(2) of this AD, as applicable.

(1) Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes, as identified in Boeing Alert Service Bulletin 747–53A2732, dated August 28, 2008.

(2) Boeing Model 747–400, 747–400D, and 747–400F series airplanes, as identified in Boeing Alert Service Bulletin 747–53A2753, dated August 28, 2008.

Subject

(d) Air Transport Association (ATA) of America Code 53: Fuselage.

Unsafe Condition

(e) This AD results from reports of cracking in fuselage frames made of 2024 aluminum alloy that were installed during previous modification of the frames in section 41 and during production. We are issuing this AD to detect and correct frame cracks, which could result in cracking of the adjacent fuselage skin and consequent rapid decompression of the airplane.

Compliance

(f) Comply with this AD within the compliance times specified, unless already done.

Repetitive Inspections and Corrective Actions

(g) At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2732 or 747–53A2753, both dated August 28, 2008, as applicable, do the detailed inspection for cracking of the fuselage frames in section 41, and do all applicable corrective actions, by accomplishing all the actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2732 or 747–53A2753, both dated August 28, 2008, as applicable; except as provided by paragraphs (h) and (i) of this AD. Repeat the inspection at intervals not to exceed those specified in paragraph 1.E. of Boeing Alert Service Bulletin 747–53A2732 or 747–53A2753, both dated August 28, 2008, as applicable. If any crack is found, do all corrective actions before further flight.

Note 1: As specified in Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008, an optional special detailed inspection behind

the P14 and P15 electrical terminal panels using the borescope may be done.

(h) Where Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008, recommend an initial inspection threshold relative to the date on Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008; this AD requires the initial inspection threshold relative to the effective date of this AD.

(i) If any crack is found during any inspection required by this AD, and Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008, specify to contact Boeing for appropriate action: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6437; 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.

Material Incorporated by Reference

(k) You must use Boeing Alert Service Bulletin 747–53A2732 dated August 28, 2008; or Boeing Alert Service Bulletin 747–53A2753, dated August 28, 2008; as applicable; to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this 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.*

(3) You may review copies of the 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.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–21922 Filed 9–21–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0367; Directorate Identifier 2009–NE–10–AD; Amendment 39–16023; AD 2009–19–06]

RIN 2120–AA64

Airworthiness Directives; Teledyne Continental Motors O–470, IO–470, TSIO–470, IO–520, TSIO–520, IO–550, and IOF–550 Series Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Teledyne Continental Motors (TCM) O–470, IO–470, TSIO–470, IO–520, TSIO–520, IO–550, and IOF–550 series reciprocating engines with TCM EQ3 cylinders installed. This AD requires initial and repetitive visual inspections of TCM EQ3 cylinders for cracks. This AD also requires removal of all EQ3 cylinders as terminating action to the repetitive visual inspections. This AD results from reports of 35 EQ3 cylinders found cracked. We are issuing this AD to prevent loss of engine power due to cracks in the cylinder head, possible engine failure, and fire in the engine compartment.

DATES: This AD becomes effective October 7, 2009. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of October 7, 2009.

We must receive any comments on this AD by November 23, 2009.

ADDRESSES: Use one of the following addresses to comment on this AD:

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

FOR FURTHER INFORMATION CONTACT: Anthony Holton, Engineer, Propulsion, Atlanta Aircraft Certification Office, FAA, Small Airplane Directorate, 1701 Columbia Avenue, College Park, Georgia 30337; e-mail *anthony.holton@faa.gov;* telephone: (404) 474–5567; fax: (404) 474–5606.

Contact Teledyne Continental Motors, Inc., PO Box 90, Mobile, AL 36601; telephone (251) 438–3411, or go to: *http://tcmlink.com/servicebulletins.cfm*, for the service information in this AD.

SUPPLEMENTARY INFORMATION: In February 2009, we were made aware by TCM of reports of 35 EQ3 cylinders found with cracks during inspection. Cracked cylinders occurred on engines with times ranging from about 430 to 1,300 hours of operation. TCM investigated the cause and discovered that their EQ3 configuration cylinder head casting tool used in the cylinder manufacturing process created an area of reduced wall thickness. This reduced wall thickness can result in a crack in the area between the upper spark plug bore and the fuel injector/primer nozzle bore during operation. TCM shipped engines with EQ3 cylinders and shipped individual EQ3 cylinders from November 1, 2007, through January 30, 2009. Also, TCM produced a group of about 300 EQ3 cylinders in August and September of 2006. This condition, if not corrected, could result in loss of engine power due to cracks in the cylinder head, possible engine failure, and fire in the engine compartment.

Relevant Service Information

We have reviewed and approved the technical contents of TCM Mandatory Service Bulletin (MSB) No. MSB09–1B, dated July 14, 2009. That MSB describes procedures for initial and repetitive visual inspections of EQ3 cylinders for cracks, and requires replacing those cylinders no later than December 31, 2009.

Differences Between This AD and the Service Information

TCM MSB No. MSB09–1B, dated July 14, 2009, requires that the EQ3 cylinders be identified and initially inspected within the next 20 flight hours, but no later than April 30, 2009. However, this AD requires the EQ3 cylinders be identified and initially inspected within 20 flight hours after the effective date of this AD. The MSB also requires that all EQ3 cylinders be removed from service no later than December 31, 2009. This AD requires that the cylinders be removed from service within 1,300 hours total time of operation.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other TCM O–470, IO–470, TSIO–470, IO–520, TSIO–520, IO–550, and IOF–550 series reciprocating engines with EQ3 cylinders installed. For that reason, we are issuing this AD to prevent loss of engine power due to cracks in the cylinder head, possible engine failure, and fire in the engine compartment. This AD requires initial and repetitive visual inspections of all EQ3 cylinders for cracks within 20 flight hours of the effective date of this AD. This AD also requires replacement of all EQ3 cylinders within 1,300 hours total time of operation after the effective date of this AD. You must use the service information described previously to perform the actions required by this AD.

FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''AD Docket No. FAA–2009–0367; Directorate Identifier 2009–NE–10–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

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 with FAA personnel concerning this AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Examining the AD Docket

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

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 AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2009–19–06 Teledyne Continental Motors: Amendment 39–16023. Docket No. FAA–2009–0367; Directorate Identifier 2009–NE–10–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 7, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Teledyne Continental Motors (TCM) O–470, IO–470, TSIO–470, IO–520, TSIO–520, IO–550, and IOF–550 reciprocating engine models listed in Table 1 of this AD that have one or more affected TCM cylinders installed. To identify the affected cylinders, cross reference the engine models in Table 1 of this AD with the engine serial numbers found in Tables 1, 1A, 2, and 2A of TCM Mandatory Service Bulletin (MSB) No. MSB09–1B, dated July 14, 2009. Use the tables found in MSB No. MSB09–1B, dated July 14, 2009, to also identify spare EQ3 cylinders by cylinder part number and cylinder serial number that may have been installed on these engines.

TABLE 1—ENGINE MODELS AFFECTED

O–470–G, K, L, R, S, M, U
IO–470–C, D, E, F, H, L, M, N, S, U, V, VO
TSIO–470–B, C, D
IO–520–A, B, BA, BB, C, CB, D, E, F, J, K, L, M, MB
TSIO–520–AF, B, BB, C, CE, D, DB, E, EB, G, H, J, JB, K, KB, L, LB, M, N, NB, P, R, T, UB, VB, WB
IO–550–A, B, C, D, E, F, L
IOF–550–B, C, D, E, F, L

(d) These engines are installed on, but not limited to, Alexandria Aircraft LLC (formerly Bellanca) model 300 Super Viking; Beech Bonanza 33, 35 and 36 series, Beech Baron 56 and 58 series, Cessna 180, 182, 188, 205, 206, 207, 210, 303, 310, 320, 402, and 414 model series; Aero Commander 200 and 500; certain Rockwell (formerly Meyers) Windecker Eagle 200, and Navion airplanes.

Unsafe Condition

(e) This AD results from reports of 35 EQ3 cylinders found cracked. We are issuing this AD to prevent loss of engine power due to cracks in the cylinder head, possible engine failure, and fire in the engine compartment.

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.

Identification and Initial Visual Inspection

(g) Within 20 flight hours after the effective date of this AD, identify EQ3 cylinders using Step 1 of TCM MSB No. MSB09–1B, dated July 14, 2009.

(1) Within 20 flight hours after the effective date of this AD, for EQ3 cylinders with 400 or more hours total time of operation on the effective date of this AD, perform an initial visual inspection of the cylinder for cracks using Step 2, paragraph B, of TCM MSB No. MSB09–1B, dated July 14, 2009.

(2) For EQ3 cylinders with fewer than 400 hours total time of operation on the effective date of this AD, perform an initial visual inspection of the cylinder for cracks before reaching 400 hours total time of operation, using Step 2, paragraph B, of TCM MSB No. MSB09–1B, dated July 14, 2009.

(3) Remove from service before flight, any cylinders found cracked.

Repetitive Visual Inspections

(h) Repeat the visual inspections required by this AD every 50 hours of operation. Use Step 2, paragraph B, of TCM MSB No. MSB09–1B, dated July 14, 2009, to perform the inspection.

(i) Remove from service before flight, any cylinders found cracked.

Removal of All EQ3 Cylinders From Service

(j) Within 1,300 hours total time of operation after the effective date of this AD, remove all EQ3 cylinders from service.

EQ3 Cylinder Installation Prohibition

(k) After the effective date of this AD, do not install any EQ3 cylinder onto any engine, or any EQ3 cylinder-equipped engine, onto any aircraft.

Previous Credit

(l) Initial visual inspections done before the effective date of this AD per TCM MSB No. MSB09–1A, dated March 11, 2009, comply with the initial inspection requirements specified in this AD.

Alternative Methods of Compliance

(m) The Manager, Atlanta Aircraft Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Special Flight Permits

(n) Under 14 CFR 39.23, we are limiting the special flight permits for this AD to engines that have no evidence of fuel or combustion staining in the cylinder crack location, and for a total special flight time of 5 hours.

Related Information

(o) Contact Anthony Holton, Engineer, Propulsion, Atlanta Aircraft Certification Office, FAA, Small Airplane Directorate, 1701 Columbia Avenue, College Park, Georgia 30337; e-mail *anthony.holton@faa.gov;* telephone: (404) 474–5567; fax: (404) 474–5606, for more information about this AD.

Material Incorporated by Reference

(p) You must use Teledyne Continental Motors Mandatory Service Bulletin No. MSB09–1B, dated July 14, 2009, to perform the actions required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Teledyne Continental Motors, Inc., PO Box 90, Mobile, AL 36601; telephone (251) 438–3411, or go to: *http://tcmlink.com/servicebulletins.cfm,* for a copy of this service information. You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Burlington, Massachusetts, on September 8, 2009.

Peter A. White,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E9–22287 Filed 9–21–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0292; Directorate Identifier 2008–NM–011–AD; Amendment 39–16011; AD 2009–18–15]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Airbus Model A300 and A310 series airplanes. That AD currently requires replacement of the nose landing gear drag strut upper attachment pin. This new AD requires revising the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness (ICA) to require additional life limits and/or replacements for certain main landing gear and nose landing gear components, and also expands the applicability. This AD results from revisions to the ALS of the ICA to include new or more restrictive life limits and/or replacements. We are issuing this AD to ensure the continued structural integrity of these airplanes.

DATES: This AD becomes effective October 27, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of October 27, 2009.

ADDRESSES: For service information identified in this AD, contact Airbus SAS—EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail: *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.*

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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West

Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 87–16–06, amendment 39–5692 (52 FR 28241, July 29, 1987). The existing AD applies to certain Airbus Model A300 and A310 series airplanes. That NPRM was published in the **Federal Register** on April 1, 2009 (74 FR 14751). That NPRM proposed to continue to require replacement of the nose landing gear drag strut upper attachment pin. That NPRM also proposed to require revising the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness (ICA) to require additional life limits and/or replacements for certain main landing gear and nose landing gear components, and would also expand the applicability.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been received on the NPRM.

Request To Add Grace Period

TradeWinds Airlines requests that we add a ''grace period'' to the life limit placed on the nose landing gear (NLG) shock absorber bottom, part number (P/N) C62037–1, listed in Table 1 of the NPRM, as referenced in paragraph (h)(1)(i) of the NPRM. TradeWinds explains that this component was not listed in Chapter 5 of the Airbus A300 Airplane Maintenance Manual (AMM) and had no corresponding FAA AD issued against it. Therefore, for U.S. operators, there was never a requirement to track the life limit. TradeWinds suggests a grace period of the next NLG overhaul or restoration be added so this internal component can be replaced without unscheduled removal from the airplane.

We do not agree that it is necessary to add a grace period based on the operator's next overhaul or restoration. Maintenance schedules vary among operators; there is no assurance that the overhaul or restoration would occur within the maximum interval of time allowable for the affected airplanes to operate safely. However, under the provisions of paragraph (l) of this AD, we will consider requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety. We have not changed the AD in this regard.

Request To Clarify Purpose of Service Information Letter (SIL)

TradeWinds Airlines requests that we clarify the purpose of Airbus Service Information Letter (SIL) 32–118, Revision 02, dated October 24, 2007, as referenced in paragraph (j) of the NPRM. TradeWinds requests a note or some clarification to describe the use or application of the SIL as it pertains to the AD.

We agree with the request to clarify the purpose of the SIL. We have added Note 2 to the AD to include the following information from page 1 of the SIL:

Note 2: Airbus Service Information Letter 32–118, Revision 02, dated October 24, 2007, provides operators with guidance on the means to assign a conservative calculated life to parts whose history of accumulated landings is partial or unknown; and to select the limitations applicable to parts whose history of application details (aircraft type, aircraft model, weight variant, etc.) is partial or unknown.

Conclusion

We have carefully reviewed the available data, including the comments that have been received, and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Replacement (required by AD 87–16–06)	7	$80	$3,300	$3,860	94	$362,840
Revision (new action)	1	80	0	80	238	19,040

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 AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

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

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

(3) 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 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.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–5692 (52 FR 28241, July 29, 1987) and by adding the following new airworthiness directive (AD):

2009–18–15 Airbus: Amendment 39–16011. Docket No. FAA–2009–0292; Directorate Identifier 2008–NM–011–AD.

Effective Date

(a) This AD becomes effective October 27, 2009.

Affected ADs

(b) This AD supersedes AD 87–16–06.

Applicability

(c) This AD applies to all Airbus Model A300, A310, and A300–600 series airplanes, certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 32: Landing Gear.

Unsafe Condition

(e) This AD results from revisions to the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness (ICA) to include new or more restrictive life limits and/or replacements. We are issuing this AD to ensure the continued structural integrity of these airplanes.

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.

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

Restatement of the Requirements of AD 87–16–06

(g) For Model A300 and A310 series airplanes: Prior to the accumulation of 16,000 landings, or within the next 2,000 landings after September 3, 1987 (the effective date of AD 87–16–06), whichever occurs later, replace the nose landing gear drag strut upper attachment pin in accordance with Airbus Service Bulletin A300–32–374, Revision 1, dated July 15, 1986 (applicable to Model A300 airplanes); or A310–32–2023, Revision 2, dated November 14, 1986 (applicable to Model A310 airplanes).

New Requirements of This AD

ALS Revision

(h) For Model A300, A310, and A300–600 series airplanes: Within 3 months after the effective date of this AD, revise the ALS of the ICA to incorporate the applicable document listed in paragraph (h)(1), (h)(2), or (h)(3) of this AD. Accomplishing the actions specified in the applicable document satisfies the requirements of paragraph A. of AD 84–02–04, amendment 39–4795.

(1) For Model A300 series airplanes: Incorporate the applicable document listed in paragraph (h)(1)(i) or (h)(1)(ii) of this AD.

(i) Section 05–10–00, Revision 28, dated February 27, 1998, of Chapter 05, ''Service Life Limits and Maintenance Checks,'' of the Airbus A300 Aircraft Maintenance Manual, except that the parts listed in Table 1 of this AD are subject to the life limits defined in the document listed in paragraph (h)(1)(ii) of this AD.

(ii) ''Sub-part 1–2: Life Limits,'' and ''Sub-part 1–3: Demonstrated Fatigue Lives'' of Part 1, ''Safe Life Airworthiness Limitation Items,'' dated September 6, 2007, of the Airbus A300 ALS.

TABLE 1—PARTS SUBJECT TO THE LIFE LIMITS SPECIFIED IN THE DOCUMENT IDENTIFIED IN PARAGRAPH (H)(1)(II) OF THIS AD

Part No. (P/N)	Part name
P/N C61643–2, P/N C61643–4, P/N C61643–5	Main landing gear (MLG) shock absorber end fitting.
P/N A32210001205xx	Nose landing gear (NLG) pintle pin.
P/N C62037–1	NLG shock absorber bottom.
P/N 196–0328–501	Cross beam (Pratt & Whitney forward engine mount).

(2) For Model A310 series airplanes: Incorporate ''Sub-part 1–2: Life Limits,'' and ''Sub-part 1–3: Demonstrated Fatigue Lives'' of Part 1, ''Safe Life Airworthiness Limitation Items,'' dated December 21, 2006, of the Airbus A310 ALS.

(3) For Model A300–600 series airplanes: Incorporate ''Sub-part 1–2: Life Limits,'' and ''Sub-part 1–3: Demonstrated Fatigue Lives'' of Part 1, ''Safe Life Airworthiness Limitation Items,'' dated December 21, 2006, of the Airbus A300–600 ALS.

Initial Compliance Times and Repetitive Inspections

(i) Do the replacement at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD, except as provided by paragraph (j) of this AD. The replacement must be done thereafter within the interval specified in the applicable document identified in paragraph (h)(1), (h)(2), or (h)(3) of this AD.

(1) For any life limitation/task that has been complied with before the effective date of this AD in accordance with the applicable document listed in paragraph (h)(1), (h)(2), or (h)(3) of this AD, or in accordance with paragraph (g) of this AD, use the last accomplishment of each limitation/task as a starting point for accomplishing each corresponding limitation/task required by this AD.

(2) For any life limitation/task that has not been complied with before the effective date of this AD in accordance with the applicable document listed in paragraphs (h)(1), (h)(2), and (h)(3) of this AD, or in accordance with paragraph (g) of this AD, the initial compliance time starts from the date of initial entry into service as defined in the applicable document.

Special Compliance Times

(j) For any airplane on which the history of accumulated landings is partial or unknown, or where the history of application details (airplane type, model, weight variant, etc.) is partial or unknown, with or without using the information in Airbus Service Information Letter 32–118, Revision 02, dated October 24, 2007: Parts listed in Figure 1 of this AD must be replaced at the associated compliance time. The replacement must be done thereafter at the interval specified in the applicable document(s) specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD.

Note 2: Airbus Service Information Letter 32–118, Revision 02, dated October 24, 2007, provides operators with guidance on the means to assign a conservative calculated life to parts whose history of accumulated landings is partial or unknown; and to select the limitations applicable to parts whose history of application details (aircraft type, aircraft model, weight variant, etc.) is partial or unknown.

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Figure 1 – *Special Compliance Times*

Designation	Aircraft type applicability				Start date	Compliance Time (whichever occurs first after the "start date")	
	A300	X					
	A310		X				
	A300-600			X			
	P/N					Landings	Calendar Time
MAIN LANDING GEAR							
Aft pintle pin	A32140032200xx	X			December 13, 2007	13,500	9 years
	A32140056200xx	X			December 13, 2007	13,500	9 years
	A32140056202xx	X			December 13, 2007	13,500	9 years
	A32140057200xx	X			December 13, 2007	13,500	9 years
	A32140057202xx	X		X	December 13, 2007	13,500	9 years
	A32140062000xx	X			December 13, 2007	13,500	9 years
	A32140063000xx	X		X	December 13, 2007	13,500	9 years
Half ball housing (Fwd pintle bearing)	A32140036200xx	X			December 13, 2007	13,500	9 years
	A32140036202xx	X			December 13, 2007	13,500	9 years
	A32140036204xx	X			December 13, 2007	13,500	9 years
	A32140036206xx	X			December 13, 2007	13,500	9 years
	A32140042200xx	X		X	December 13, 2007	13,500	9 years
	A32140042202xx	X		X	December 13, 2007	13,500	9 years
	A32140068002xx	X			December 13, 2007	13,500	9 years
	A32140068004xx	X			December 13, 2007	13,500	9 years
	A32140069002xx	X		X	December 13, 2007	13,500	9 years
	A32140069004xx	X		X	December 13, 2007	13,500	9 years
Ball (Fwd pintle pin)	A32140012202xx	X			December 13, 2007	13,500	9 years
	A32140043202xx	X		X	December 13, 2007	13,500	9 years

Figure 1 – *Special Compliance Times (continued)*

Designation	Aircraft type applicability				Start date	Compliance Time (whichever occurs first after the "start date")	
	A300	X					
	A310		X				
	A300-600			X			
	P/N					Landings	Calendar Time
Pin (Multiple link/Frame 50)	A53833451200xx	X			December 13, 2007	13,500	9 years
	A53833451206xx	X			December 13, 2007	13,500	9 years
	A53834451200xx	X			December 13, 2007	13,500	9 years
	A53834451202xx	X		X	April 25, 2007	13,500	9 years
Pin (Drop link/Frame 50)	A53811122200xx		X		April 25, 2007	18,000	9 years
MLG Barrel Assembly							
Upper torque link pin nut	00-200-402	X			December 13, 2007	N/A	30 months
	SL40089	X			December 13, 2007	N/A	30 months
	SL40089P	X			December 13, 2007	N/A	30 months
	SL40123	X			December 13, 2007	N/A	30 months
	SL40123P	X	X	X	April 25, 2007	N/A	30 months
Torque link medium pin nut	00-200-358	X			December 13, 2007	N/A	30 months
	SL40114P	X	X		April 25, 2007	N/A	30 months
	SL40132	X			December 13, 2007	N/A	30 months
	SL40132P	X		X	April 25, 2007	N/A	30 months
Attaching fitting pin	C62311-1	X			December 13, 2007	13,500	9 years
	C62311-20	X		X	April 25, 2007	13,500	9 years
Pin (Connecting rod/Upper rod)	C65815	X			December 13, 2007	13,500	9 years
	C65815-1	X			December 13, 2007	13,500	9 years
	C65815-20	X			December 13, 2007	13,500	9 years
	C66472	X			December 13, 2007	13,500	9 years
	C66472-1	X			December 13, 2007	13,500	9 years
	C66472-20	X		X	April 25, 2007	13,500	9 years
	D52751		X		April 25, 2007	18,000	9 years

Figure 1 – *Special Compliance Times (continued)*

Designation	Aircraft type applicability				Start date	Compliance Time (whichever occurs first after the "start date")	
	A300	X					
	A310		X				
	A300-600			X			
	P/N					Landings	Calendar Time
MLG Shock Absorber Assembly							
Lower torque link pin nut	00-200-402	X			December 13, 2007	N/A	30 months
	SL40089	X			December 13, 2007	N/A	30 months
	SL40089P	X			December 13, 2007	N/A	30 months
	SL40123	X			December 13, 2007	N/A	30 months
	SL40123P	X	X	X	April 25, 2007	N/A	30 months
Bogie beam pivot pin nut	SL40054	X			December 13, 2007	at next removal / installation (1) (2)	
	SL40054P	X		X	April 25, 2007	at next removal / installation (1) (2)	
	SL40413P		X		April 25, 2007	at next removal / installation (1) (2)	
MLG Lock Link Assembly							
Lock link medium pin	C61485-1	X			December 13, 2007	N/A	30 months
	C61485-20	X		X	April 25, 2007	N/A	30 months
NOSE LANDING GEAR							
Pintle pin	A32210079200xx	X	X	X	April 25, 2007	13,500	9 years
NLG Telescopic Strut Assembly							
Nut (Cylinder / Locking cylinder)	C61375	X	X		April 25, 2007	13,500	9 years
	D55955	X	X	X	April 25, 2007	13,500	9 years
Locking sleeve	C61389	X	X		December 13, 2007	13,200	9 years
	C61389-1	X	X	X	April 25, 2007	13,500	9 years
NLG Barrel Assembly							
Pin (Clevis / Telescopic strut)	C62231-1	X			December 13, 2007	13,200	9 years
	C62231-2	X			December 13, 2007	13,200	9 years
	C62231-20	X	X	X	April 25, 2007	13,500	9 years
	D56530	X	X	X	April 25, 2007	13,500	9 years
Lower pin (Link / Clevis)	C62268-1	X			December 13, 2007	13,200	9 years
	C62268-2	X			December 13, 2007	13,200	9 years
	C62268-20	X	X	X	April 25, 2007	13,500	9 years
Link (Clevis / Barrel)	C62230-1	X	X	X	April 25, 2007	13,500	9 years
	D56526	X	X	X	April 25, 2007	13,500	9 years
Upper pin (Link / Barrel)	C62267-1	X			December 13, 2007	13,200	9 years
	C62267-2	X			December 13, 2007	13,200	9 years
	C62267-20	X	X	X	April 25, 2007	13,500	9 years

Figure 1 – *Special Compliance Times (continued)*

Designation	Aircraft type applicability				Start date	Compliance Time (whichever occurs first after the "start date")	
	A300	X					
	A310		X				
	A300-600			X			
	P/N					Landings	Calendar Time
End fitting pin nut	D68062	X	X	X	December 13, 2007	at next removal / installation (2)	
	MS17825-6	X	X	X	December 13, 2007	at next removal / installation (2)	
End fitting pin	AN6-17	X	X	X	December 13, 2007	at next removal / installation (2)	
	D61183	X	X	X	December 13, 2007	at next removal / installation (2)	
	D68063	X	X	X	December 13, 2007	at next removal / installation (2)	
	NAS1306-22D	X	X	X	December 13, 2007	at next removal / installation (2)	
End fitting	C62032	X	X	X	April 25, 2007	13,500	9 years
	C62032-1	X	X	X	April 25, 2007	13,500	9 years
Rack	C61453	X			December 13, 2007	13,200	9 years
	C61453-1	X	X	X	April 25, 2007	13,500	9 years
	C61453-20	X	X	X	April 25, 2007	13,500	9 years
	C61453-40	X	X	X	April 25, 2007	13,500	9 years
	C61453-41	X	X	X	April 25, 2007	13,500	9 years
Torque link pin (Upper & Lower)	C62223-1	X			December 13, 2007	13,200	9 years
	C62223-20	X	X	X	April 25, 2007	13,500	9 years
Torque link medium pin nut	SL40110P	X	X	X	April 25, 2007	N/A	30 months
NLG Shock Absorber Assembly							
Wheel axle nut	C62879	X	X	X	April 25, 2007	4,000	24 months
Upper cam dowel	C62270	X	X	X	December 13, 2007	at next removal / installation	
Upper cam	C62034-1	X	X	X	April 25, 2007	13,500	9 years
Lower cam	C62035	X	X	X	April 25, 2007	13,500	9 years
Restrictor	C62036	X			December 13, 2007	13,200	9 years
	C62036-1	X			December 13, 2007	13,200	9 years
	C62036-2	X			December 13, 2007	13,200	9 years
	C67863	X			December 13, 2007	13,200	9 years
	C67863-1	X	X	X	April 25, 2007	13,500	9 years
	C67863-2	X	X	X	April 25, 2007	13,500	9 years
	C67863-3	X			December 13, 2007	13,500	9 years
	C67863-4	X	X	X	April 25, 2007	13,500	9 years

Figure 1 – *Special Compliance Times (continued)*

Designation	Aircraft type applicability				Start date	Compliance Time (whichever occurs first after the "start date")	
	A300	X					
	A310		X				
	A300-600			X			
	P/N					Landings	Calendar Time
Lower cam dowel	C62866	X	X	X	December 13, 2007	at next removal / installation (2)	
Nut (S/A/Barrel)	C64040	X			December 13, 2007	at next removal / installation (1) (2)	
	C64040-1	X	X	X	December 13, 2007	at next removal / installation (1) (2)	

(1) When the nut is temporarily removed and reinstalled for the purpose of performing maintenance outside a workshop, no replacement is required provided the nut's removal and reinstallation are performed on the same assembly and neither the assembly nor the nut accumulates time in service during the period between the removal and reinstallation.

(2) If the removal / installation was done after the start date, but before the effective date of this AD, the compliance time is within 3 months after the effective date of this AD.

BILLING CODE 4910–13–C

Alternative Intervals or Limits

(k) Except as provided by paragraph (l) of this AD, after accomplishing the actions specified in paragraphs (h), (i), and (j) of this AD, no alternative replacements, replacement intervals, or limitations may be used.

Alternative Methods of Compliance (AMOCs)

(l)(1) The Manager, ANM–116, International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149.

(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.

Related Information

(m) European Aviation Safety Agency (EASA) Airworthiness Directive 2007–0293, dated November 29, 2007, also addresses the subject of this AD.

Material Incorporated by Reference

(n) You must use the service information contained in Table 2 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

TABLE 2—MATERIAL INCORPORATED BY REFERENCE

Document	Revision	Date
Section 05–10–00 of Chapter 05, "Service Life Limits and Maintenance Checks," of the Airbus A300 Aircraft Maintenance Manual.	28	February 27, 1998.
Airbus A300 Airworthiness Limitations Section, ALS Part 1, "Safe Life Airworthiness Limitations Items"	Original	September 6, 2007.
Airbus A300–600 Airworthiness Limitations Section, ALS Part 1, "Safe Life Airworthiness Limitations Items".	Original	December 21, 2006.
Airbus A310 Airworthiness Limitations Section, ALS Part 1, "Safe Life Airworthiness Limitation Items"	Original	December 21, 2006.
Airbus Service Bulletin A300–32–374	1	July 15, 1986.
Airbus Service Bulletin A310–32–2023	2	November 14, 1986.

Airbus Service Bulletin A300–32–374, Revision 1, dated July 15, 1986, has the following effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 3–8, 11	1	July 15, 1986.
2	Original	April 16, 1986.

(Airbus Service Bulletin A300–32–374, Revision 1, dated July 15, 1986 does not contain pages 9 and 10.)

Airbus Service Bulletin A310–32–2023, Revision 2, dated November 14, 1986, has the following effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 5–9	2	November 14, 1986
2, 4	1	July 15, 1986
3	Original	April 16, 1986

Chapter 05 of Airbus A300 Aircraft Maintenance Manual has the following effective pages:

LIST OF EFFECTIVE PAGES

Page title/description	Page No.(s)	Revision No.	Date shown on page(s)
AMM Title Page	None shown	None shown *	February 27, 1998.
Chapter 05 Record of Revisions	1–2	28	February 27, 1998.
Chapter 05 Effective Pages	1–4	None shown *	February 27, 1998.
Chapter 05 Table of Contents	1–4	None shown *	February 27, 1998.
Section 05–10–00	1	None shown *	February 27, 1998.

* The revision number is indicated only in the Record of Revisions section of Chapter 05.

(The List of Effective Pages (LOEP) for Chapter 05 of the Airbus A300 Aircraft Maintenance Manual contains the following errors: Transmittal Letter page, page 4 of the LOEP and Table of Contents sections, page 2 of Subsection 05–00–01, page 1 of Subsection 05–11–11, and Subsection 05–10–00, are not listed in the LOEP; and the LOEP also does not specify a date for the Record of Revisions page. In addition, the LOEP identifies three pages for Subsection 05–11–00, Configuration 5; however, only one page exists. The LOEP identifies three pages for Subsection 05–11–00, Configuration 9; however, those pages do not exist.)

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Airbus SAS—EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail: *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.*

(3) You may review copies of the 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.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on August 24, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–21033 Filed 9–21–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9452]

RIN 1545–BB28

Application of Separate Limitations to Dividends From Noncontrolled Section 902 Corporations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9452) that were published in the **Federal Register** on Thursday, June 11, 2009, regarding the application of separate foreign tax credit limitations to dividends received from noncontrolled section 902 corporations.

DATES: This correction is effective on September 22, 2009 and is applicable in taxable years ending on or after April 20, 2009.

FOR FURTHER INFORMATION CONTACT: Richard Chewning, (202) 622–3850 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this document are under section 964 of the Internal Revenue Code.

Need for Correction

As published on Thursday, June 11, 2009 (74 FR 27886), the final regulations (TD 9452) contain errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.964–1 is amended by revising the last sentence of paragraph (c)(2) and paragraph (c)(4)(i)(D) to read as follows:

§ 1.964–1 Determination of the earnings and profits of a foreign corporation.

* * * * *

(c) * * *

(2) * * * See also §§ 1.985–5, 1.985–6, and 1.985–7 relating to adjustments to earnings and profits of a QBU required when the QBU changes its functional currency or begins to use the dollar approximate separate transactions method of accounting.

(4) * * *

(i) * * *

(D) Whether the domestic shareholder received the written notice required by paragraph (c)(3)(iii) of this section.

* * * * *

LaNita VanDyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E9–22694 Filed 9–21–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

United States Navy Restricted Area, SUPSHIP Bath Detachment Mobile, Mobile, AL

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is adding regulations to establish a restricted area around the AUSTAL, USA shipbuilding facility located in Mobile, Alabama, because of

the sensitive nature of the on-going and potential future activities at that facility. The Supervisor of Shipbuilding, Conversion and Repair (SUPERVISOR), located in Bath, Maine is responsible for United States Navy shipbuilding activities at AUSTAL, USA located in Mobile, Alabama. The restricted area will be used for on-going construction when vessels are placed in the water. The restricted area is essential to protect persons and property from the dangers associated with the operation and safeguard the area from accidents, sabotage and other subversive acts.

DATES: *Effective date:* October 22, 2009.

ADDRESSES: U.S. Army Corps of Engineers, Attn: CECW–CO (David B. Olson), 441 G Street NW., Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922 or Mr. Damon M. Young, U.S. Army Corps of Engineers, Mobile District, Regulatory Division, at 251–694–3781.

SUPPLEMENTARY INFORMATION: The Supervisor of Shipbuilding, Conversion and Repair (SUPERVISOR), located in Bath, Maine is responsible for United States Navy shipbuilding activities at AUSTAL, USA located in Mobile, Alabama. In accordance with Department of Defense and Department of the Navy guidance, the SUPERVISOR is responsible for the antiterrorism efforts and force protection of Department of the Navy assets under his charge. The SUPERVISOR established SUPSHIP Bath Detachment Mobile, Alabama to assist to that end by managing a portion of the activities at the AUSTAL, USA shipbuilding facility in Mobile, Alabama. As of April 2008, the first ship has been launched and placed pier side of the facility. The proponent will be required to place marker buoys outlining safe navigation around the restricted area in accordance with USCG regulations.

The proposed rule was published in the June 12, 2008 edition of the **Federal Register** (73 FR 33344) and the docket number was COE–2008–0014. In response to the proposal several comments were received.

Three commenters stated that they have no objection to the establishment of the restricted area. Several commenters expressed concern that the buoys marking the restricted area would interfere with navigation, especially for adjoining property owners, and one commenter requested that a floating petroleum barrier be installed along the east-west leg to the south end of the restricted area.

To resolve these concerns, one of the marking buoys will not be installed. Instead, a petroleum barrier that can be more easily removed will be used in place of a marking buoy, which will allow for access by the adjoining property owners when warranted. We have also added paragraph (b)(3) to this rule to provide a process whereby entities can request access to the restricted area by contacting the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine, or his/her authorized representative on Marine Communication Channel 16.

In response to a request by the United States Navy, and pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3), the Corps is amending 33 CFR Part 334 to establish a new restricted area in the Mobile River.

Procedural Requirements

a. *Review Under Executive Order 12866.* This rule is issued with respect to a military function of the Department of Defense and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act.* The rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps determined that the economic impact of the new restricted area would have practically minimal to no impact on the public, and will not result in any anticipated navigational hazard or interference with existing waterway traffic. This rule will have no significant economic impact on small entities.

c. *Review Under the National Environmental Policy Act.* This regulation will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment has been prepared. It may be reviewed at the district office listed at the end of **FOR FURTHER INFORMATION CONTACT** above.

d. *Unfunded Mandates Act.* This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Pub. L. 104–4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We have also found under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rule.

List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Restricted areas, Waterways.

■ For the reasons set out in the preamble, the Corps amends 33 CFR Part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Add § 334.782 to read as follows:

§ 334.782 SUPSHIP Bath Maine Detachment Mobile at AUSTAL, USA, Mobile, AL; restricted area.

(a) *The area.* The restricted area would encompass all navigable waters of the United States, as defined at 33 CFR part 329, contiguous to the area identified as AUSTAL, USA and the mean high water level within a rectangular shaped area on the east side of the Mobile River beginning at latitude 30°41′36.46″, longitude—88°2′2.70″; thence westerly to latitude 30°41′35.85″, longitude—88°2″; 5.12″; thence southerly to latitude 30°41′26.67″, longitude—88°2′3.62″; thence easterly to latitude 30°41′26.98″, longitude—88°2′1.81″ ; thence northerly along the easterly shoreline to the point of origin.

(b) *The regulations.* (1) All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted area without permission from the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine or his/her authorized representative.

(2) The restricted area is in effect twenty four hours per day and seven days a week (24/7).

(3) Should warranted access into the restricted navigation area be needed, all entities are to contact the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine, or his/her authorized representative on Marine Communication Channel 16.

(c) *Enforcement.* The regulation in this section shall be enforced by the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine, and/or such agencies or persons as he/she may designate.

Dated: September 17, 2009.

Michael G. Ensch,

Chief, Operations, Directorate of Civil Works.

[FR Doc. E9–22825 Filed 9–21–09; 8:45 am]

BILLING CODE 3710–92–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–HQ–OAR–2003–0062; FRL–8961–1]

Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$); Final Rule To Stay the Grandfathering Provision for $PM_{2.5}$

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule

SUMMARY: In this final action, EPA is issuing a stay, for nine months, on the ''grandfathering'' provision for particulate matter less than 2.5 micrometers ($PM_{2.5}$) requirements in the Federal Prevention of Significant Deterioration (PSD) program. The grandfathering provision was added to the Federal PSD regulations on May 16, 2008, as part of the final rule titled, ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$).'' This stay follows an administrative stay, which was in effect from June 1, 2009, until September 1, 2009, on the same provision. We believe this additional stay will provide sufficient time for EPA to propose, take public comment on, and issue a final action concerning the repeal of the grandfathering provision for $PM_{2.5}$ in the Federal PSD program.

DATES: Effective September 22, 2009, 40 CFR 52.21(i)(1)(xi) is stayed for a period of nine months, until June 22, 2010.

ADDRESSES: *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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA Docket Center, Public Reading Room, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, 20460. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1742, and the telephone number for the Air Docket is (202) 566–1744.

FOR FURTHER INFORMATION CONTACT: Mr. Dan deRoeck, Air Quality Policy Division, (C504–03), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number (919) 541–5593; fax number (919) 541–5509; or e-mail address: *deroeck.dan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Entities affected by this final action are the owners and operators of proposed new sources and modifications who submitted a complete application for a PSD permit before the July 15, 2008 effective date of the $PM_{2.5}$ NSR Implementation Rule, but have not yet received their permit to construct. EPA has estimated that fewer than 20 proposed sources are covered by the grandfathering provision that is being stayed.

Additional entities affected by this final rule include State and local reviewing authorities responsible for issuing the PSD permits to the new and modified major stationary sources affected by this rule.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final rule is also available on the World Wide Web in the regulations and standards section of our NSR home page located at *http://www.epa.gov/nsr.*

C. How is this preamble organized?

I. General Information
- A. Does this action apply to me?
- B. Where can I get a copy of this document and other related information?
- C. How is this preamble organized?

II. This Action
- A. Background
- B. Final Rule
- C. Comments and Responses
- D. Basis for Making This Rule Effective on the Date of Publication

III. Statutory and Executive Order Review
- A. Executive Order 12866: Regulatory Planning and Review
- B. Paperwork Reduction Act
- C. Regulatory Flexibility Act
- D. Unfunded Mandates Reform Act
- E. Executive Order 13132: Federalism
- F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer and Advancement Act
- J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- K. Determination Under Section 307(d)
- L. The Congressional Review Act
- M. Basis for Making This Rule Effective on the Date of Publication

IV. Statutory Authority

II. This Action

A. Background

On May 16, 2008, the EPA (''we'') issued a final rule amending our PSD and nonattainment NSR regulations to add requirements for the preconstruction review of $PM_{2.5}$. 73 FR 28321. The amendments addressed the major source threshold, significant emissions rate and offset ratios for $PM_{2.5}$; interpollutant trading for offsets; and applicability of NSR to $PM_{2.5}$ precursors. The rule also provided for the transition of the new requirements for $PM_{2.5}$ in the NSR permitting process.

On February 10, 2009, Earthjustice, on behalf of the Natural Resources Defense Council (NRDC) and Sierra Club, submitted a petition for reconsideration of four specific provisions of the May 2008 final rule as provided for in Clean Air Act (CAA) 307(d)(7)(B).[1] The specific provisions challenged by the petitioners include: (1) A transition period for PSD programs in States with approved PSD rules in their approved State Implementation Plans (SIPs) to revise and submit their new $PM_{2.5}$ regulations to EPA within three years of the publication of the final rule. During the transition period, the rule allows States to continue using EPA's 1997 surrogate policy by which an analysis based on PM_{10} can be used to meet the requirements for the otherwise required $PM_{2.5}$; (2) ''grandfathering'' under the Federal PSD program for permit applications submitted before the July 15, 2008, effective date of the new rule, which allows the PM_{10} surrogate policy to continue to be used as the basis for approving such permits for $PM_{2.5}$; (3) a transition period, during which time EPA is re-evaluating its test methods for condensable particulate matter (CPM) emissions, whereby States are not required to account for CPM in the permitting process; and (4) use of recommended interpollutant trading ratios to facilitate the trading of $PM_{2.5}$ precursors emissions reductions for new

[1] Paul Cort, Earthjustice, on behalf of the NRDC and Sierra Club, EPA–HQ–OAR–2003–0062–0281.

emissions of $PM_{2.5}$ in areas designated ''nonattainment'' for $PM_{2.5}$.

Under CAA 307(d)(7)(B), the Administrator may commence a reconsideration proceeding if the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period. In either case, the objection must be of central relevance to the outcome of the rule. The Administrator may stay the effectiveness of the rule for up to three months during such reconsideration.

On April 24, 2009, we responded to the February 10, 2009 petition by letter indicating that we were convening a reconsideration proceeding for all four issues challenged in the petition and granting a 3-month administrative stay of one of the provisions—the grandfathering provision for $PM_{2.5}$ contained in the Federal PSD program at 40 CFR 52.21(i)(1)(xi). The letter also indicated that we would publish a notice of proposed rulemaking ''in the near future'' to propose repealing the grandfathering provision for $PM_{2.5}$ in the Federal PSD program, on the grounds that it was adopted without prior public notice and is no longer substantially justified in light of the resolution of technical issues with respect to $PM_{2.5}$ monitoring, emissions estimation, and air quality modeling that led to the PM_{10} surrogate policy in 1997.

The administrative stay of the grandfathering provision for $PM_{2.5}$ was issued and became effective on June 1, 2009. *See* 74 FR 26098, FR Doc. E9–12575. As noted above, our authority to stay a rule or portion thereof solely under the Administrator's discretion is limited to three months. When we have issued similar administrative stays in the past, it has often been our practice to also propose an extension of the stay through a rulemaking process to ensure that there is little or no gap between the end of the stay and the completion of the final action.[2]

B. Final Rule

In this final rule we are staying the grandfathering provision in the Federal PSD regulations for nine months. As described above, the same provision was administratively stayed for 3 months; however, that stay ended on September 1, 2009. Thus, there is a slight gap between the lapse of the administrative stay and the stay being issued under this final action. Nevertheless, we believe that the additional stay is needed and will provide adequate time for EPA to propose, take comment on, and issue a final action on issues that are associated with the grandfathering provision for $PM_{2.5}$ that we are proposing to repeal. Therefore, we are issuing this stay of the grandfathering provision for $PM_{2.5}$ contained in the Federal PSD program at 40 CFR 52.21(i)(1)(xi) for nine months, until June 22, 2010.

C. Comments and Responses

When we proposed this stay on July 23, 2009, we did not take comment on any substantive issues concerning the repeal of the grandfathering provision for $PM_{2.5}$ contained in the Federal PSD program, or on any of the other provisions subject to the reconsideration. Comments sought were to be limited to the issue of whether to establish this additional stay and how long this stay should be. 74 FR 36427 at 36429.

We received three comments on the proposal to establish this further stay on the grandfathering provision under the Federal PSD program. Only one of these comments, from an environmental organization, explicitly addressed the proposed stay. This comment supported the 9-month stay for several reasons. First, the commenter correctly pointed out that the exemption was promulgated in the final rule without undergoing notice and comment. Second, the commenter claimed that the grandfathering provision for $PM_{2.5}$ violates the CAA by waiving a core requirement of the CAA that assures source compliance with the national ambient air quality standards. In this regard, the commenter claimed that ''There is simply no legal argument that compliance with the 24-hour PM_{10} standard * * * represents a demonstration that the source will not cause or contribute to a violation of either the annual or 24-hour $PM_{2.5}$ standards.'' Finally, the commenter claimed that the exemption is arbitrary and capricious. In support of this claim, the commenter indicated that the technical issues raised in the 1997 Surrogate Policy memo have been resolved, and the continued use of a surrogate ''is not in fact an accurate and reliable substitute for measuring or showing compliance with the $PM_{2.5}$ standard.''

One commenter apparently misunderstood the proposal to be an extension of the grandfathering provision rather than a continuation of the stay of the provision. Based on this misunderstanding, the commenter appeared to support the grandfathering provision and an extension to it. The remaining commenter did not comment specifically on the proposed extension, but instead called upon EPA to ''stop the proliferation of fine particulate matter.''

We agree with the environmental organization commenter that the grandfathering provision for $PM_{2.5}$ was not proposed for comment in the November 2005 $PM_{2.5}$ Implementation Rule proposal. This was acknowledged in the Administrator's April 24 letter responding to the petitioners. With regard to this commenter's other concerns, we plan to issue a separate **Federal Register** notice soliciting comments on issues related to (1) the repeal of the grandfathering provision for $PM_{2.5}$ contained in the Federal PSD program, and (2) ending the PM_{10} Surrogate Policy in States with EPA-approved PSD programs in their SIP. In yet another subsequent notice, we plan to solicit comment on issues related to the remaining two provisions of the May 2008 final rule for which the Administrator granted reconsideration.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the Executive Order.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). This action only issues a stay of one provision within the final PM2.5 NSR Implementation Rule for 9 months.

However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0033 [EPA ICR No. 1230.21]. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare

[2] The use of the word ''extension'' and other forms of ''extend'' in discussing the stays that follow an administrative stay is not intended to indicate that EPA is extending the administrative stay beyond the 3-month period authorized by CAA 307(d)(7)(B). The second stay is a separate stay, and only ''extends'' the initial administrative stay in the sense that the second stay adds to the overall time period during which the provision is stayed.

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

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

After considering the economic impacts of this proposed rule on small entities, I certify that this rule will not impose any new requirements on small entities. We have determined that small businesses will not incur any adverse impacts because EPA is taking this action to issue a stay of one amendment to the regulations at 40 CFR 52.21 concerning the grandfathering provision that affects fewer than 20 major stationary sources. No costs are associated with this amendment.

D. Unfunded Mandates Reform Act

This action does not contain a Federal mandate under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, and tribal governments, in the aggregate, or the private sector in any one year. This action only stays one provision of the regulations at 40 CFR 52.21 concerning the grandfathering provision that affects fewer than 20 sources. Thus, this rule is not subject to the requirements of sections 202 or 205 of the Unfunded Mandates Reform Act (UMRA).

This final rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in EO 13132. This action only stays one provision of the regulations at 40 CFR 52.21 concerning the grandfathering provision for $PM_{2.5}$ that affects fewer than 20 sources. Thus, EO 13132 does not apply to this rule.

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

This action does not have tribal implications, as specified in EO 13175 (65 FR 67249, November 9, 2000). This action will not impose any new obligations or enforceable duties on tribal governments. Thus, EO 13175 does not apply to this action.

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

EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because this rule stays one provision of the regulations at 40 CFR 52.21 concerning the grandfathering provision for $PM_{2.5}$ that affects fewer than 20 sources.

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

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the Executive Order.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This final rulemaking does not involve technical standards. Therefore, EPA is not using any voluntary consensus standards.

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

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

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority and/or low income populations. The rule stays one part of the regulations at 40 CFR 52.21 by staying the grandfathering provision for $PM_{2.5}$. The affected sources, after further analysis and data collection, may receive permitted emissions limits that are equally or more protective of public health than would be likely in the absence of this stay.

K. Determination Under Section 307(d)

Pursuant to sections 307(d)(1)(J) and 307(d)(1)(V) of the CAA, the Administrator determines that this action is subject to the provisions of section 307(d). Section 307(d)(1)(V) provides that the provisions of section 307(d) apply to ''such other actions as the Administrator may determine.''

L. The Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective September 22, 2009.

M. Basis for Making This Rule Effective on the Date of Publication

Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b), generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. However, EPA is issuing this final rule under section 307(d)(1) of the CAA, which states:

> The provisions of section 553 through 557 * * * of Title 5 shall not, except as expressly provided in this section, apply to actions to which this subsection applies.

Thus, section 553(d) of the APA does not apply to this rule. EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this rule effective on the date of publication. APA section 553(d)(3) provides an exception when the agency finds good cause exists for a period less than 30 days before effectiveness. We find good cause exists to make this rule effective upon publication because doing so alleviates potential administrative and regulatory confusion that could arise if the gap between the administrative stay that ended on September 1, 2009 and this stay were 30 days longer.

IV. Statutory Authority

The statutory authority for this action is provided by section 301(a) of the CAA as amended (42 U.S.C. 7601(a)). This notice is also subject to section 307(d) of the CAA (42 U.S.C. 7407(d)).

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practices and procedures, Air pollution control, Intergovernmental relations.

Dated: September 16, 2009.

Lisa P. Jackson,

Administrator.

■ For reasons discussed in the preamble, the EPA amends 40 CFR part 52 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.

§ 52.21 [Amended]

■ 2. Effective September 22, 2009, in § 52.21, paragraph (i)(1)(xi) is stayed until June 22, 2010.

[FR Doc. E9–22903 Filed 9–21–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–8095]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022,

prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region I				
Massachusetts:				
Boston, City of, Suffolk County	250286	July 7, 1975, Emerg; April 1, 1982, Reg; September 25, 2009, Susp.	09/25/2009	09/25/2009.
Chelsea, City of, Suffolk County	250287	May 26, 1972, Emerg; August 2, 1982, Reg; September 25, 2009, Susp.	do*	do.
Revere, City of, Suffolk County	250288	December 29, 1972, Emerg; October 16, 1984, Reg; September 25, 2009, Susp.	do	do.
Winthrop, Town of, Suffolk County	250289	November 3, 1972, Emerg; October 8, 1976, Reg; September 25, 2009, Susp.	do	do.
New Hampshire:				
Amherst, Town of, Hillsborough County	330081	May 28, 1974, Emerg; July 2, 1979, Reg; September 25, 2009, Susp.	do	do.
Antrim, Town of, Hillsborough County	330082	May 27, 1975, Emerg; April 1, 1981, Reg; September 25, 2009, Susp.	do	do.
Bedford, Town of, Hillsborough County	330083	September 26, 1975, Emerg; April 16, 1979, Reg; September 25, 2009, Susp.	do	do.
Bennington, Town of, Hillsborough County.	330084	July 25, 1975, Emerg; April 18, 1983, Reg; September 25, 2009, Susp.	do	do.
Brookline, Town of, Hillsborough County.	330180	August 12, 1985, Emerg; May 19, 1987, Reg; September 25, 2009, Susp.	do	do.
Deering, Town of, Hillsborough County	330085	July 1, 1975, Emerg; August 1, 1979, Reg; September 25, 2009, Susp.	do	do.
Francestown, Town of, Hillsborough County.	330086	August 25, 1975, Emerg; May 17, 1977, Reg; September 25, 2009, Susp.	do	do.
Goffstown, Town of, Hillsborough County.	330087	October 28, 1975, Emerg; June 15, 1979, Reg; September 25, 2009, Susp.	do	do.
Greenfield, Town of, Hillsborough County.	330209	November 17, 1977, Emerg; May 1, 1980, Reg; September 25, 2009, Susp.	do	do.
Greenville, Town of, Hillsborough County.	330088	July 28, 1975, Emerg; May 19, 1981, Reg; September 25, 2009, Susp.	do	do.
Hancock, Town of, Hillsborough County	330089	April 25, 1975, Emerg; April 4, 1983, Reg; September 25, 2009, Susp.	do	do.
Hillsborough, Town of, Hillsborough County.	330090	August 13, 1974, Emerg; June 15, 1979, Reg; September 25, 2009, Susp.	do	do.
Hollis, Town of, Hillsborough County	330091	February 28, 1975, Emerg; April 16, 1979, Reg; September 25, 2009, Susp.	do	do.
Hudson, Town of, Hillsborough County	330092	November 17, 1977, Emerg; January 3, 1979, Reg; September 25, 2009, Susp.	do	do.
Litchfield, Town of, Hillsborough County	330093	July 31, 1975, Emerg; July 16, 1979, Reg; September 25, 2009, Susp.	do	do.
Manchester, City of, Hillsborough County.	330169	March 26, 1975, Emerg; February 18, 1981, Reg; September 25, 2009, Susp.	do	do.
Mason, Town of, Hillsborough County	330221	July 29, 1992, Emerg; December 1, 1992, Reg; September 25, 2009, Susp.	do	do.
Merrimack, Town of, Hillsborough County.	330095	November 11, 1974, Emerg; July 16, 1979, Reg; September 25, 2009, Susp.	do	do.
Milford, Town of, Hillsborough County	330096	June 12, 1975, Emerg; May 1, 1980, Reg; September 25, 2009, Susp.	do	do.
Nashua, City of, Hillsborough County	330097	February 6, 1975, Emerg; June 15, 1979, Reg; September 25, 2009, Susp.	do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
New Boston, Town of, Hillsborough County.	330098	November 10, 1975, Emerg; May 19, 1981, Reg; September 25, 2009, Susp.	.....do	do.
New Ipswich, Town of, Hillsborough County.	330099	July 27, 1976, Emerg; May 15, 1991, Reg; September 25, 2009, Susp.	.....do	do.
Pelham, Town of, Hillsborough County	330100	July 19, 1974, Emerg; March 14, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Peterborough, Town of, Hillsborough County.	330101	April 22, 1975, Emerg; May 1, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Weare, Town of, Hillsborough County ..	330235	October 25, 1985, Emerg; June 2, 1993, Reg; September 25, 2009, Susp.	.....do	do.
Wilton, Town of, Hillsborough County ...	330102	February 26, 1975, Emerg; April 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Region II				
New Jersey:				
Aberdeen, Township of, Monmouth County.	340312	April 12, 1974, Emerg; March 18, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Allenhurst, Borough of, Monmouth County.	340283	April 10, 1975, Emerg; March 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Allentown, Borough of, Monmouth County.	340284	May 28, 1974, Emerg; September 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Asbury Park, City of, Monmouth County	340285	November 6, 1974, Emerg; February 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Belmar, Borough of, Monmouth County	345283	March 19, 1971, Emerg; May 12, 1972, Reg; September 25, 2009, Susp.	.....do	do.
Bethlehem, Township of, Hunterdon County.	340554	September 16, 1975, Emerg; December 15, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Bloomsbury, Borough of, Hunterdon County.	340231	June 24, 1975, Emerg; December 1, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Bradley Beach, Borough of, Monmouth County.	340289	June 25, 1975, Emerg; August 1, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Califon, Borough of, Hunterdon County	340232	September 18, 1974, Emerg; August 3, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Clinton, Town of, Hunterdon County	340233	November 10, 1972, Emerg; February 2, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Clinton, Township of, Hunterdon County	340505	August 26, 1974, Emerg; March 1, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Colts Neck, Township of, Monmouth County.	340291	July 3, 1975, Emerg; April 15, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Deal, Borough of, Monmouth County	340292	January 14, 1972, Emerg; March 5, 1976, Reg; September 25, 2009, Susp.	.....do	do.
Delaware, Township of, Hunterdon County.	340506	October 21, 1974, Emerg; January 20, 1982, Reg; September 25, 2009, Susp.	.....do	do.
East Amwell, Township of, Hunterdon County.	340498	January 14, 1974, Emerg; November 4, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Eatontown, Borough of, Monmouth County.	340293	July 1, 1975, Emerg; September 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Fair Haven, Borough of, Monmouth County.	340295	October 2, 1973, Emerg; October 16, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Flemington, Borough of, Hunterdon County.	340520	September 25, 1975, Emerg; May 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Franklin, Township of, Hunterdon County.	340507	March 22, 1976, Emerg; August 3, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Freehold, Township of, Monmouth County.	340297	February 9, 1973, Emerg; April 4, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Frenchtown, Borough of, Hunterdon County.	340234	January 15, 1974, Emerg; March 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Glen Gardner, Borough of, Hunterdon County.	340235	July 8, 1975, Emerg; May 17, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Hampton, Borough of, Hunterdon County.	340236	October 9, 1975, Emerg; April 1, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Hazlet, Township of, Monmouth County	340298	February 11, 1974, Emerg; December 1, 1982, Reg; September 25, 2009, Susp.	.....do	do.
High Bridge, Borough of, Hunterdon County.	340508	November 18, 1974, Emerg; September 30, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Highlands, Borough of, Monmouth County.	345297	December 11, 1970, Emerg; September 3, 1971, Reg; September 25, 2009, Susp.	.....do	do.
Holland, Township of, Hunterdon County.	340509	June 24, 1975, Emerg; March 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Holmdel, Township of, Monmouth County.	340300	April 14, 1975, Emerg; March 1, 1982, Reg; September 25, 2009, Susp.	.....do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Howell, Township of, Monmouth County	540301	November 26, 1974, Emerg; January 6, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Interlaken, Borough of, Monmouth County.	340302	May 13, 1975, Emerg; January 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Keansburg, Borough of, Monmouth County.	340303	May 26, 1972, Emerg; May 16, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Keyport, Borough of, Monmouth County	340304	January 23, 1974, Emerg; July 2, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Kingwood, Township of, Hunterdon County.	340499	November 21, 1973, Emerg; November 4, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Lambertville, City of, Hunterdon County	340237	September 4, 1973, Emerg; April 1, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Lebanon, Borough of, Hunterdon County.	345299	May 7, 1971, Emerg; August 18, 1972, Reg; September 25, 2009, Susp.	.....do	do.
Lebanon, Township of, Hunterdon County.	340510	July 1, 1975, Emerg; January 5, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Little Silver, Borough of, Monmouth County.	340305	September 29, 1972, Emerg; February 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Loch Arbour, Village of, Monmouth County.	340306	June 27, 1973, Emerg; March 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Manalapan, Township of, Monmouth County.	340308	December 30, 1971, Emerg; September 15, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Manasquan, Borough of, Monmouth County.	345303	March 19, 1971, Emerg; May 12, 1972, Reg; September 25, 2009, Susp.	.....do	do.
Matawan, Borough of, Monmouth County.	340311	June 23, 1975, Emerg; September 30, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Middletown, Township of, Monmouth County.	340313	May 20, 1974, Emerg; February 15, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Milford, Borough of, Hunterdon County	340239	August 6, 1975, Emerg; November 18, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Monmouth Beach, Borough of, Monmouth County.	340315	July 30, 1971, Emerg; May 16, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Neptune, Township of, Monmouth County.	340317	January 14, 1972, Emerg; February 16, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Neptune City, Borough of, Monmouth County.	340316	April 15, 1975, Emerg; August 11, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Ocean, Township of, Monmouth County	340319	November 24, 1972, Emerg; October 14, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Oceanport, Borough of, Monmouth County.	340320	July 14, 1972, Emerg; February 16, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Raritan, Township of, Hunterdon County.	340240	January 14, 1972, Emerg; November 15, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Readington, Township of, Hunterdon County.	340514	March 12, 1974, Emerg; February 15, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Roosevelt, Borough of, Monmouth County.	340322	February 12, 1975, Emerg; May 25, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Rumson, Borough of, Monmouth County.	345316	January 14, 1972, Emerg; December 21, 1973, Reg; September 25, 2009, Susp.	.....do	do.
Sea Bright, Borough of, Monmouth County.	345317	December 11, 1970, Emerg; October 8, 1971, Reg; September 25, 2009, Susp.	.....do	do.
Sea Girt, Borough of, Monmouth County.	340325	November 26, 1971, Emerg; March 5, 1976, Reg; September 25, 2009, Susp.	.....do	do.
Shrewsbury, Borough of, Monmouth County.	340326	July 3, 1975, Emerg; August 1, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Spring Lake, Borough of, Monmouth County.	340329	September 15, 1972, Emerg; February 17, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Spring Lake Heights, Borough of, Monmouth County.	340330	March 7, 1975, Emerg; December 15, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Stockton, Borough of, Hunterdon County.	345322	April 23, 1971, Emerg; June 16, 1972, Reg; September 25, 2009, Susp.	.....do	do.
Tewksbury, Township of, Hunterdon County.	340516	January 16, 1975, Emerg; April 15, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Tinton Falls, Borough of, Monmouth County.	340318	April 17, 1975, Emerg; April 15, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Union, Township of, Hunterdon County	340242	July 29, 1975, Emerg; April 15, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Union Beach, Borough of, Monmouth County.	340331	June 18, 1974, Emerg; May 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Upper Freehold, Township of, Monmouth County.	340332	March 2, 1976, Emerg; October 2, 1979, Reg; September 25, 2009, Susp.	.....do	do.

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Wall, Township of, Monmouth County	340333	December 17, 1971, Emerg; February 16, 1977, Reg; September 25, 2009, Susp.	.....do	do.
West Amwell, Township of, Hunterdon County.	340243	November 17, 1972, Emerg; April 1, 1981, Reg; September 25, 2009, Susp.	.....do	do.
West Long Branch, Borough of, Monmouth County.	340334	November 1, 1974, Emerg; January 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Lake Como, Borough of, Monmouth County.	340328	July 2, 1974, Emerg; November 28, 1980, Reg; September 25, 2009, Susp.	.....do	do.
New York:				
Asharoken, Village of, Suffolk County	365333	September 11, 1970, Emerg; August 20, 1971, Reg; September 25, 2009, Susp.	.....do	do.
Babylon, Town of, Suffolk County	360790	August 25, 1972, Emerg; July 16, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Belle Terre, Village of, Suffolk County	361532	March 23, 1976, Emerg; March 16, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Bellport, Village of, Suffolk County	361069	May 30, 1974, Emerg; October 15, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Dering Harbor, Village of, Suffolk County.	361524	October 29, 1976, Emerg; August 11, 1978, Reg; September 25, 2009, Susp.	.....do	do.
East Hampton, Town of, Suffolk County	360794	June 11, 1971, Emerg; September 30, 1976, Reg; September 25, 2009, Susp.	.....do	do.
East Hampton, Village of, Suffolk County.	360795	June 1, 1973, Emerg; September 30, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Gardiner, Town of, Ulster County	360856	June 26, 1974, Emerg; September 30, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Greenport, Village of, Suffolk County	361004	June 12, 1975, Emerg; June 15, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Head of The Harbor, Village of, Suffolk County.	361513	October 3, 1979, Emerg; August 1, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Huntington, Town of, Suffolk County	360796	November 1, 1973, Emerg; November 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Islip, Town of, Suffolk County	365337	October 16, 1970, Emerg; November 17, 1972, Reg; September 25, 2009, Susp.	.....do	do.
Kingston, City of, Ulster County	360858	April 26, 1974, Emerg ; May 1, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Kingston, Town of, Ulster County	361218	July 21, 1975, Emerg; August 27, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Lloyd, Town of, Ulster County	361012	August 19, 1975, Emerg; September 17, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Marbletown, Town of, Ulster County	361219	September 26, 1975, Emerg; October 22, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Marlborough, Town of, Ulster County	361220	November 14, 1975, Emerg; December 5, 1984, Reg; September 25, 2009, Susp.	.....do	do.
New Paltz, Town of, Ulster County	360859	June 27, 1974, Emerg; September 30, 1982, Reg; September 25, 2009, Susp.	.....do	do.
New Paltz, Village of, Ulster County	361544	March 9, 1976, Emerg; April 15, 1982, Reg; September 25, 2009, Susp.	.....do	do.
North Haven, Village of, Suffolk County	360800	January 19, 1973, Emerg; September 30, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Northport, Village, Suffolk County	360801	April 26, 1974, Emerg; April 18, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Ocean Beach, Village of, Suffolk County.	365339	May 8, 1970, Emerg; May 21, 1971, Reg; September 25, 2009, Susp.	.....do	do.
Old Field, Village of, Suffolk County	361545	June 15, 1976, Emerg; April 18, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Patchogue, Village of, Suffolk County	360803	October 1, 1973, Emerg; November 3, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Plattekill, Town of, Ulster County	361221	February 4, 1976, Emerg; September 29, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Port Jefferson, Village of, Suffolk County.	360804	June 27, 1974, Emerg; March 2, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Riverhead, Town of, Suffolk County	360805	February 5, 1974, Emerg; March 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Rochester, Town of, Ulster County	360861	April 1, 1975, Emerg; March 16, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Sag Harbor, Village of, Suffolk County	360807	January 14, 1974, Emerg; January 5, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Sagaponack, Village of, Suffolk County	361487	NA, Emerg; May 5, 2008, Reg; September 25, 2009, Susp.	.....do	do.

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Saltaire, Village of, Suffolk County	365341	May 22, 1970, Emerg; May 28, 1971, Reg; September 25, 2009, Susp.	.....do	do.
Saugerties, Town of, Ulster County	360863	January 16, 1975, Emerg; August 19, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Shelter Island, Town of, Suffolk County	360809	August 31, 1973, Emerg; February 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Shoreham, Village of, Suffolk County	361506	May 30, 1975, Emerg; May 25, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Smithtown, Town of, Suffolk County	360810	February 9, 1973, Emerg; December 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Southampton, Town of, Suffolk County	365342	July 30, 1971, Emerg; September 28, 1973, Reg; September 25, 2009, Susp.	.....do	do.
Southold, Town of, Suffolk County	360813	October 20, 1972, Emerg; March 18, 1980, Reg; September 25, 2009, Susp.	.....do	do.
The Branch, Village of, Suffolk County	361551	July 7, 1975, Emerg; November 17, 1982, Reg; September 25, 2009, Susp.	.....do	do.
West Hampton Dunes, Village of, Suffolk County.	361649	NA, Emerg; December 8, 1995, Reg; September 25, 2009, Susp.	.....do	do.
Region III				
Pennsylvania:				
Carroll, Township of, York County	422216	September 16, 1974, Emerg; March 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Chanceford, Township of, York County	422217	January 13, 1976, Emerg; October 15, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Codorus, Township of, York County	421142	March 26, 1974, Emerg; July 5, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Conewago, Township of, York County	420918	July 5, 1973, Emerg; March 18, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Cross Roads, Borough of, York County	422209	July 12, 1976, Emerg; June 1, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Delta, Borough of, York County	422211	January 20, 1976, Emerg; September 1, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Dillsburg, Borough of, York County	420919	September 16, 1975, Emerg; September 28, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Dover, Borough of, York County	422569	December 8, 1975, Emerg; December 19, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Dover, Township of, York County	420920	March 9, 1973, Emerg; March 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
East Hopewell, Township of, York County.	422218	April 16, 1981, Emerg; April 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
East Manchester, Township of, York County.	420921	June 6, 1973, Emerg; November 19, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Fairview, Township of, York County	420923	September 8, 1972, Emerg; February 15, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Fawn, Township of, York County	422219	March 19, 1976, Emerg; April 1, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Fawn Grove, Borough of, York County	422570	July 11, 1975, Emerg; June 25, 1976, Reg; September 25, 2009, Susp.	.....do	do.
Felton, Borough of, York County	420922	December 17, 1973, Emerg; April 1, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Franklin, Township of, York County	422220	July 31, 1975, Emerg; January 19, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Glen Rock, Borough of, York County	420924	March 16, 1973, Emerg; July 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Goldsboro, Borough of, York County	420925	June 6, 1973, Emerg; February 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Hallam, Borough of, York County	420926	August 7, 1973, Emerg; February 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Hanover, Borough of, York County	422212	July 2, 1974, Emerg; January 6, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Heidelberg, Township of, York County	422221	February 18, 1976, Emerg; September 30, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Hellam, Township of, York County	420927	June 27, 1973, Emerg; March 18, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Hopewell, Township of, York County	422222	April 21, 1975, Emerg; September 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Jackson, Township of, York County	422223	March 10, 1976, Emerg; September 30, 1981, Reg; September 25, 2009, Susp.	.....do	do.

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Jacobus, Borough of, York County	420928	August 13, 1975, Emerg; June 30, 1976, Reg; September 25, 2009, Susp.	.....do	do.
Lewisberry, Borough of, York County	420929	January 27, 1976, Emerg; November 17, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Lower Chanceford, Township of, York County.	420930	June 6, 1973, Emerg; February 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Lower Windsor, Township of, York County.	421187	August 29, 1975, Emerg; March 2, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Manchester, Township of, York County	420931	January 26, 1973, Emerg; December 1, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Manheim, Township of, York County	422224	April 21, 1975, Emerg; April 4, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Monaghan, Township of, York County	422225	June 10, 1975, Emerg; August 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Mount Wolf, Borough of, York County	421021	August 20, 1973, Emerg; May 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
New Freedom, Borough of, York County.	420932	October 24, 1973, Emerg; March 2, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Newberry, Township of, York County	422226	July 19, 1974, Emerg; July 2, 1980, Reg; September 25, 2009, Susp.	.....do	do.
North Codorus, Township of, York County.	422227	August 6, 1975, Emerg; October 15, 1981, Reg; September 25, 2009, Susp.	.....do	do.
North Hopewell, Township of, York County.	422228	September 25, 1975, Emerg; April 1, 1981, Reg; September 25, 2009, Susp.	.....do	do.
North York, Borough of, York County	420933	March 16, 1973, Emerg; May 2, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Paradise, Township of, York County	420934	June 6, 1973, Emerg; September 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Peach Bottom, Township of, York County.	422229	January 16, 1975, Emerg; September 30, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Penn, Township of, York County	421025	January 16, 1974, Emerg; October 15, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Railroad, Borough of, York County	420935	May 1, 1975, Emerg; September 28, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Seven Valleys, Borough of, York County.	420936	December 13, 1974, Emerg; September 28, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Shrewsbury, Township of, York County	422230	April 1, 1976, Emerg; September 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Spring Garden, Township of, York County.	420937	August 27, 1973, Emerg; June 15, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Spring Grove, Borough of, York County	420938	April 17, 1975, Emerg; August 15, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Springettsbury, Township of, York County.	421031	November 2, 1973, Emerg; December 15, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Springfield, Township of, York County	422231	November 13, 1975, Emerg; April 1, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Warrington, Township of, York County	422232	May 31, 1979, Emerg; March 16, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Washington, Township of, York County	421150	April 4, 1974, Emerg; March 2, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Wellsville, Borough of, York County	420940	July 31, 1979, Emerg; December 31, 1982, Reg; September 25, 2009, Susp.	.....do	do.
West Manchester, Township of, York County.	422233	August 22, 1974, Emerg; June 15, 1981, Reg; September 25, 2009, Susp.	.....do	do.
West Manheim, Township of, York County.	422234	March 9, 1976, Emerg; March 16, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Windsor, Borough of, York County	420942	May 27, 1975, Emerg; November 3, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Windsor, Township of, York County	422235	September 6, 1974, Emerg; June 1, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Wrightsville, Borough of, York County	420943	June 6, 1973, Emerg; December 18, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Yoe, Borough of, York County	420944	July 29, 1975, Emerg; December 1, 1982, Reg; September 25, 2009, Susp.	.....do	do.
York, City of, York County	420945	October 6, 1972, Emerg; June 15, 1977, Reg; September 25, 2009, Susp.	.....do	do.
York, Township of, York County	421032	August 1, 1973, Emerg; May 17, 1989, Reg; September 25, 2009, Susp.	.....do	do.
York Haven, Borough of, York County	420946	April 13, 1978, Emerg; December 18, 1979, Reg; September 25, 2009, Susp.	.....do	do.

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Virginia:				
Blacksburg, Town of, Montgomery County.	510100	June 19, 1974, Emerg; May 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Christiansburg, Town of, Montgomery County.	510101	April 29, 1975, Emerg; August 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Giles County Unincorporated Areas	510067	October 24, 1973, Emerg; June 15, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Glen Lyn, Town of, Giles County	510289	April 16, 1976, Emerg; March 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Montgomery County Unincorporated Areas.	510099	February 19, 1974, Emerg; October 17, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Narrows, Town of, Giles County	510068	December 6, 1973, Emerg; September 15, 1978, Reg; September 25, 2009, Susp.	.....do	do.
New Kent County Unincorporated Areas.	510306	August 19, 1975, Emerg; December 5, 1990, Reg; September 25, 2009, Susp.	.....do	do.
Pearisburg, Town of, Giles County	510229	October 7, 1975, Emerg; November 20, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Pembroke, Town of, Giles County	510069	January 21, 1974, Emerg; August 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Portsmouth, Independent City County ..	515529	May 15, 1970, Emerg; July 2, 1971, Reg; September 25, 2009, Susp.	.....do	do.
Radford, Independent City County	510127	December 5, 1974, Emerg; August 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Rich Creek, Town of, Creek County	510070	June 10, 1975, Emerg; August 15, 1978, Reg; September 25, 2009, Susp.	.....do	do.
West Virginia:				
Bath, Town of, Morgan County	540005	May 20, 1975, Emerg; January 2, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Benwood, City of, Marshall County	540108	June 3, 1974, Emerg; May 1, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Cameron, City of, Marshall County	540287	March 31, 1982, Emerg; September 4, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Flemington, Town of, Taylor County	540189	April 18, 1975, Emerg; December 26, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Glen Dale, City of, Marshall County	540109	April 2, 1975, Emerg; April 1, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Hundred, Town of, Wetzel County	540256	July 10, 1975, Emerg; April 1, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Marshall County Unincorporated Areas	540107	December 22, 1975, Emerg; April 17, 1984, Reg; September 25, 2009, Susp.	.....do	do.
McMechen, City of, Marshall County	540110	April 11, 1975, Emerg; April 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Moundsville, City of, Marshall County ...	540111	May 27, 1975, Emerg; May 15, 1980, Reg; September 25, 2009, Susp.	.....do	do.
New Martinsville, City of, Wetzel County.	540208	May 21, 1975, Emerg; September 2, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Paden City, City of, Wetzel County	540196	May 2, 1975, Emerg; March 16, 1989, Reg; September 25, 2009, Susp.	.....do	do.
Pine Grove, City of, Wetzel County	540210	July 16, 1975, Emerg; April 1, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Smithfield, Town of, Wetzel County	540258	November 5, 1975, Emerg; April 1, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Taylor County Unincorporated Areas	540188	October 22, 1975, Emerg; July 1, 1987, Reg; September 25, 2009, Susp.	.....do	do.
Region IV				
Florida:				
Apopka, City of, Orange County	120180	June 17, 1975, Emerg; September 29, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Belle Isle, City of, Orange County	120181	July 3, 1975, Emerg; September 15, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Eatonville, Town of, Orange County	120182	March 31, 1975, Emerg; December 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Edgewood, City of, Orange County	120183	January 1, 1975, Emerg; September 29, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Maitland, City of, Orange County	120184	October 10, 1974, Emerg; September 5, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Ocoee, City of, Orange County	120185	April 2, 1975, Emerg; November 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Orange County Unincorporated Areas ..	120179	July 29, 1975, Emerg; December 1, 1981, Reg; September 25, 2009, Susp.	.....do	do.

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Orlando, City of, Orange County	120186	August 30, 1974, Emerg; September 3, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Windermere, Town of, Orange County	120381	November 2, 1979, Emerg; December 18, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Winter Garden, City of, Orange County	120187	May 12, 1975, Emerg; September 29, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Winter Park, City of, Orange County	120188	May 28, 1974, Emerg; November 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Georgia:				
Albany, City of, Dougherty County	130075	March 3, 1972, Emerg; August 15, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Augusta-Richmond County Unincorporated Areas.	130158	November 23, 1973, Emerg; March 4, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Baconton, City of, Mitchell County	130136	June 16, 1975, Emerg; July 2, 1987, Reg; September 25, 2009, Susp.	.....do	do.
Ben Hill County Unincorporated Areas	130496	NA, Emerg; March 12, 2000, Reg; September 25, 2009, Susp.	.....do	do.
Berrien County Unincorporated Areas	135271	June 21, 2002, Emerg; NA, Reg; September 25, 2009, Susp.	.....do	do.
Blackshear, City of, Pierce County	130491	August 9, 1982, Emerg; August 19, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Boston, City of, Thomas County	130402	March 18, 1977, Emerg; June 17, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Brantley County Unincorporated Areas	130012	August 13, 1975, Emerg; September 30, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Cave Spring, City of, Floyd County	130080	December 19, 1973, Emerg; May 1, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Charlton County Unincorporated Areas	130292	October 14, 1991, Emerg; September 21, 1998, Reg; September 25, 2009, Susp.	.....do	do.
Coolidge, City of, Thomas County	130169	July 18, 1995, Emerg; September 1, 2005, Reg; September 25, 2009, Susp.	.....do	do.
Cordele, City of, Crisp County	130214	May 7, 1975, Emerg; March 18, 1987, Reg; September 25, 2009, Susp.	.....do	do.
Dougherty County Unincorporated Areas.	130074	March 3, 1972, Emerg; April 17, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Floyd County Unincorporated Areas	130079	March 5, 1975, Emerg; May 19, 1987, Reg; September 25, 2009, Susp.	.....do	do.
Folkston, City of, Charlton County	130290	March 10, 1976, Emerg; June 3, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Hephzibah, City of, Richmond County	130442	July 10, 1975, Emerg; June 25, 1976, Reg; September 25, 2009, Susp.	.....do	do.
Hoboken, City of, Brantley County	130013	May 30, 1975, Emerg; April 15, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Homeland, Town of, Charlton County	130291	NA, Emerg; August 13, 1998, Reg; September 25, 2009, Susp.	.....do	do.
Lamar County Unincorporated Areas	130556	December 29, 1997, Emerg; NA, Reg; September 25, 2009, Susp.	.....do	do.
Mitchell County Unincorporated Areas	130438	Septmber 28, 1990, Emerg; July 1, 1991, Reg; September 25, 2009, Susp.	.....do	do.
Moultrie, City of, Colquitt County	130199	November 12, 1973, Emerg; May 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Nahunta, City of, Brantley County	130014	May 28, 1975, Emerg; September 4, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Nashville, City of, Berrien County	130008	January 15, 1975, Emerg; August 1, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Patterson, Town of, Pierce County	130457	NA, Emerg; October 11, 1990, Reg; September 25, 2009, Susp.	.....do	do.
Pelham, City of, Mitchell County	130437	September 30, 1975, Emerg; April 2, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Pierce County Unincorporated Areas	130151	August 13, 1984, Emerg; April 17, 1989, Reg; September 25, 2009, Susp.	.....do	do.
Ray City, City of, Berrien County	130009	December 26, 1973, Emerg; April 1, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Riverside, Township of, Colquitt County	130267	May 11, 1987, Emerg; August 16, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Rome, City of, Floyd County	130081	December 19, 1973, Emerg; September 15, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Seminole County Unincorporated Areas	130387	December 26, 1975, Emerg; September 1, 1986, Reg; September 25, 2009, Susp.	.....do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Sylvester, City of, Worth County	130198	July 18, 1974, Emerg; May 17, 1989, Reg; September 25, 2009, Susp.	.....do	do.
Thomaston, City of, Upson County	130408	March 1, 1976, Emerg; September 29, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Thomasville, City of, Thomas County	130170	December 17, 1973, Emerg; May 16, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Upson County Unincorporated Areas	130407	February 18, 1976, Emerg; May 17, 1989, Reg; September 25, 2009, Susp.	.....do	do.
Ware County Unincorporated Areas	130184	May 5, 1975, Emerg; December 2, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Waycross, City of, Ware County	130186	January 10, 1974, Emerg; August 3, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Worth County Unincorporated Areas	130196	March 10, 1995, Emerg; March 17, 1997, Reg; September 25, 2009, Susp.	.....do	do.
Tennessee:				
Alamo, Town of, Crockett County	470245	December 8, 1986, Emerg; February 1, 1990, Reg; September 25, 2009, Susp.	.....do	do.
Claiborne County Unincorporated Areas	470212	April 16, 1974, Emerg; May 4, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Cocke County Unincorporated Areas	470033	March 14, 1978, Emerg; January 06, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Crockett County Unincorporated Areas	470383	January 15, 2003, Emerg; NA, Reg; September 25, 2009, Susp.	.....do	do.
Cumberland Gap, City of, Claiborne County.	470326	November 29, 1983, Emerg; March 1, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Dickson, City of, Dickson County	470335	December 16, 1982, Emerg; December 16, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Dickson County Unincorporated Areas	470046	June 18, 1982, Emerg; June 15, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Grundy County Unincorporated Areas	470250	March 11, 1991, Emerg; March 1, 1995, Reg; September 25, 2009, Susp.	.....do	do.
Harrogate, City of, Claiborne County	470420	NA, Emerg; September 15, 2001, Reg; September 25, 2009, Susp.	.....do	do.
Luttrell, Town of, Union County	470209	October 28, 1986, Emerg; September 1, 1989, Reg; September 25, 2009, Susp.	.....do	do.
Mcewen, City of, Humphreys County	470308	February 1, 1993, Emerg; May 1, 1994, Reg; September 25, 2009, Susp.	.....do	do.
New Johnsville, City of, Humphreys County.	470266	September 30, 1974, Emerg; September 29, 1986, Reg; September 25, 2009, Susp.	.....do	do.
New Tazewell, City of, Claiborne County.	470030	November 1, 1974, Emerg; August 5, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Newport, City of, Cocke County	475440	February 12, 1971, Emerg; September 3, 1971, Reg; September 25, 2009, Susp.	.....do	do.
Plainview, City of, Union County	470417	NA, Emerg; December 9, 1999, Reg; September 25, 2009, Susp.	.....do	do.
Tazewell, City of, Claiborne County	475449	October 30, 1970, Emerg; October 30, 1970, Reg; September 25, 2009, Susp.	.....do	do.
Waverly, City of, Humphreys County	470095	May 24, 1974, Emerg; March 4, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Region V				
Indiana:				
Avon, Town of, Hendricks County	180520	November 17, 2000, Emerg; NA, Reg; September 25, 2009, Susp.	.....do	do.
Battle Ground, Town of, Tippecanoe County.	180252	November 28, 1975, Emerg; January 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Brownsburg, Town of, Hendricks County.	180087	April 17, 1980, Emerg; April 17, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Danville, Town of, Hendricks County	180088	March 10, 1975, Emerg; November 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Dayton, Town of, Tippecanoe County	180486	February 12, 1982, Emerg; February 12, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Hendricks County Unincorporated Areas.	180415	March 17, 1975, Emerg; March 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Lafayette, Town of, Tippecanoe County	180253	February 7, 1975, Emerg; November 19, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Plainfield, Town of, Hendricks County	180089	April 16, 1976, Emerg; March 1, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Tippecanoe County Unincorporated Areas.	180428	December 24, 1975, Emerg; March 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
West Lafayette, City of, Tippecanoe County.	180254	December 13, 1974, Emerg ; January 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Michigan:				
Argentine, Township of, Genesee County.	260392	July 11, 1975, Emerg; January 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Atlas, Township of, Genesee County	260393	September 2, 1976, Emerg; June 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Burton, City of, Genesee County	260287	January 21, 1974, Emerg; August 1, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Clayton, Township of, Genesee County	260663	October 2, 1980, Emerg; October 2, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Clio, City of, Genesee County	260667	August 14, 1980, Emerg; September 3, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Davison, City of, Genesee County	260074	July 30, 1974, Emerg; June 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Davison, Township of, Genesee County	260664	March 6, 1979, Emerg; June 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Fenton, City of, Genesee County	260075	August 30, 1974, Emerg; January 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Fenton, Township of, Genesee County	260394	March 24, 1978, Emerg; January 16, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Flint, City of, Genesee County	260076	August 28, 1973, Emerg; January 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Flint, Township of, Genesee County	260395	October 26, 1976, Emerg; November 1, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Flushing, City of, Genesee County	260077	June 6, 1974, Emerg; June 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Flushing, Township of, Genesee County.	260396	December 6, 1979, Emerg; February 4, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Gaines, Township of, Genesee County	260293	May 3, 1974, Emerg; December 18, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Genesee, Township of, Genesee County.	260078	May 11, 1973, Emerg; December 2, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Goodrich, Village of, Genesee County ..	260397	May 25, 1976, Emerg; September 29, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Grand Blanc, City of, Genesee County	260255	May 20, 1974, Emerg; July 2, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Grand Blanc, Township of, Genesee County.	260079	January 23, 1974, Emerg; August 1, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Linden, City of, Genesee County	260398	June 16, 1986, Emerg; June 16, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Montrose, Township of, Genesee County.	260399	July 29, 1975, Emerg; July 2, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Mount Morris, Township of, Genesee County.	260400	June 13, 1975, Emerg; February 4, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Mundy, Township of, Genesee County	260401	July 29, 1976, Emerg; November 1, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Richfield, Township of, Genesee County.	260402	January 13, 1983, Emerg; January 13, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Swartz Creek, City of, Genesee County	260080	June 23, 1975, Emerg; November 1, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Thetford, Township of, Genesee County	260683	August 29, 1986, Emerg; January 6, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Vienna, Township of, Genesee County	260665	March 29, 1976, Emerg; January 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Minnesota:				
Brown County Unincorporated Areas	270034	January 28, 1972, Emerg; August 15, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Cannon Falls, City of, Goodhue County	270141	April 5, 1974, Emerg; January 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Comfrey, City of, Brown County	270035	March 7, 1997, Emerg; June 6, 2000, Reg; September 25, 2009, Susp.	.....do	do.
Dennison, City of, Rice County	270713	December 21, 1978, Emerg; September 18, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Goodhue County Unincorporated Areas	270140	April 30, 1971, Emerg; April 17, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Lake City, City of, Goodhue County	270486	March 12, 1974, Emerg; February 18, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Morton, City of, Renville County	270399	July 3, 1974, Emerg; December 18, 1986, Reg; September 25, 2009, Susp.	.....do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
New Ulm, City of, Brown County	270036	February 11, 1974, Emerg; December 18, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Pine Island, City of, Goodhue County	270145	September 4, 1974, Emerg; March 2, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Red Wing, City of, Goodhue County	270146	July 5, 1974, Emerg; September 29, 1978 , Reg; September 25, 2009, Susp.	.....do	do.
Renville County Unincorporated Areas	270634	April 30, 1974, Emerg; March 16, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Springfield, City of, Brown County	270038	April 23, 1974, Emerg; July 2, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Wanamingo, City of, Goodhue County	270147	March 24, 1981, Emerg; June 15, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Zumbrota, City of, Goodhue County	270148	June 23, 1975, Emerg; September 3, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Region VI				
New Mexico:				
Chaves County Unincorporated Areas	350125	February 2, 1983, Emerg; February 2, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Dexter, Town of, Chaves County	350112	March 14, 2006, Emerg; NA, Reg; September 25, 2009, Susp.	.....do	do.
Roswell, Town of, Chaves County	350006	May 23, 1975, Emerg; July 19, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Oklahoma:				
Blackwell, City of, Kay County	400078	May 31, 1974, Emerg; May 1, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Braman, Town of, Kay County	400264	July 21, 1986, Emerg; October 16, 1992, Reg; September 25, 2009, Susp.	.....do	do.
Kay County Unincorporated Areas	400477	July 15, 1987, Emerg; March 5, 1990, Reg; September 25, 2009, Susp.	.....do	do.
Newkirk, City of, Kay County	400422	March 9, 1977, Emerg; August 5, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Ponca City, City of, Kay County	400080	March 6, 1974, Emerg; July 2, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Tonkawa, City of, Kay County	400079	June 30, 1976, Emerg; February 4, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Texas:				
Arlington, City of, Tarrant County	485454	July 31, 1970, Emerg; December 30, 1970, Reg; September 25, 2009, Susp.	.....do	do.
Blue Mound, City of, Tarrant County	480587	July 3, 1975, Emerg; July 16, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Flower Mound, Town of, Denton County	480777	July 31, 1975, Emerg; September 18, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Haslet, City of, Tarrant County	480600	December 18, 1981, Emerg; October 15, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Keller, City of, Tarrant County	480602	June 6, 1975, Emerg; September 30, 1982, Reg; September 25, 2009, Susp.	.....do	do.
Mansfield, City of, Tarrant County	480606	February 28, 1975, Emerg; December 18, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Pantego, Town of, Tarrant County	481116	April 15, 1975, Emerg; July 16, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Pelican Bay, City of, Tarrant County	481653	NA, Emerg; March 6, 2008, Reg; September 25, 2009, Susp.	.....do	do.
Richland Hills, City of, Tarrant County	480608	March 3, 1972, Emerg; February 16, 1977, Reg; September 25, 2009, Susp.	.....do	do.
Roanoke, City of, Denton County	480785	March 14, 1991, Emerg; April 2, 1997, Reg; September 25, 2009, Susp.	.....do	do.
Westlake, Town of, Tarrant County	480614	May 24, 1993, Emerg; June 2, 1993, Reg; September 25, 2009, Susp.	.....do	do.
Region VII				
Iowa:				
Harpers Ferry, City of, Allamakee County.	190316	November 19, 1993, Emerg; July 1, 1997, Reg; September 25, 2009, Susp.	.....do	do.
New Albin, City of, Allamakee County	190942	October 29, 1982, Emerg; September 30, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Waukon, City of, Allamakee County	190008	August 26, 1975, Emerg; June 10, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Kansas:				
Dodge City, City of, Ford County	205184	June 4, 1971, Emerg; May 19, 1972, Reg; September 25, 2009, Susp.	.....do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Ford County Unincorporated Areas	200101	March 26, 1981, Emerg; July 3, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Humboldt, City of, Allen County	200002	December 24, 1974, Emerg; September 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Liberal, City of, Seward County	200330	October 29, 1974, Emerg; September 28, 1990, Reg; September 25, 2009, Susp.	.....do	do.
Seward County Unincorporated Areas	200606	October 22, 1996, Emerg; May 1, 1999, Reg; September 25, 2009, Susp.	.....do	do.
Region VIII				
Colorado:				
Archuleta County Unincorporated Areas	080273	July 23, 1975, Emerg; January 3, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Cripple Creek, City of, Teller County	080174	July 15, 1975, Emerg; December 18, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Pagosa Springs, Town of, Archuleta County.	080019	May 30, 1975, Emerg; December 1, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Teller County Unincorporated Areas	080173	September 24, 1976, Emerg; September 30, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Woodland Park, City of, Teller County	080175	April 23, 1975, Emerg; September 30, 1988, Reg; September 25, 2009, Susp.	.....do	do.
Utah:				
Draper, City of, Salt Lake County	490244	April 30, 1980, Emerg; December 18, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Herriman, Town of, Salt Lake County	490252	NA, Emerg; March 12, 2002, Reg; September 25, 2009, Susp.	.....do	do.
Holladay City, City of, Salt Lake County	490253	NA, Emerg; August 24, 2004, Reg; September 25, 2009, Susp.	.....do	do.
Midvale, City of, Salt Lake County	490211	December 9, 1976, Emerg; February 2, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Murray, City of, Salt Lake County	490103	December 19, 1974, Emerg; December 18, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Riverton, City of, Salt Lake County	490104	October 23, 1975, Emerg; February 19, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Salt Lake City, City of, Salt Lake County.	490105	May 28, 1974, Emerg; August 1, 1983, Reg; September 25, 2009, Susp.	.....do	do.
Salt Lake County Unincorporated Areas	490102	September 26, 1974, Emerg; December 18, 1985, Reg; September 25, 2009, Susp.	.....do	do.
South Jordan, City of, Salt Lake County	490107	June 10, 1975, Emerg; December 18, 1985, Reg; September 25, 2009, Susp.	.....do	do.
South Salt Lake, City of, Salt Lake County.	490219	May 23, 1975, Emerg; December 18, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Taylorsville, City of, Salt Lake County	490248	NA, Emerg; October 9, 1998, Reg; September 25, 2009, Susp.	.....do	do.
West Jordan, City of, Salt Lake County	490108	July 16, 1975, Emerg; September 1, 1987, Reg; September 25, 2009, Susp.	.....do	do.
West Valley City, City of, Salt Lake County.	490245	February 14, 1983, Emerg; May 1, 1986, Reg; September 25, 2009, Susp.	.....do	do.
Region IX				
Hawaii: Maui County Unincorporated Areas	150003	September 18, 1970, Emerg; June 1, 1981, Reg; September 25, 2009, Susp.	.....do	do.
Nevada: Pershing County Unincorporated Areas.	320032	May 15, 1984, Emerg; June 17, 1991, Reg; September 25, 2009, Susp.	.....do	do.
Region X				
Alaska:				
Anchorage, Municipality	020005	June 12, 1970, Emerg; September 5, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Homer, City of, Kenai Peninsula	020107	NA, Emerg; June 2, 2003, Reg; September 25, 2009, Susp.	.....do	do.
Emmonak, City of, Wade Hampton Census Area.	020125	May 22, 1992, Emerg; September 21, 1998, Reg; September 25, 2009, Susp.	.....do	do.
Idaho:				
Benewah County Unincorporated Areas	160014	May 3, 1974, Emerg; July 16, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Saint Maries, City of, Benewah County	160016	June 13, 1974, Emerg; November 15, 1979, Reg; September 25, 2009, Susp.	.....do	do.
Tensed, City of, Benewah County	160017	August 26, 1975, Emerg; August 15, 1978, Reg; September 25, 2009, Susp.	.....do	do.

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Oregon:				
Bandon, City of, Coos County	410043	October 11, 1974, Emerg; August 15, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Brookings, City of, Curry County	410053	July 8, 1975, Emerg; September 18, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Coos Bay, City of, Coos County	410044	August 23, 1974, Emerg; August 1, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Coos County Unincorporated Areas	410042	July 7, 1975, Emerg; November 15, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Coquille, City of, Coos County	410045	April 29, 1975, Emerg; September 28, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Curry County Unincorporated Areas	410052	March 19, 1971, Emerg; April 3, 1978, Reg; September 25, 2009, Susp.	.....do	do.
Gold Beach, City of, Curry County	410054	November 11, 1974, Emerg; November 15, 1985, Reg; September 25, 2009, Susp.	.....do	do.
Lakeside, City of, Coos County	410278	June 2, 1975, Emerg; August 1, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Myrtle Point, City of, Coos County	410047	January 30, 1975, Emerg; July 16, 1984, Reg; September 25, 2009, Susp.	.....do	do.
North Bend, City of, Coos County	410048	June 4, 1975, Emerg; August 1, 1984, Reg; September 25, 2009, Susp.	.....do	do.
Port Orford, City of, Curry County	410272	March 31, 1977, Emerg; January 29, 1980, Reg; September 25, 2009, Susp.	.....do	do.
Powers, City of, Coos County	410049	August 6, 1975, Emerg; June 30, 1976, Reg; September 25, 2009, Susp.	.....do	do.

*.....do = Ditto.
Code for reading third column: Emerg. —Emergency; Reg. —Regular; Susp. —Suspension.

Dated: September 14, 2009.

Deborah Ingram,

Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate.

[FR Doc. E9–22687 Filed 9–21–09; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09–2052; MB Docket No. 09–146; RM–11553]

Television Broadcasting Services; Chicago, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission grants a petition for rulemaking filed by WLS Television, Inc., the licensee of station WLS–TV, channel 7, Chicago, Illinois, requesting the substitution of channel 44 for channel 7 at Chicago.

DATES: This rule is effective September 22, 2009.

FOR FURTHER INFORMATION CONTACT: Joyce L. Bernstein, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 09–146, adopted September 14, 2009, and released September 15, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via e-mail *http://www.BCPIWEB.com*. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any 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). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

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

Television, Television broadcasting.

■ For the reasons discussed 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.

§ 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Illinois, is amended by adding channel 44 and removing channel 7 at Chicago.

Federal Communications Commission.

Clay C. Pendarvis,

Associate Chief, Video Division, Media Bureau.

[FR Doc. E9–22826 Filed 9–21–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09–2037; MB Docket No. 09–132; RM–11550]

Television Broadcasting Services; Fort Worth, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission grants a petition for rulemaking filed by CBS Stations Group of Texas, L.P. (''CBS Stations Group'') and Television Station KTXA, L.P. (''KTXA L.P.''), the respective licensees of co-owned Fort Worth, Texas stations KTVT(TV), channel 11, and KTXA(TV), channel 19, requesting the substitution of channel 19 for KTVT(TV)'s assigned channel 11 at Fort Worth and the substitution of channel 29 for KTXA(TV)'s assigned channel 19 at Fort Worth.

DATES: This rule is effective September 22, 2009.

FOR FURTHER INFORMATION CONTACT: Adrienne Y. Denysyk, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 09–132, adopted September 10, 2009, and released September 11, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via e-mail *http://www.BCPIWEB.com*. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any 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). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

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

Television, Television broadcasting.

■ For the reasons discussed 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.

§ 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Texas is first amended by adding DTV channel 29 and removing DTV channel 19 at Fort Worth.

■ 3. Section 73.622(i), the Post-Transition Table of DTV Allotments under Texas is next amended by adding DTV channel 19 and removing DTV channel 11 at Fort Worth.

Federal Communications Commission.

Clay C. Pendarvis,

Associate Chief, Video Division, Media Bureau.

[FR Doc. E9–22831 Filed 9–21–09; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Part 205

Defense Federal Acquisition Regulation Supplement; Provision of Information to Cooperative Agreement Holders

CFR Correction

In Title 48 of the Code of Federal Regulations, Chapter 2 (Parts 201 to 299), revised as of October 1, 2008, on page 34, in section 205.470, remove ''$100,000,000'' and add ''$1,000,000'' in its place.

[FR Doc. E9–22901 Filed 9–21–09; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

48 CFR Part 247

Defense Federal Acquisition Regulation Supplement; Transportation Acquisition Policy

CFR Correction

In Title 48 of the Code of Federal Regulations, Chapter 2 (Parts 201 to 299), revised as of October 1, 2008, on page 307, in section 247.105, paragraph (b)(iii)(E) is reinstated to read as follows:

247.105 Transportation assistance.

(b) * * *

(iii) * * *

(E) When requesting rates and related costs for the evaluation of bids or proposals, include the bid opening or proposal due date and the expected date of initial shipment, if established.

[FR Doc. E9–22902 Filed 9–21–09; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0801041351–9087–02]

RIN 0648–XR71

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating projected unused amounts of Pacific cod from catcher vessels using trawl gear, catcher vessels using pot gear, and vessels using jig gear to American Fisheries Act (AFA) catcher processors, the Amendment 80 cooperative, catcher processors using pot gear, and catcher processors using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). These actions are necessary to allow the 2009 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective September 17, 2009, until 2400 hours, A.l.t., December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the

BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2009 Pacific cod TAC in the BSAI is 176,540 metric tons (mt) as established by the final 2009 and 2010 final harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009). Pursuant to § 679.20(a)(7)(ii), the allocations of the Pacific cod TAC are 76,375 mt to catcher processors using hook–and–line gear, 2,352 mt to catcher processors using pot gear, 13,173 mt to catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) using pot gear, 3,626 mt to AFA trawl catcher processors, 17,654 mt to the Amendment 80 cooperative, and 34,841 mt to catcher vessels using trawl gear. The allocation to vessels using jig gear is 607 mt after two reallocations (74 FR 9965, March 9, 2009 and 74 FR 19021, April 27, 2009).

As of September 15, 2009, the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that catcher vessels using trawl gear will not be able to harvest 4,200 mt of Pacific cod allocated to those vessels under (§ 679.20(a)(7)(ii). The Regional Administrator has determined that the projected unharvested amount is unlikely to be harvested by any of the other catcher vessel sectors described in § 679.20(a)(7)(iii)(A). Therefore, in accordance with § 679.20(a)(7)(iii)(B), NMFS apportions 1,200 mt of Pacific cod from catcher vessels using trawl gear to AFA trawl catcher processors and 3,000 mt of Pacific cod from catcher vessels using trawl gear to the Amendment 80 cooperative.

The Regional Administrator also has determined that catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear will not be able to harvest 1,300 mt of Pacific cod. Additionally, the Regional Administrator has determined that catcher processors using pot gear will be unable to fully harvest this amount of Pacific cod. Therefore, in accordance with § 679.20(a)(7)(iii)(C), NMFS is reallocating 500 mt of Pacific cod allocated to catcher vessels greater than 60 feet (18.3 m) LOA using pot gear to catcher processors using pot gear and 800 mt of Pacific cod allocated to catcher vessels greater than 60 feet (18.3 m) LOA using pot gear to catcher processers using hook-and-line gear.

The Regional Administrator also has determined that vessels using jig gear will be unable to harvest 550 mt of Pacific cod. The Regional Administrator has also determined that catcher vessels less than 60 feet (18.3m) LOA using hook-and-line or pot gear and catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear will be unable to harvest additional Pacific cod. Therefore, in accordance with § 679.20(a)(7)(iii)(A), NMFS is reallocating 550 mt of Pacific cod allocated to jig vessels to catcher processors using hook-and-line gear.

The allocations for Pacific cod specified in the final 2009 and 2010 final harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009) and two reallocations (74 FR 9965, March 9, 2009 and 74 FR 19021, April 27, 2009) are revised as follows: 57 mt to vessels using jig gear, 77,725 mt to catcher processor vessels using hook-and-line gear, 11,873 mt to catcher vessels using pot gear, 2,852 mt to catcher processor vessels using pot gear, 4,826 mt to AFA catcher processors using trawl gear, 20,654 mt to the Amendment 80 cooperative, and 30,641 mt to catcher vessels using trawl gear.

This will enhance the socioeconomic well-being of harvesters dependent upon Pacific cod in this area. The Regional Administrator considered the following factors in reaching this decision: (1) the current catch of Pacific cod by the applicable BSAI sectors and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in the sectors participating in this fishery.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Pacific cod. Since the fishery is currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 15, 2009.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 16, 2009

Emily H. Menashes,

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

[FR Doc. E9–22821 Filed 9–17–09; 4:15 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register

Vol. 74, No. 182

Tuesday, September 22, 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 71

[Docket No. FAA–2009–0801; Airspace Docket No. 09–ACE–11]

Proposed Amendment of Class E Airspace; Red Oak, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Red Oak, IA. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Red Oak Municipal Airport, Red Oak, IA. This action would also update the geographic coordinates of Red Oak Municipal Airport and the Red Oak NDB to coincide with the FAA's National Aeronautical Charting Office. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at Red Oak Municipal Airport.

DATE: 0901 UTC. Comments must be received on or before November 6, 2009.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2009–0801/Airspace Docket No. 09–ACE–11, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321–7716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2009–0801/Airspace Docket No. 09–ACE–11.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

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

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

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), part 71 by adding additional Class E airspace extending upward from 700 feet above the surface for SIAPs operations at Red Oak Municipal Airport, Red Oak, IA. This action would also update the geographic coordinates of Red Oak Municipal Airport and the Red Oak NDB. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9T, dated August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

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

additional controlled airspace at Red Oak Municipal Airport, Red Oak, IA.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

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

* * * * *

ACE IA E5 Red Oak, IA [Amended]

Red Oak Municipal Airport, IA
(Lat. 41°00′39″ N., long. 95°15′32″ W.)
Red Oak NDB, IA
(Lat. 41°00′55″ N., long. 95°15′21″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Red Oak Municipal Airport; and within 2 miles each side of the 354° bearing from the airport extending from the 6.4-mile radius to 11 miles north of the airport; and within 2.6 miles each side of the 326° bearing from the Red Oak NDB extending from the 6.4-mile radius to 8.3 miles northwest of the airport.

* * * * *

Issued in Fort Worth, TX on September 10, 2009.

Anthony D. Roetzel,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. E9–22844 Filed 9–21–09; 8:45 am]

BILLING CODE 4901–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 38

[Docket No. RM05–5–017]

Standards for Business Practices and Communication Protocols for Public Utilities

Issued September 17, 2009.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to incorporate by reference in its regulations regarding business practice standards adopted by the Wholesale Electric Quadrant of the North American Energy Standards Board (NAESB) to categorize various demand response products and services and to support the measurement and verification of these products and services in wholesale electric energy markets.

DATES: Comments on the proposed rule are due October 22, 2009.

ADDRESSES: You may submit comments identified by Docket No. RM05–5–017, by one of the following methods:

- *Agency Web site: http://www.ferc.gov.* Follow the instructions for submitting comments via the eFiling link found in the Comment Procedures Section of the preamble.

Mail: Commenters unable to file comments electronically must mail or hand deliver an original and 14 copies of their comments to the Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426. Please refer to the Comment Procedures Section of the preamble for additional information on how to file paper comments.

FOR FURTHER INFORMATION CONTACT:

Bruce McAllister (technical issues), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8296.

Ryan M. Irwin (technical issues), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6454.

Gary D. Cohen (legal issues), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8321.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking

Issued September 17, 2009

1. In this Notice of Proposed Rulemaking (NOPR), the Federal Energy Regulatory Commission (Commission) proposes to amend its regulations under the Federal Power Act [1] to incorporate by reference business practice standards adopted by the Wholesale Electric Quadrant (WEQ) of the North American Energy Standards Board (NAESB) to categorize various demand response products and services and to support the measurement and verification of these products and services in wholesale electric energy markets.

I. Background

2. NAESB is a non-profit standards development organization that serves as an industry forum for the development of business practice standards. These standards promote a seamless marketplace for wholesale and retail natural gas and electricity.[2] Since 1995, NAESB and its predecessor, the Gas Industry Standards Board, have been accredited members of the American National Standards Institute (ANSI), complying with ANSI's requirements that its standards reflect a consensus of the affected industries.[3]

3. NAESB's standards include business practices that streamline the transactional processes of the natural gas and electric industries, as well as communication protocols and related standards designed to improve the efficiency of communication within each industry. NAESB supports all four quadrants of the gas and electric industries—wholesale gas, wholesale electric, retail gas, and retail electric. All participants in the gas and electric industries are eligible to join NAESB and participate in standards development.[4]

4. Wholesale electric industry business practice standards are developed by the WEQ (Wholesale Electric Quadrant) of NAESB. To become a WEQ standard, a consensus of six industry segments, transmission, generation, marketer/brokers, distribution/load serving entities, end users, and independent grid operators/planners, must approve the standard. Under the WEQ process, for a standard to be approved, it must receive a super-majority vote of 67 percent of the members of the WEQ's Executive Committee with support from at least 40

[1] 16 U.S.C. 791a, *et seq.*

[2] *See Standards for Business Practices and Communication Protocols for Public Utilities,* Final Rule, FERC Stats. & Regs. ¶ 31,274, at P 2 (2008).

[3] *Id.*

[4] *Id.* P 3.

percent of each of the six industry segments. For final approval, 67 percent of the WEQ's general membership must ratify the standards.[5] In a series of Orders,[6] the Commission has incorporated certain of NAESB's standards into its regulations. These standards include standards for business practices as well as standards and protocols for electronic communication, and business practice standards related to reliability standards promulgated by NERC and approved by the Commission.

5. On April 17, 2009, after two years of development, NAESB reported to the Commission that, on March 16, 2009, it adopted its initial set of business practice standards for the measurement and verification of demand response products and services (NAESB Phase I M&V Standards).[7] NAESB states that these initial standards will need to be followed by the development of more detailed technical standards for the measurement and verification of demand response products and services in independent system operator/regional transmission organization (ISO/RTO) footprint areas. NAESB states that its Demand Side Management-Energy Efficiency subcommittee has already begun efforts to plan the development of these more detailed (Phase II) standards; however, actual standards development has not yet started.

6. The NAESB Phase I M&V Standards include 40 definitions and 31 business practice standards. The definitions identify basic product categories, i.e., energy service, capacity service, reserve service and regulation service. They identify the measurement and verification characteristics of demand response products and services offered in organized wholesale electricity markets, such as reduction deadlines, advance notification instructions, telemetry accuracy, and communication protocols. The business practice standards address the major operational categories associated with demand response. NAESB stresses that the key to several NAESB participants' willingness to accept the standards submitted on April 17th was the agreement among participants to include more specific technical measurement and verification standards in NAESB's current annual work plan and to proceed with further work on more detailed technical standards.

II. Description of NAESB's Phase I M&V Standards

7. The Phase I M&V Standards include two parts. First, there are standards that identify operational information about demand response products that system operators need to make available. Second, specific standards address the performance evaluation methods appropriate to use for demand response products. These standards are described briefly below. In addition, associated terms are defined in a glossary.

8. First, the NAESB Phase I M&V Standards address transparency of the provision of four wholesale electric demand response products: Energy (WEQ–015–1.0 through WEQ–015–1.3); capacity (WEQ–015–1.4 through 1.7); reserves (WEQ–015–1.8 through 1.11); and regulation (WEQ–015–1.12 through 1.15). For each of these products, the standards require system operators to make information publicly available on: (1) Specific operational requirements listed in the business practice standards, *e.g.,* notification requirements; (2) telemetry requirements, *e.g.,* the telemetry interval shall not exceed five minutes; (3) after-the-fact metering requirements, *e.g.,* the metering accuracy shall not exceed three percent of full scale; and (4) performance evaluation rules, *e.g.,* the performance evaluation method applicable to the product being delivered. Most of these transparency requirements are the same for all four products, although some only apply where appropriate. Other requirements apply only to one product; for example, demand resources providing regulation services are required to automatically respond to grid frequency deviations, similar to the governor action provided by generation resources, unless otherwise specified by the system operator.

9. Second, the NAESB Phase I M&V Standards require the system operator to make publicly available the specific method to be used and the information required for the performance of resources providing demand response products (the performance evaluation method). Information standards specify that a system operator must define criteria and requirements for telemetry, metering, and performance evaluation, including baseline window, calculation type, sampling, baseline adjustments and measurement methods for each method that may be used to evaluate the performance of each demand response product. The system operator must specify that some or all of five methods may be used: Maximum Base Load Evaluation (WEQ–015–1.16 through WEQ–015–1.18); Meter Before/Meter After (WEQ–015–1.19 through WEQ–015–1.21); Baseline Type I—Interval Meter (WEQ–015–1.22 through WEQ–015–1.24); Baseline Type II—Non-Interval Meter (WEQ–015–1.25 through WEQ–015–1.27); and Metering Generator Output (WEQ–015–1.28 through WEQ–015–1.30).

III. Discussion

10. The Commission proposes to incorporate by reference into our regulations the NAESB Phase I M&V Standards and associated terms used in the WEQ–015 glossary.[8] The Phase I M&V Standards are primarily intended to enhance the transparency and consistency of the methods used to measure and verify demand response products in wholesale electricity markets administered by RTOs and ISOs. The glossary provides standardized definitions of demand response services, operational terms and performance measurements. The NAESB Phase I M&V Standards that we are proposing to incorporate by reference in this NOPR provide a starting place to develop a more comprehensive set of standards for the provision of demand response products in wholesale markets.

11. NAESB adopted its Phase I M&V Standards under its consensus procedures.[9] Adoption of consensus standards is appropriate because the consensus process helps to ensure the reasonableness of the standards by requiring that the standards draw support from a broad spectrum of all

[5] *Standards for Business Practices and Communication Protocols for Public Utilities,* Notice of Proposed Rulemaking, FERC Stats. & Regs. ¶ 32,582, at P 13 (2005); *Standards for Business Practices of Interstate Natural Gas Pipelines,* Final Rule, Order No. 587–O, FERC Stats. & Regs. ¶ 31,129, n. 14 (2002).

[6] *See* n.2 *supra.*

[7] When NAESB adopts a business practice standard as a Final Action, the standard is considered complete from NAESB's perspective, but, from the Commission's perspective, compliance with such a standard is not mandatory until such time as the Commission takes formal action to incorporate such a standard by reference into its regulations. NAESB's Phase I M&V Standards were adopted in the WEQ's 2009 Annual Plan 5(a) Final Action. NAESB's Apr. 17, 2009 submittal is also available for viewing in eLibrary under Docket No. RM05–5–017. The link to eLibrary is as follows: *http://www.ferc.gov/docs-filing/efiling.asp.*

[8] We propose to incorporate by reference the following standards collectively identified by NAESB as 2008 Annual Plan Item 5(a): Provision of Wholesale Electric Demand Response Energy Products—Standards 015–1.0–1.3; Provision of Wholesale Electric Demand Response Capacity Products—Standards 015–1.4–1.7; Provision of Wholesale Electric Demand Response Reserve Products—Standards 015–1.8–1.11; Provision of Wholesale Electric Demand Response Regulation Products—Standards 015–1.12–1.15; Maximum Base Load Evaluation—Standards 015–1.16–1.18; Meter Before/Meter After—Standards 015–1.19–1.21; Baseline Type I—(Interval Meter)—Standards 015–1.22–1.24; Baseline Type II—(Non-Interval Meter)—Standards 015–1.25–1.27; and Metering Generator Output—Standards 015–1.28–1.30.

[9] *See* P 4 *supra.*

segments of the industry. Moreover, because the industry itself has to conduct business under these standards, the Commission's regulations should reflect those standards that have the widest possible support. In section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTT&AA), Congress affirmatively requires Federal agencies to use technical standards developed by voluntary consensus standards organizations, like NAESB, as a means to carry out policy objectives or activities determined by the agencies unless use of such standards would be inconsistent with applicable law or otherwise impractical.[10]

12. The NAESB Phase II M&V Standards are intended to establish business practice standards that facilitate the ability of demand response providers to participate in electricity markets, reducing transaction costs and providing an opportunity for more customers to participate in these programs, especially customers that operate in more than one organized market. The NAESB Phase I M&V Standards provide a framework for further business practice standardization efforts, and participants in the WEQ process can use these standards to identify those elements for which standardization would be beneficial. We believe it is appropriate to develop criteria and standards that system operators can use to determine how demand response will be initiated, communicated, controlled, adjusted, measured and verified.

13. We appreciate the efforts of the WEQ thus far in developing these standards. It is clear, however, that much work still needs to be done. Members of the WEQ need to continue their efforts to develop the substantive standards needed to achieve greater efficiency in the operation and evaluation of the performance of demand response products and services. The Commission continues to believe that the industry should take the lead in developing and implementing demand response standards that will be both practical and workable. However, we request comments on whether the Commission should establish a deadline for the development of these remaining critical standards and, if so, what that deadline should be.

IV. Notice of Use of Voluntary Consensus Standards

14. Office of Management and Budget Circular A–119 (section 11) (Feb. 10, 1998) provides that Federal agencies should publish a request for comment in a NOPR when the agency is seeking to issue or revise a regulation proposing to adopt a voluntary consensus standard or a government-unique standard. In this NOPR, the Commission is proposing to incorporate by reference a voluntary consensus standard developed by the NAESB WEQ.

V. Information Collection Statement

15. The following collections of information contained in this proposed rule have been submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d). The Commission solicits comments on the Commission's need for this information, whether the information will have practical utility, the accuracy of the provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques. Respondents subject to the filing requirements of this rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB Control number.

16. The following burden estimate is based on the projected costs for the industry to implement revisions to the WEQ Standards currently incorporated by reference into the Commission's regulations at 18 CFR 38.2 and to implement the new standards adopted by NAESB that we propose here to incorporate by reference.

Data collection	Number of respondents	Number of responses per respondent	Hours per response	Total Number of hours
FERC–516 [11]	6	1	6	36
FERC–717 [12]	6	1	12	72
Totals				108

Total Annual Hours for Collection: (Reporting and Recordkeeping, (if appropriate)) = 108 hours.

Information Collection Costs: The Commission seeks comments on the costs to comply with these requirements. It has projected the average annualized cost for all respondents to be the following: [13]

	FERC–516	FERC–717
Annualized Capital/Startup Costs	$13,320	$26,640
Annualized Costs (Operations & Maintenance)	N/A	
Total Annualized Costs	13,320	[14] 26,640

17. OMB regulations[15] require OMB to approve certain information collection requirements imposed by agency rule. The Commission is

[10] Pub. L. 104–113, 12(d), 110 Stat. 775 (1996), 15 U.S.C. 272 note (1997).

[11] "FERC–516" is the Commission's identifier that corresponds to OMB control no. 1902–0096 which identifies the information collection associated with Electric Rate Schedules and Tariff Filings.

[12] "FERC–717" is the Commission's identifier that corresponds to OMB control no. 1902–0173 which identifies the information collection associated with Standards for Business Practices and Communication Protocols for Public Utilities.

[13] The total annualized costs for the information collection is $39,960. This number is reached by multiplying the total hours to prepare responses (108) by an hourly wage estimate of $370 (a composite estimate that includes legal, technical and support staff rates, $250 + $95 + $25 = $370), 108 hours × $370/hour = $39,960.

[14] We note that 36 hours at $370/hr. = $13,320 and 72 hours at $370/hr. = $26,640. Together, $13,320 + $26,640 = $39,960 as in note 13 *supra*.

[15] 5 CFR 1320.11.

submitting notification of this proposed rule to OMB. These information collections are mandatory requirements.

Title: Standards for Business Practices and Communication Protocols for Public Utilities (formerly Open Access Same Time Information System) (FERC–717); Electric Rate Schedule Filings (FERC–516).

Action: Proposed collection.

OMB Control No.: 1902–0096 (FERC–516); 1902–0173 (FERC–717).

Respondents: Business or other for profit, (Public Utilities—Not applicable to small businesses).

Frequency of Responses: One-time implementation (business procedures, capital/start-up).

Necessity of the Information: This proposed rule, if implemented would standardize the definitions used by ISOs and RTOs to identify their various demand response products and to measure and verify the results obtained by these products.

18. *Internal Review:* The Commission has reviewed the revised business practice standards proposed in this NOPR and has made a preliminary determination that these standards are necessary to maintain consistency among the ISOs/RTOs as to the demand response products they offer in their wholesale electricity markets. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimate associated with the information requirements.

19. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Executive Director, 888 First Street, NE., Washington, DC 20426, Tel: (202) 502–8415/Fax: (202) 273–0873, E-mail: *michael.miller@ferc.gov*.

20. Comments concerning the information collections proposed in this NOPR and the associated burden estimates, should be sent to the contact listed above and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202) 395–7345, fax: (202) 395–7285].

VI. Environmental Analysis

21. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[16] The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.[17] The actions proposed here fall within categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or procedural, for information gathering, analysis, and dissemination, and for sales, exchange, and transportation of electric power that requires no construction of facilities.[18] Therefore, an environmental assessment is unnecessary and has not been prepared in this NOPR.

VII. Regulatory Flexibility Act Certification

22. The Regulatory Flexibility Act of 1980 (RFA)[19] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. The regulations proposed here impose requirements only on ISOs and RTOs, which are not small businesses. Moreover, these requirements are designed to benefit all customers, including small businesses.

23. The Commission has followed the provisions of both the RFA and the Paperwork Reduction Act on potential impact on small business and other small entities. Specifically, the RFA directs agencies to consider four regulatory alternatives to be considered in a rulemaking to lessen the impact on small entities: Tiering or establishment of different compliance or reporting requirements for small entities, classification, consolidation, clarification or simplification of compliance and reporting requirements, performance rather than design standards, and exemptions. As these proposed standards would only be applicable to ISOs and RTOs, which are not small entities, the Commission hereby certifies, pursuant to section 605(b) of the RFA,[20] that the regulations proposed herein will not have a significant adverse impact on a substantial number of small entities.

VIII. Comment Procedures

24. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due October 22, 2009. Comments must refer to Docket No. RM05–5–017, and must include the commenter's name, the organization they represent, if applicable, and their address. Comments may be filed either in electronic or paper format.

25. Comments may be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats and commenters may attach additional files with supporting information in certain other file formats. Commenters filing electronically do not need to make a paper filing. Commenters that are not able to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

26. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

IX. Document Availability

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

28. From FERC's Home Page on the Internet, this information is available in the eLibrary. The full text of this document is available in the eLibrary both in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, go to the FERC Web site at *http://www.ferc.gov* and type the docket number ''RM05–5'' in the docket number field, type ''017'' under the subdocket field, and request submittals filed on April 17, 2009.

29. User assistance is available for eLibrary and the FERC's Web site during our normal business hours. For assistance contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

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

[17] 18 CFR 380.4.

[18] *See* 18 CFR 380.4(a)(2)(ii), 380.4(a)(5), 380.4(a)(27).

[19] 5 U.S.C. 601–612.

[20] 5 U.S.C. 605(b).

List of Subjects in 18 CFR Part 38

Conflict of interests, Electric power plants, Electric utilities, Incorporation by reference, Reporting and recordkeeping requirements.

By direction of the Commission.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission proposes to revise Chapter I, Title 18, part 38 of the *Code of Federal Regulations,* as follows:

PART 38—BUSINESS PRACTICE STANDARDS AND COMMUNICATION PROTOCOLS FOR PUBLIC UTILITIES

1. The authority citation for part 38 continues to read as follows:

Authority: 16 U.S.C. 791–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

2. In § 38.2, paragraph (a)(12) is added to read as follows:

§ 38.2 Incorporation by Reference of North American Energy Standards Board Wholesale Electric Quadrant Standards.

(a) * * *

(12) Measurement and Verification of Wholesale Electricity Demand Response (WEQ–015, 2008 Annual Plan Item 5(a), Mar. 16, 2009).

* * * * *

[FR Doc. E9–22784 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF STATE

22 CFR Part 62

[Public Notice: 6767]

RIN 1400–AC36

Exchange Visitor Program—General Provisions

AGENCY: United States Department of State.

ACTION: Proposed rule with request for comment.

SUMMARY: The Department of State is proposing to amend the General Provisions (Subpart A) of the existing Exchange Visitor Program regulations. This section of the regulations establishes the procedures for designated Program sponsors and addresses overall Program administration. It provides the overall context in which to interpret all other provisions of the Exchange Visitor Program regulations. The General Provisions have not been revised in whole in over 15 years, despite modifications of many of the category-specific regulations and changes in technology.

The proposed regulations encompass technical changes to the General Provisions and address public diplomacy and foreign policy concerns, including the Department's ability to monitor Program sponsors and to ensure the safety and well-being of foreign nationals who come to the United States as Program participants. The amendment of this section incorporates changes made to the regulations since the last update in 1993. It ties all regulatory requirements together and consolidates the requirements set forth in the SEVIS reporting requirements regulations into the General Provisions.

Certain definitions have been added, made clearer or deleted. This rule also proposes new requirements regarding applications for designation and redesignation, a change in the required amount of health insurance coverage, the identification of an Employer Identification Number (EIN) and Dun & Bradstreet numbers by sponsors and third party entities, the collection of employment authorization information and validation of the SEVIS record on an exchange visitor's accompanying spouse and dependents, criminal background checks on all Responsible Officers and Alternate Responsible Officers, and the implementation of management audits across all categories under the Private Sector Programs Division of the Office of Designation. The Student and Exchange Visitor Information System (SEVIS) currently in place is being redesigned. The redesign, SEVIS II, has no immediate impact on this proposed rule. Prior to the implementation of SEVIS II the Department of Homeland Security will introduce any new requirements or procedures to the public through a proposed rule with a comment period.

DATES: The Department will accept comments from the public up to November 23, 2009.

ADDRESSES: You may submit comments, identified by any of the following methods:

- Persons with access to the Internet may view this notice and provide comments by going to the regulations.gov Web site at: *http://www.regulations.gov/index.cfm*
- *Mail (paper, disk, or CD–ROM submissions):* U.S. Department of State, Office of Designation, SA–5, Floor 5, 2200 C Street, NW., Washington, DC 20522–0505.
- *E-mail: jexchanges@state.gov.* You must include the title and RIN in the subject line of your message.

FOR FURTHER INFORMATION CONTACT: Stanley S. Colvin, Deputy Assistant Secretary for Private Sector Exchanges, U.S. Department of State, SA–5, Floor 5, 2200 C Street, NW., Washington, DC 20522–0505; (202) 632–9288; or e-mail at *jexchanges@state.gov.*

SUPPLEMENTARY INFORMATION: The Department of State is proposing modifications to § 62.2 through § 62.16 of the Code of Federal Regulations, Title 22: Foreign Relations, Part 62—Exchange Visitor Program (Subpart A—General Provisions). Subpart A governs the designation of Program sponsors and addresses overall Program administration. It provides the overall context in which all remaining provisions of Part 62 are interpreted. Subpart A has remained largely unchanged since 1993, when the predecessor agency with oversight of the Exchange Visitor Program, the United States Information Agency (USIA), substantially rewrote all of the regulations governing the Program. (See 58 FR 15196, Mar. 19, 1993, as amended at 59 FR 34761, July 7, 1994, redesignated at 64 FR 54539, Oct. 7, 1999.) In the intervening 15 years, the Department of State modified regulations governing certain categories of exchange visitors and added new categories. New regulations governing the trainee category were published in 2007. Specialty and non-specialty training were eliminated and new trainee regulations implemented. A new category, Intern, was created. A subcategory of the College/University Student program, Student Intern, was also put in place for use by the academic community.

The amendment of this section incorporates changes to the regulations since the last update in 1993, including the change in the period of redesignation which, with the passage of the Enhanced Border Security and Visa Entry Reform Act of 2002, Part (b)(1) (Section 502), was changed from every five years to every two years. The updates are important because they tie all regulatory requirements together, ensuring that the regulations are clear and that all sponsors understand and follow the same requirements in the administration of their designated exchange visitor programs. SEVIS is being redesigned. The redesign, SEVIS II, has no immediate impact on this proposed rule. Prior to implementation of SEVIS II, the Department of Homeland Security will introduce any new requirements or procedures to the public through a proposed rule with a comment period.

To strengthen program oversight, the implementation of management audits for all private sector program sponsors, as currently utilized in the Au Pair

Program, are proposed. A management audit is a review of a sponsor's internal controls. The audit identifies weaknesses in operating procedures in the conduct of an organization's business and in meeting regulatory requirements in the administration of their exchange visitor program. The Department has employed an almost fully staffed Compliance Office to monitor the extent to which the nearly 1,500 designated sponsors comply with the Exchange Visitor Program regulations. Still it lacks all the tools necessary to perform timely, statistically valid, and repeatable assessments of the regulatory compliance of the sponsors of the ''high risk'' categories of exchange, much less the entire sponsor community. The high risk categories are the secondary school student, au pair, camp counselor, summer work travel, intern, trainee and teacher. They are of high risk because they involve placing young adults in homes of strangers, placing young children in the care of foreign nationals, or the category is at risk of being abused and used as ordinary work or employment programs rather than the educational and cultural exchange programs as intended.

Through these management audits, the Department will be able to identify those sponsors who are not complying with the regulations. Equally important, the results of these audits will provide a framework that will facilitate the application of measured sanctions. That is, with a better understanding of the range of non-compliance within a given category, the Department can impose appropriate sanctions while limiting the risk that it will be accused of being arbitrary or capricious. Sponsors would be required to engage independent auditors to perform these audits annually, reviewing internal operating procedures of the sponsor and the files of a statistically valid sampling of a sponsor's program participants. The estimated cost of this new requirement to program sponsors is between $6,000 and $10,000. The data collection required for management audit templates is within the scope of existing data collections (see OMB 1405–0147, Form DS–7000, Catalog of Information Collection Requirements under 22 CFR Part 62, the Exchange Visitor Program (SEVIS)).

This proposed rule also includes a new provision requiring that all new applicants for sponsor designation undergo a site visit prior to designation. Such site visits, to be conducted by the Department of State or a third party on its behalf, will ensure an entity has the facilities, staff and equipment necessary to conduct an exchange program. On-site reviews of existing sponsors may occur at the discretion of the Department. The applicants and/or sponsors will bear the cost of these reviews. The site visits and on-site reviews are a critical monitoring tool for ensuring data integrity and for ensuring the health, safety and welfare of Exchange Visitor Program participants. The cost will be determined by the required bi-annual user fee study. The Department of State anticipates a fee similar to that of the DHS site visit fee of $655, but will not commit to any amount until the results of the user fee study have been analyzed.

The Department of State also proposes to require potential Responsible Officers (''RO'') and Alternate Responsible Officers (''ARO'') to undergo a criminal background check. This requirement is reflective of the importance of the role of such individuals within sponsor organizations and their rights of access to and manipulation of data for a controlled federal government database. ROs and AROs are the only individuals authorized to issue and sign Forms DS–2019, the ''Certificate of Eligibility for Exchange Visitor (J–1) Status.'' Foreign nationals wishing to participate in the Exchange Visitor Program must obtain Forms DS–2019 in order to apply for a J-visa to gain entry into the United States. Thus, it is of vital importance that the individuals who have access to a secured federal government database (SEVIS) be properly vetted. The Department of State introduced a criminal background check requirement in 2005 for individuals hosting secondary school student participants. Conducting annual criminal background checks on ROs and AROs will help to strengthen and protect the integrity of the Exchange Visitor Program and SEVIS. The costs imposed by this requirement on sponsor organizations are estimated to be minimal; $15 per RO and ARO which amounts to a maximum annual burden of $165 if a sponsor has the maximum level of designated officials.

The Department of State will not require applicants or sponsors to submit the results of the criminal background checks. Rather, the Chief Executive Officer, President, or other similar official must submit a certification that the organization's RO and AROs have undergone a criminal background check as supporting documentation. The sponsor or applicant must maintain these records and provide them to the Department upon request. The proposed regulation does not set specific requirements for the sponsors to follow with respect to report format, screening company, or assessment of results. It does anticipate, however, that a thorough criminal background check would provide management decision makers with sufficient information to determine whether ROs and AROs are citizens of the United States or lawful permanent residents, whether any record of past criminal activity should disqualify them from the positions, and whether there is pertinent information regarding their suitability for the proposed position such as credit-worthiness or whether they have a criminal record that would prevent their appointment. These three areas of review are essential in order to determine suitability to hold positions that affect national security.

The Department of State requires that sponsors utilize the services of a bona fide background screener. While the Department does not sanction any particular screening organization, the only known membership organization of bona fide background screeners is the National Association of Professional Background Screeners (NAPBS). NAPBS has over 700 members (a list of which is located at *http://www.NAPBS.com*) all of whom are expected to adhere to the NAPBS code of conduct governing background investigations and confidentiality. The conduct of a criminal background check does not confirm an individual's suitability to act as an RO or an ARO and is in no way a substitution for the sponsor's judgment in making such decisions.

The rule proposes, as a requirement of designation, that the minimum experience in international exchange for an organization or the proposed Responsible Officer be increased from one to three years. Many organizations/individuals with minimal experience have been applying for designation. These individuals/organizations have typically worked with designated sponsors in some capacity or have conducted short term exchanges, but lack the full realm of experience in all aspects of exchange activities, to include regulatory knowledge, critical to administering a successful exchange program. The administration of programs in some exchange visitor categories are more complex than others (*i.e.*, au pairs and secondary school students which require locating and screening host families, schools, local and regional coordinators, close monitoring, etc.). It is believed that the requirement of three years experience is necessary to develop a strong and stable environment for the conduct of the Exchange Visitor Program. Applicants may demonstrate experience in international exchange by providing resumes, and information on previous

exchange programs and visas used in the conduct of these activities. The collection of the Employer Identification Number (EIN) and Date of Issuance for each applicant is also being proposed. This requirement ensures that the entity is registered for tax purposes and recognized as a bona fide business.

In July 2007, the Department of State implemented an interim final rule on Trainees and Interns that required sponsors to screen, vet and enter into written agreements with third parties who assist them in recruiting, selecting, screening, orienting, placing, training or evaluating foreign nationals who participate in training and internship programs (FR 33673, June 19, 2007). This requirement is relevant to sponsors who rely upon ''host organizations'' to provide the actual training or intern programs, such as a business, law firm, or hotel. It also affects foreign agents who play a vital role in the selection of potential exchange visitors. The trainee and intern regulations require all third parties—foreign and domestic alike— to provide Dun & Bradstreet identification numbers. Similarly, this proposed rule requires all applicants for sponsor designation to submit current Dun & Bradstreet Business Information Reports on themselves. A current Dun and Bradstreet Business Information Report is also required of all sponsors with the submission of an application for redesignation. Sponsors seeking redesignation will be required to submit a list of all third parties with whom sponsors have executed written agreements to act on their behalf as well as separate certifications that the sponsors have obtained Dun & Bradstreet Business Information Reports on all third parties with whom they conduct business. These reports provide information on the business operations of an entity (*e.g.,* financials, credit history, staffing, pending legal issues, etc.). The requirement for these reports will help to ensure that sponsors are working with and/or placing exchange visitors with viable third party entities. The Department has negotiated with Dun and Bradstreet for a reduced rate per report based on the number of designated sponsors and third parties. Currently, the cost per report to Department of State sponsor organizations is approximately $65.

This rule proposes to increase the current levels of health insurance coverage a sponsor must require that its exchange visitor (and spouse and dependents) maintain during the duration of their exchange visitor program participation. The current minimum coverage has been in place since 1993. The amounts of coverage required is considered below current inflation and healthcare costs and does not cover actual costs incurred today as reported by the sponsors. We are updating the coverage to be consistent with today's amounts. Many sponsors currently insure participants at a higher level of coverage than that identified in the current regulations. To ensure coverage levels remain consistent with recommended industry standards, the Department will periodically issue guidance reflecting the mandatory minimum levels of coverage. A sponsor must ensure that health insurance is in place for each exchange visitor and his/her accompanying spouse and dependents for the duration of their exchange visitor program as reflected on the Form DS–2019 (Program begin and Program end date.) Insurance regulations do not require ''portal to portal'' insurance coverage of participants. Such coverage is highly desirable and sponsors may, but are not required to, offer this coverage.

The Department of State proposes to collect information on the employment of the accompanying spouse and dependents while in the United States. As a security matter, information on the employment entity and work location of the spouse and dependents is not collected in SEVIS. Capturing this information in SEVIS will allow for better monitoring and assist in mitigating risks involving these non-immigrants.

Definitions used in the regulations have been added or modified to clarify terms or reflect changes. New definitions in this proposed rule clarify SEVIS functions or fields or reflect changes that have occurred since 1993.

The term ''accredited educational institution'' has been changed to ''accredited academic institution''. In the proposed definition, the Department of State clarifies that educational institutions that offer primarily vocational or technical courses of study are not considered academic. The addition of the ''technical'' distinction parallels the Department of Education's replacement of regulations governing purely ''vocational'' studies with a new ''vocational/technical'' classification that acknowledges the new information technology curricula that are neither vocational nor academic. Vocational programs are not included under the Mutual Educational and Cultural Exchange Act of 1961.

Three SEVIS-related definitions have been added to the proposed regulations: ''actual and current U.S. address'', ''site of activity'', and ''validation.'' The first two definitions are critical as they relate to the physical location of the exchange visitor while in the United States. Simply put, sponsors must maintain current and accurate data in these SEVIS fields so that foreign nationals may be located at the site of activity (location where the program will take place) or at the actual and current U.S. address (residence). Maintaining this information is a matter of national security. The SEVIS function of validating a record is similarly important. When an exchange visitor enters the United States and reports to his or her exchange program, the sponsor must note this occurrence in SEVIS through the validation process, thereby demonstrating that an exchange visitor and accompanying spouse and dependents, if any, are currently present in the United States and that the exchange visitor is participating in the exchange visitor program identified on the Form DS–2019. For the purpose of this rulemaking, the 30-day requirement for validation remains unchanged and is consistent with current Department of Homeland Security requirements. The Department is clarifying the regulations on updating the SEVIS records upon the failure of an exchange visitor to begin his/her exchange program.

The term ''Certificate of Good Standing'' has been added and, for clarity, the definition for ''Citizen of the United States'' has been split into two: one that pertains to individuals and another that relates to legal entities.

This rule also reflects changes in technology, and it moves requirements previously in Subpart F to Subpart A. The change from paper numbered forms to the electronically generated Form DS–2019 requires two fundamental alterations to the regulations. First, any requirements relating to the physical storage of unused forms are obsolete. Second, matters of national security require that circulating Forms DS–2019 (*i.e.*, those not kept internally in a sponsor's files) must be originals. All Forms DS–2019 must be generated through SEVIS. The proposed regulations prohibit the use of scanned, copied, or electronic versions of Forms DS–2019 except in response to a request from the Department of State or the Department of Homeland Security or for maintenance of complete exchange visitor records by sponsors. The proposed rule also requires sponsors to request that potential program participants return unused Forms DS–2019, and that such forms be destroyed.

The proposed rule also clarifies those actions a sponsor must undertake to update an exchange visitor's SEVIS record (or the record of any accompanying spouse and dependents, if any) when the exchange visitor's

program participation is ended early (*e.g.*, concluded successfully or terminated as a result of violation of program rules, regulations or U.S. law). The Department of State is reducing from 21 to ten (10) days the time a sponsor has following notification of an exchange visitor's change of circumstance to update the exchange visitor's SEVIS record (or the records of a spouse or dependents).

Finally, as a record-keeping and administrative oversight matter, sponsors will be required to maintain current information in SEVIS on its exchange visitor program, address, telephone numbers, facsimile numbers, or e-mail addresses. All Department communication to sponsors related to program oversight, policy, re-designation, etc., sent to ROs and AROs are generated from information contained in SEVIS. The Department will not recognize non-receipt of notification of a request or other communication from the Department of State or from SEVIS as grounds for appeal in cases where a sponsor does not respond to such request or communication. Sponsors are required to ensure that their spam filters do not block reception of SEVIS or Department of State notices. The term ''in writing'' is expanded to include the option for electronic signatures to support movement toward a paperless environment.

Note: Current § 62.17 remains unchanged.

Regulatory Analysis

Administrative Procedure Act

The Department of State has determined that this Proposed Rule involves a foreign affairs function of the United States and is consequently exempt from the procedures required by 5 U.S.C. 553 pursuant to 5 U.S.C. 553(a)(1). Nonetheless, because of its importance to the public, the Department has elected to solicit comments during a 60-day comment period.

Small Business Regulatory Enforcement Fairness Act of 1996

The Proposed Rule has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996.

Regulatory Flexibility Act/Executive Order 13272: Small Business

Since this Proposed Rule is exempt from 5 U.S.C 553, and no other law requires the Department of State to give notice of proposed rulemaking, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) and Executive Order 13272, § 3(b).

Executive Order 12866, as Amended

The Department of State does not consider this proposed rule to be a ''significant regulatory action'' under Executive Order 12866, as amended, § 3(f), Regulatory Planning and Review. In addition, the Department of State is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the proposed rule to ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order.

Executive Order 12988

The Department of State has reviewed this proposed rule in light of §§ 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UFMA), Public Law 104–4, 109 Stat. 64, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by state, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

Executive Orders 12372 and 13132

This regulation will not have 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. Therefore, in accordance with § 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. Executive Order 12372, regarding intergovernmental consultation on federal programs and activities, does not apply to this regulation.

Paperwork Reduction Act

The information collection requirements contained in this proposed rulemaking (criminal background screening of Responsible Officers (''ROs'') and Alternate Responsible Officers (''AROs'')) are pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35. Specifically OMB Control Number 1405–0147, expiration date: 09/30/2010, applies: *Form DS–3037—Update of Information on Exchange Visitor Program Sponsor, Form DS–7000—Catalog of Information Collection Requirements Under 22 CFR Part 62, the Exchange Visitor Program (SEVIS)*, as well as OMB Control Number 1405–0119, expiration date 7/31/2011: DS–2019—*Certificate of Eligibility for Exchange Visitor (J–1) Status*. No PRA changes are required as a result of this regulation.

List of Subjects in 22 CFR Part 62

Cultural exchange programs, Reporting and recordkeeping requirements.

Accordingly, 22 CFR Part 62 is proposed to be amended as follows:

PART 62—EXCHANGE VISITOR PROGRAM

1. The Authority citation for Part 62 continues to read as follows:

Authority: 8 U.S.C. 1101(a)(15)(J), 1182, 1184, 1258; 22 U.S.C. 1431–1442, § 2451 *et seq.*; Foreign Affairs Reform and Restructuring Act of 1998, Public Law 105–277, Div. G, 112 Stat. 2681 *et seq.*; Reorganization Plan No. 2 of 1977, 3 CFR, 1977 Comp. p. 200; E.O. 12048 of March 27, 1978; 3 CFR, 1978 Comp. p. 168; the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Public Law 104–208, Div. C, 110 Stat. 3009–546, as amended; Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT), Public Law 107–56, Sec. 416, 115 Stat. 354; and the Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107–173, 116 Stat. 543.

2. Sections 62.2 through 62.16 are revised to read as follows:

§ 62.2 Definitions.

The following definitions apply to this part:

Accompanying spouse and dependents. The alien spouse and minor unmarried children of an exchange visitor who are accompanying or following to join the exchange visitor and who seek to enter or have entered the United States temporarily on a non-immigrant J–2 visa or seeks to acquire or have acquired such status after admission. For the purpose of these regulations, a minor is a person under the age of 21.

Accredited academic institution. Any publicly or privately operated primary, secondary, or post-secondary institution in the United States that offers primarily academic programs and is duly

accredited by the appropriate academic accrediting authority of the state in which such institution is located; provided, however, that in addition, all post-secondary institutions must also be accredited by a nationally recognized accrediting agency or association as recognized by the Secretary of Education. An institution that offers primarily vocational or technical programs does not fall within the purview of an academic institution for this purpose.

Act. The Mutual Educational and Cultural Exchange Act of 1961, as amended.

Actual and current U.S. address. The physical, geographic location at which an exchange visitor resides while participating in an exchange program.

Alternate Responsible Officer (''ARO''). An employee or officer of a designated sponsor who has been nominated by the sponsor, and approved by the Department of State to assist the Responsible Officer in carrying out the responsibilities outlined in § 62.11. An ARO must be a citizen of the United States or a lawful permanent resident of the United States.

Certificate of Good Standing. A document issued by an official of the Department of State in the state where the organization resides. A Certificate of Good Standing confirms that a corporation, partnership or other legal entity is in existence or authorized to transact business. A Certificate of Good Standing is also known as a Certificate of Authorization or a Certificate of Existence.

Citizen of the United States (entity).

(1) A general or limited partnership created or organized under the laws of the United States, or of any state, the District of Columbia, or any territory or outlying possessions of the United States, of which a majority of the partners are citizens of the United States:

(i) Which has its principal place of business in the United States; and

(ii) In instances where the partnership is additionally governed by a Board, the majority of whose officers are citizens of the United States; or

(2) A for-profit corporation, association, or other legal entity created or organized under the laws of the United States, or of any state, the District of Columbia, or a territory or outlying possessions of the United States, whose principal place of business is located in the United States, and

(i) Whose shares or voting interests are publicly traded on a U.S. stock exchange; or

(ii) A majority of whose officers, a majority of whose shareholders, and a majority of the members of its Board of Directors are citizens of the United States and collectively hold a majority of the shares or stock (*i.e.*, the controlling interest); or

(3) A non-profit corporation, association, or other legal entity created or organized under the laws of the United States, or any state, the District of Columbia, or any territory or outlying possessions of the United States; and

(i) Which is qualified with the Internal Revenue Service as a tax-exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code; and

(ii) Whose principal place of business is located in the United States; and

(iii) A majority of whose officers and a majority of whose members of its Board of Directors, Board of Trustees or other like body vested with its management are citizens of the United States; or

(4) An accredited college, university, or other post-secondary academic institution in the United States created or organized under the laws of the United States, or of any state, county, municipality, or other political subdivision thereof, the District of Columbia, or of any territory or outlying possession of the United States; or

(5) An agency of the United States, or of any state or local government, the District of Columbia, or any territory or outlying possession of the United States.

Citizen of the United States (individual). A person who:

(1) Is a citizen or national of the United States or any of its territories or outlying possessions; or

(2) Has been lawfully admitted for permanent residence, within the meaning of section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101).

Clerical work. Routine administrative work generally performed in an office or office-like setting, such as data entry, filing, typing, mail sorting and distribution, and other general administrative or support office tasks.

Consortium. A not-for-profit corporation, partnership, joint venture or other association formed by two or more accredited academic institutions for the purpose of sharing educational resources, conducting research, and/or developing new programs to enrich or expand the opportunities offered by its members. An academic institution in the United States that participates in a consortium is not barred from having separate exchange visitor program designations of its own.

Country of nationality or last legal permanent residence. The country of which the exchange visitor is a national at the time status as an exchange visitor was acquired or the last foreign country in which the visitor had a legal permanent residence before acquiring status as an exchange visitor.

Cross-cultural activity. An activity designed to promote exposure and interchange between exchange visitors and Americans so as to increase their understanding of each other's society, culture, and institutions.

Department of State. The United States Department of State.

Designation. The written authorization given by the Department of State to an exchange visitor program applicant to conduct an exchange visitor program as a sponsor.

Employee. An individual who provides services or labor for an employer for wages or other remuneration. A third party, as defined in this section, or an independent contractor, as defined in 8 CFR 274a.1(j), is not an employee.

Exchange visitor. A foreign national who is in the United States temporarily on a non-immigrant J–1 visa to participate in an exchange visitor program. The term does not include the accompanying spouse and dependents of the exchange visitor.

Exchange Visitor Program. The international exchange program administered by the Department of State to implement the Act by means of educational and cultural exchange programs. When ''exchange visitor program'' is set forth in lower case, it refers to the individual program of a sponsor that has been designated by the Department of State.

Exchange visitor's government. The government of the exchange visitor's country of nationality or last legal permanent residence.

Financed directly. Financed in whole or in part by the U.S. Government or the exchange visitor's government with funds contributed directly to the exchange visitor in connection with his or her participation in an exchange visitor program.

Financed indirectly. (1) Financed by an international organization with funds contributed by either the United States or the exchange visitor's government for use in financing international educational and cultural exchanges, or

(2) Financed by an organization or institution with funds made available by either the United States or the exchange visitor's government for the purpose of furthering international educational and cultural exchange.

Foreign Medical Graduate. A foreign national that:

(1) Is a graduate of a school of medicine that is accredited by a body or bodies approved for the purpose by the Secretary of Education (regardless of whether such school of medicine is in the United States) and entering the United States for the purpose of seeking to pursue graduate medical education or training at accredited schools of medicine or scientific institutions; or, for the purposes of observation, consultation, teaching, or research; or,

(2) Has passed Parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health and Human Services), has competency in oral and written English, will be able to adapt to the educational and cultural environment in which he or she will be receiving his/her education or training, and has adequate prior education and training to participate satisfactorily in the program for which he/she is coming to the United States.

Form DS–2019. A Certificate of Eligibility for Exchange Visitor (J–1) Status, a controlled document of the Department of State.

Form DS–3036. Exchange Visitor Program Application, a controlled document of the Department of State.

Form DS–3037. Update of Information on a Sponsor's Exchange Visitor Program. A controlled document of the Department of State.

Form DS–7002. Training/Internship Placement Plan (T/IPP). A controlled document of the Department of State. This Form is for use in connection with the Trainee, Intern and Student Intern categories only.

Full course of study. Full-time enrollment in an academic program of classroom participation and study and/or doctoral thesis research at an accredited academic institution as follows:

(1) Secondary school students must satisfy the attendance and course requirements of the state in which the school they attend are located; and

(2) College and university students must register for and complete a full course of study, as defined by the accredited academic institution in which the student is registered, unless exempted in accordance with § 62.23(e).

Graduate medical education or training. Participation in a program in which a foreign medical graduate will receive graduate medical education or training, which generally consists of a residency or fellowship program involving health care services to patients, but does not include programs involving observation, consultation, teaching or research in which there is no or only incidental patient care. This program may consist of a medical specialty, a directly related medical subspecialty, or both.

Home-country physical presence requirement. The requirement that an exchange visitor (J visa) who is within the purview of section 212(e) of the Immigration and Nationality Act, as amended, and Public Law 94–484 (substantially quoted in 22 CFR 41.63) must reside and be physically present in the country of nationality or last legal permanent residence for an aggregate of at least two years following departure from the United States before the exchange visitor is eligible to apply for an immigrant visa or permanent residence, a non-immigrant H visa as a temporary worker or trainee, or a non-immigrant L visa, as an intracompany transferee, or a non-immigrant H or L visa as the spouse or minor child of a person who has been granted status in H or L non-immigrant classification as a temporary worker or trainee or an intracompany transferee. See section 101(a)(15)(H) or section 101(a)(15)(L) of the Immigration and Nationality Act, as amended.

Host organization. A third party in the United States that conducts training and internship programs on behalf of a designated sponsor pursuant to an executed written agreement between the two parties.

Internship program. A structured and guided work-based learning program as set forth in an individualized T/IPP that reinforces an intern's academic study; recognizes the need for work-based experience; provides on-the-job exposure to American techniques, methodologies, and technologies; and enhances the intern's knowledge of American culture and society.

J visa. A non-immigrant visa issued pursuant to 8 U.S.C. 1101(a)(15)(J). A J–1 visa is issued to an exchange visitor. A J–2 visa is issued to the exchange visitor's accompanying non-immigrant immediate family, spouse and minor dependent children.

Office of Designation. The Department of State office to which the Secretary of State delegated the authority to administer the Exchange Visitor Program.

On-the-job training. An individual's observation of and participation in given tasks demonstrated by experienced workers for the purpose of acquiring competency in such tasks.

Prescribed course of study. A non-degree academic program with a specific educational objective. Such course of study may include intensive English language training, classroom instruction, research projects, and/or academic training to the extent permitted in § 62.23.

Reciprocity. The participation of a U.S. citizen in an educational and cultural program in a foreign country in exchange for the participation of a foreign national in the Exchange Visitor Program. Where used herein, ''reciprocity'' will be interpreted broadly; unless otherwise specified, reciprocity does not require a one-for-one exchange or that exchange visitors be engaged in the same activity.

Responsible Officer (''RO''). An employee or officer of a designated sponsor who has been nominated by the sponsor, and approved by the Department of State to carry out the duties outlined in § 62.11. An RO must be a citizen of the United States or a lawful permanent resident of the United States.

Secretary of State. The Secretary of State or an employee of the U.S. Department of State acting under a delegation of authority from the Secretary of State.

SEVIS (Student and Exchange Visitor Information System). The statutorily mandated system designed to collect information on non-immigrant students (F and M visa), exchange visitors (J visa), and their spouses and dependents (F–2, M–2, and J–2). SEVIS enables schools and program sponsors to electronically transmit information and event notifications, via the Internet, to the Department of Homeland Security and the Department of State throughout a student's or exchange visitor's stay in the United States.

Site of activity. The physical, geographic location(s) where an exchange visitor participates in his or her exchange program. If a program takes place at more than one location, the sponsor must list all locations in SEVIS and indicate as ''primary'' the one at which the exchange visitor is currently located.

Sponsor. A legal entity designated by the Secretary of State to conduct an exchange visitor program.

Staffing/employment agency. A U.S. business that hires individuals for the express purpose of supplying workers to other businesses. Typically, the other businesses where workers are placed pay an hourly fee per employee to the staffing/employment agency, of which the worker receives a percentage.

Student internship program. A structured and guided work-based learning program as set forth in an individualized Form DS–7002 that fulfills a student's academic degree requirements, recognizes the need for

work-based experience, provides on-the-job exposure to American techniques, methodologies, and technologies, and enhances a student intern's knowledge of American culture and society.

Third party. A person or legal entity with whom a sponsor has executed a written agreement for the person or entity to act on behalf of the sponsor in the conduct of the sponsor's exchange visitor program. A third party under contract with a sponsor may not subcontract or delegate its Exchange Visitor Program obligations to another party. Sponsors are required to take all reasonable steps to ensure that third parties know and comply with all applicable provisions of these regulations. The Department of State imputes to sponsors all actions a third party takes in acting on their behalf.

Training program. A structured and guided work-based learning program, as set forth in Form DS–7002, that develops new and advanced skills in a trainee's occupational field through exposure to American techniques, methodologies, and technologies; and enhances a trainee's understanding of American culture and society.

Validation. The process by which a Responsible Officer or Alternate Responsible Officer updates a SEVIS record of an exchange visitor (and accompanying spouse and dependents, if any) to show that the prospective exchange visitor (and accompanying spouse and dependents, if any) entered the United States, reported to his or her sponsor, and is participating in the exchange visitor program, at the site of activity identified on the Form DS–2019.

§ 62.3 Sponsor eligibility.

(a) Entities eligible to apply for designation as a sponsor of an exchange visitor program are the following:

(1) U.S. local, state and federal government agencies to include the District of Columbia; and government agencies of any U.S. territories and outlying possessions;

(2) International agencies or organizations of which the United States is a member and that have an office in the United States; or

(3) Reputable organizations that are ''citizens of the United States,'' as that term is defined in § 62.2.

(b) To be eligible for designation as a sponsor, an entity is required to:

(1) Demonstrate, to the Department of State's satisfaction, its ability to comply and remain in continual compliance with all applicable provisions of 22 CFR Part 62;

(2) Meet at all times its financial obligations and responsibilities attendant to successful sponsorship of its exchange visitor program;

(3) Demonstrate that the organization or its proposed RO has no fewer than three years experience in international exchange; and

(4) Has successfully completed a site visit conducted by the Department of State or its agent, the cost for which will be borne by the applicant.

§ 62.4 Categories of participant eligibility.

Sponsors select foreign nationals to participate in exchange visitor program(s) in the United States. Participation is limited to foreign nationals who meet the following criteria for each of the following categories:

(a) *Student.* A foreign national who is:

(1) Studying in the United States and:

(i) Pursuing a full course of study at a secondary accredited academic institution;

(ii) Pursuing a full course of study leading to or culminating in the award of a U.S. degree from a post-secondary accredited academic institution; or

(iii) Engaged full-time in a prescribed course of study of up to 24 months (non-degree) duration conducted by:

(A) A post-secondary accredited academic institution; or

(B) An institute approved by or acceptable to the post-secondary accredited academic institution, where the student is to be enrolled upon completion of the non-degree program;

(2) Engaged in academic training as permitted in § 62.23(f);

(3) Engaged in English language training at:

(i) A post-secondary accredited academic institution, or

(ii) An institute approved by or acceptable to the post-secondary accredited academic institution where the college/university student is to be enrolled upon completion of the language training; or

(4) Engaged full-time in a student internship program conducted by a post-secondary accredited educational institution.

(b) *Short-term scholar.* A foreign national who is a professor, research scholar, or person with similar education or accomplishments who enters the United States on a short-term visit for the purpose of lecturing, observing, consulting, training, or demonstrating special skills at research institutions, museums, libraries, post-secondary accredited academic institutions, or similar types of institutions.

(c) *Trainee.* A foreign national participating in a structured and guided work-based training program in his or her specific occupational field and who has either:

(1) A degree or professional certificate from a foreign post-secondary academic institution and at least one year of prior related work experience in his or her occupational field acquired outside the United States; or

(2) Five years of work experience in his or her occupational field acquired outside the United States. Training is limited to the occupational category or categories for which a sponsor has obtained designation.

(d) *Teacher.* A foreign national with a minimum of three years of teaching experience for the purpose of teaching full-time in a primary or secondary accredited academic institution.

(e) *Professor.* A foreign national whose primary purpose is teaching, lecturing, observing, or consulting at post-secondary accredited academic institutions, museums, libraries, or similar types of institutions. A professor may also conduct research, unless disallowed by the sponsor.

(f) *Research scholar.* A foreign national whose primary purpose is conducting research, observing, or consulting in connection with a research project at research institutions, corporate research facilities, museums, libraries, post-secondary accredited academic institutions, or similar types of institutions. A research scholar may also lecture, unless disallowed by the sponsor.

(g) *Specialist.* A foreign national who is an expert in a field of specialized knowledge or skills who enters the United States for the purpose of observing, consulting, or demonstrating special knowledge or skills.

(h) *Other person of similar description.* A foreign national of description similar to those set forth in paragraphs (a) through (g) of this section coming to the United States as a participant in an exchange visitor program designated by the Department of State under this category, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training. The programs designated by the Department of State in this category consist of:

(1) *Alien physician.* A foreign national who is a graduate of a school of medicine who is coming to the United States under a program in which he or she will receive graduate medical education or training conducted by accredited U.S. schools of medicine or scientific institutions.

(2) *International visitor.* A foreign national who is a recognized or

potential leader, selected by the Department of State for the purpose of consulting, observing, conducting research, training, or demonstrating special skills in the United States.

(3) *Government visitor.* A foreign national who is an influential or distinguished person, selected by a U.S. federal, state, or local government agency for the purpose of consulting, observing, training, or demonstrating special skills in the United States.

(4) *Camp counselor.* A foreign national selected to be a counselor in a summer camp in the United States (*e.g.,* during the U.S. summer months).

(5) *Au pair.* A foreign national who comes to the United States for a period of one year for the purpose of residing with an American host family and participate directly in their home life, while providing limited childcare services, and fulfilling an educational requirement.

(6) *Summer Work and Travel.* A foreign national who is a bona fide foreign post-secondary student currently enrolled in and actively pursuing a degree or a full-time course of study at a foreign accredited post-secondary academic institution whose purpose is work and travel in the United States for up to four months during his or her summer vacation.

(7) *Intern.* A foreign national participating in a structured and guided work-based internship program in his or her specific academic field and who is either:

(i) Currently enrolled full-time in and actively pursuing studies at a degree- or certificate-granting post-secondary academic institution outside the United States; or

(ii) Graduated from such an institution no more than 12 months prior to the exchange visitor program begin date reflected on the Form DS–2019.

§ 62.5 Application procedure.

(a) An entity meeting the eligibility requirements set forth in § 62.3 may apply to the Department of State for designation as an Exchange Visitor Program sponsor. Designation will not be considered if an applicant cannot meet the eligibility requirements set forth in § 62.3. An applicant must first complete and submit Form DS–3036 in SEVIS. The complete application must consist of:

(1) A completed copy of Form DS–3036 signed by the applicant's Chief Executive Officer, President, or equivalent;

(2) Required supporting documentation and certifications as set forth herein; and

(3) Confirmation of payment of the required fee through pay.gov as set forth in § 62.17.

(b) The complete application must set forth, in detail, the applicant's proposed exchange program activity and must demonstrate, to the Department of State's sole satisfaction, the applicant's ability to meet the designation requirements set forth in § 62.3 and the sponsor obligations set forth in § 62.9.

(c) Applications must be accompanied by the following supporting documents:

(1) Evidence of legal status of the applicant as a U.S. corporation, partnership, or other legal entity (*e.g.,* charter, proof of incorporation, partnership agreement, as applicable) as set forth in § 62.3(a);

(2) Evidence of experience in operating a successful business, including a minimum of three years of experience in international exchange by the organization or by the proposed RO;

(3) Evidence of the applicant's financial viability as set forth in § 62.9(e) and any supplemental or explanatory financial information the Department of State may request.

(i) An established organization must present a current audit report with audit notes prepared by an independent certified public accounting firm.

(ii) A newly formed organization must present a compilation (a balance sheet, statement of cash flows and all disclosures, revenues, expenditures, and notes to financial statements) prepared by an independent certified public accounting firm demonstrating that the organization has been capitalized with sufficient funds to cover general operating expenses and costs associated with an exchange;

(iii) The Department of State may, in its sole discretion, condition its approval of the acceptance of full financial responsibility by the non-governmental sponsor by requiring such sponsor to secure a payment bond in favor of the Department guaranteeing the sponsor's obligations hereunder.

(4) A current Certificate of Good Standing or Certificate of Existence;

(5) Employer Identification Number (EIN) and Date of Issuance;

(6) A current Business Information Report on the applicant organization from Dun & Bradstreet;

(7) Evidence of current accreditation if the applicant is a secondary or post-secondary academic institution;

(8) Evidence of current licensure, if required by local, state, or federal law, to carry out the activity for which it is seeking designation;

(9) A statement signed by the Chief Executive Officer, President, or equivalent certifying that:

(i) The applicant is a citizen of the United States as defined in § 62.2;

(ii) The proposed RO and all proposed ARO(s) are United States citizens or lawful permanent residents of the United States;

(iii) The sponsor has completed a criminal background check on the potential RO and all ARO(s) and has determined their suitability for these positions; and

(iv) The RO will be provided sufficient staff and resources to fulfill his or her duties and obligations on behalf of the applicant.

(10) Evidence that the proposed RO and ARO(s) are citizens of the United States or lawful permanent residents of the United States (*e.g.,* copy of passport, birth certificate);

(11) A completed SEVIS generated Citizenship Certification for the proposed RO and all proposed ARO(s); and

(12) Such additional information or documentation that the Department of State may deem necessary to evaluate the application.

§ 62.6 Designation.

(a) Upon its favorable determination that an applicant meets all statutory and regulatory requirements, the Department of State may, in its sole discretion, designate the applicant as an Exchange Visitor Program sponsor. Initial designations are effective for one or two years at the sole discretion of the Department. The initial designation period for a newly formed organization will be limited to one year.

(b) Designation will confer upon a sponsor the authority to engage in one or more activities specified in § 62.4. A sponsor may engage only in the activity or activities specifically authorized in its written letter of designation.

(c) Designations are not transferable or assignable.

§ 62.7 Redesignation.

(a) A sponsor must file for redesignation no more than six months and no fewer than three months before the designation expiration date as set forth in the sponsor's letter of designation or its most recent letter of redesignation. Failure to apply for redesignation according to this schedule is cause for termination pursuant to § 62.60(g).

(b) A sponsor seeking redesignation as an Exchange Visitor Program sponsor must first complete and submit Form DS–3036 in SEVIS. The complete application must consist of:

(1) A completed copy of Form DS–3036, signed by the sponsor's Chief Financial Officer, President or equivalent;

(2) Required supporting documentation and certifications as set forth herein; and

(3) Confirmation of payment of the required non-refundable fee through pay.gov as set forth in § 62.17.

(c) The complete application must include the following supporting documentation and certifications:

(1) A current Business Information Report from Dun & Bradstreet on the sponsor;

(2) A list of all third parties (foreign and domestic) with whom the sponsor has executed a written agreement for the person or entity to act on behalf of the sponsor in the conduct of the sponsor's exchange visitor program and, if requested by the Department of State, a separate certification that the sponsor has obtained a Dun & Bradstreet Business Information Report for each third party. The list should include the name of the third party organization, address of the third party organization, purpose for agreement, and contact information;

(3) A copy of the most recent year-end financial statements;

(4) A copy of the most recent letter of accreditation if the sponsor is a secondary or post-secondary academic institution;

(5) A list of the names, addresses and citizenship of the current members of its Board of Directors or the Board of Trustees or other like body, vested with the management of the organization or partnership, and/or the percentage of stocks/shares held, as applicable;

(6) For a non-profit organization, a signed copy of the sponsor's most recent Form 990 filed with the Internal Revenue Service;

(7) Such additional information or documentation that the Department of State may request;

(8) A statement signed by the Chief Executive Officer, President, or equivalent certifying that the sponsor has completed a criminal background check on the RO and all AROs and has determined their suitability for these positions; and

(9) Such additional information or documentation that the Department of State may deem necessary to evaluate the application.

(d) Upon its favorable determination that a sponsor meets all statutory and regulatory requirements, the Department of State may, in its sole discretion, redesignate the organization as an Exchange Visitor Program sponsor for one or two years.

§ 62.8 General program requirements.

(a) *Size of program.* A sponsor, other than a federal government agency, must have no fewer than five actively participating exchange visitors during the annual reporting cycle (*e.g.,* academic, calendar or fiscal) as stated in its letter of designation or redesignation. The Department of State may, in its sole discretion and for good cause shown, waive this requirement.

(b) *Minimum duration of program.* A sponsor, other than a federal government agency, must provide each exchange visitor, except those sponsored in the short-term scholar category, with a minimum period of participation in the United States of no less than three weeks.

(c) *Reciprocity.* In conducting its exchange visitor program, a sponsor must make a good faith effort to develop and implement, to the fullest extent possible, a reciprocal exchange of persons.

(d) *Cross-cultural activities.* A sponsor must:

(1) Offer or make available to exchange visitors and the accompanying spouse and dependents, if any, a variety of appropriate cross-cultural activities. The extent and type of the cross-cultural activities will be determined by the needs and interests of the particular category of exchange visitor. A sponsor will be responsible for determining the appropriate type and number of such cross-cultural programs. The Department of State encourages sponsors to give their exchange visitors the broadest exposure to American society, culture and institutions; and

(2) Encourage exchange visitors to participate voluntarily in activities that are for the purpose of sharing the language, culture, or history of their home country with Americans, provided such activities do not delay the completion of the exchange visitors' program.

§ 62.9 General obligations of sponsors.

(a) *Adherence to Department of State regulations.* A sponsor is required to adhere to all regulations set forth in this Part. A sponsor who willfully or negligently fails to comply will be subject to the sanctions set forth in § 62.50 or termination as set forth in § 62.60.

(b) *Legal status.* A sponsor must maintain legal status or its designation will terminate pursuant to § 62.60(e). A sponsor's change in legal status (*e.g.,* from partnership to corporation, non-profit to for-profit) requires the submission of a new application for designation of the successor legal entity within 45 days of the change in legal status.

(c) *Accreditation and licensure.* A sponsor must remain in compliance with all local, state, and federal laws, and professional requirements necessary to carry out the activities for which it is designated, including accreditation and licensure, if applicable.

(d) *Representations and disclosures.* A sponsor must:

(1) Provide accurate and complete information, to the extent lawfully permitted, to the Department of State and the Department of Homeland Security regarding its exchange visitor program, exchange visitors, and accompanying spouse and dependents (if any);

(2) Provide accurate information to the public when advertising its exchange visitor program(s) or responding to public inquiries;

(3) Provide informational materials to prospective exchange visitors, and host families, if applicable, that clearly explain the activities, costs, conditions, and restrictions of its exchange visitor program(s);

(4) Not use the program number(s) assigned by the Department of State at time of designation on any advertising materials or publications intended for general circulation, including sponsor Web sites; and

(5) Not represent that its exchange visitor program is endorsed, sponsored, or supported by the Department of State or the U.S. Government, except for U.S. Government sponsors or exchange visitor programs financed directly by the U.S. Government to promote international educational exchanges. A sponsor may, however, represent that it is designated by the Department of State as a sponsor of an exchange visitor program.

(e) *Financial responsibility.* (1) A sponsor must maintain the financial capability to meet at all times its financial obligations and responsibilities attendant to successful sponsorship of its exchange visitor program.

(2) The Department of State may require a non-government sponsor to provide evidence satisfactory to the Department that funds necessary to fulfill all obligations and responsibilities attendant to sponsorship of its exchange visitor program are readily available and in the sponsor's control, including such supplementary or explanatory financial information as the Department may deem appropriate.

(3) The Department of State may require a non-government sponsor to secure a payment bond in favor of the Department guaranteeing all financial obligations arising from the sponsorship its exchange visitor program.

(f) *Staffing and support services.* A sponsor must ensure that:

(1) Adequate staffing and sufficient support services are provided to administer its exchange visitor program; and

(2) Its employees, officers, agents, independent contractors, third parties, volunteers or other individuals associated with the administration of its exchange visitor program are adequately qualified, appropriately trained, and comply with the Exchange Visitor Program regulations and immigration laws pertaining to the administration of its exchange visitor program(s).

(g) *Appointment of Responsible Officers and Alternate Responsible Officers.* (1) A sponsor must appoint a RO and a minimum of one (1) or a maximum of ten (10) AROs to assist the RO in performing the duties set forth at § 62.11. A sponsor must ensure that the potential RO and AROs have undergone a criminal background check to determine their suitability for these positions. ROs and AROs must be citizens or lawful permanent residents of the United States.

(2) ROs and AROs must be employees or officers of the designated sponsor. Upon written sponsor request, the Department of State may, in its sole discretion, authorize the appointment of an individual who is not an employee or officer to serve as an ARO.

(3) In the event of the departure of a RO or ARO, the sponsor must file a request for the approval of a replacement in SEVIS and forward the required documentation to the Department of State within ten (10) calendar days from the date of the RO's or ARO's departure.

(4) Requests to replace the RO or add an ARO must be submitted in SEVIS and a signed Form DS–3037 mailed to the Department of State with the required completed Citizenship Certification, along with certification that the individual has undergone a criminal background check.

(5) The Department of State reserves the right, in its sole discretion, to deny the appointment of an RO or ARO.

§ 62.10 Program administration.

A sponsor is responsible for the effective administration of its exchange visitor program(s). These responsibilities include:

(a) *Selection of exchange visitors.* A sponsor must establish and utilize a method to screen and select prospective exchange visitors to ensure that they are eligible for program participation, and that:

(1) The program is suitable to the exchange visitor's background, needs, and experience; and

(2) The exchange visitor possesses sufficient proficiency in the English language as measured by an objective measurement of English language proficiency to participate successfully in his or her exchange visitor program.

(b) *Pre-arrival information.* A sponsor must provide exchange visitors with pre-arrival materials including, but not limited to, information on:

(1) The purpose of the Exchange Visitor Program;

(2) The home-country physical presence requirement (*e.g.,* section 212(e) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1182, set forth substantially at 22 CFR 41.63);

(3) Travel and entry into the United States (*e.g.,* procedures to be followed by exchange visitors and accompanying spouse and dependents, if any, in obtaining a visa for entry to the United States, paying the SEVIS fee, procedures for obtaining a visa including the information/documentation needed for the interview; travel arrangements to the United States, what to expect at the port of entry, including the necessity of having and presenting their travel documents at the port of entry);

(4) Housing;

(5) A breakdown of all fees to be paid by potential exchange visitors (*i.e.,* paid to the sponsor or a third party);

(6) Other costs that the exchange visitor will likely incur (*e.g.,* insurance, living expenses, transportation expenses) while in the United States;

(7) Health care and insurance requirements for exchange visitors and their accompanying spouse and dependents, as applicable;

(8) Arrival notification requirements; *e.g.,* procedures that exchange visitors, spouses and dependents are to follow upon entry into the United States in reporting their arrival to the sponsor and reporting to the location of their program; and

(9) Other information that will assist exchange visitors to prepare for their stay in the United States (*e.g.,* how and when to apply for a social security number, if applicable; how to apply for a driver's license; how to open a bank account; how to remain in lawful non-immigrant status).

(c) *Orientation.* A sponsor must offer an appropriate orientation for all exchange visitors. Sponsors are encouraged to provide orientation for the exchange visitor's immediate family, especially for those exchange visitors who are expected to be in the United States for more than one year. Orientation must include, but is not limited to, information concerning:

(1) Life and customs in the United States;

(2) Local community resources (*e.g.,* public transportation, medical centers, schools, libraries, recreation centers, and banks), to the fullest extent possible;

(3) Available healthcare, emergency assistance, and health insurance coverage;

(4) A description of the exchange visitor program in which the exchange visitor is participating (*e.g.,* information on the length and location of the program, a summary of the significant components of the program, and any stipend (payment or wage) an exchange visitor will receive);

(5) Sponsor rules that the exchange visitors are required to follow while participating in their exchange visitor program;

(6) Name and address of the sponsor and the name, e-mail address and telephone number of the RO and ARO(s);

(7) The Department of State's Office of Designation's address, telephone number, facsimile number, Web site and e-mail address, and a copy of the Exchange Visitor Program brochure or other Department materials as appropriate or required; and

(8) The requirement that an exchange visitor must promptly report to the sponsor or sponsor designee any changes in his or her telephone number, e-mail address, actual and current U.S. address, and site of activity (if permitted to change without sponsor authorization).

(d) *Monitoring of exchange visitors.* A sponsor must monitor, through its employees, officers, agents, or third parties, the exchange visitor's participation in its exchange visitor program(s). A sponsor must:

(1) Ensure that the activity in which the exchange visitor is engaged is consistent with the category and activity listed on the exchange visitor's Form DS–2019;

(2) Monitor the physical location (site of activity), and the progress and welfare of the exchange visitor to the extent appropriate for the category;

(3) Require that exchange visitors report to the sponsor within ten (10) calendar days, any changes in their telephone numbers, e-mail addresses, actual and current U.S. addresses (*e.g.,* physical residence), and site(s) of activity address (if permitted to change without sponsor authorization);

(4) Report in SEVIS within ten (10) calendar days of notification by an exchange visitor any change in the

exchange visitor's actual and current U.S. address, telephone number, e-mail addresses, and/or primary site of activity (if the exchange visitor is permitted) to make such change without prior sponsor authorization;

(5) Report the actual and current U.S. address and e-mail address for each accompanying spouse and dependents.

(6) Report Employment Authorization Document (EAD) information in SEVIS for the accompanying spouse and each dependent, if applicable, by entering the EAD number, validation and expiration dates as issued by the Department of Homeland Security.

(e) *Requests by the Department of State.* A sponsor must, to the extent lawfully permitted, furnish the Department within a reasonable time all information, reports, documents, books, files, and other records or information requested by the Department on all matters related to its exchange visitor program. All submissions relative to a request must contain the sponsor's program number.

(f) *Inquiries and investigations.* A sponsor must cooperate with any inquiry or investigation that may be undertaken by the Department of State or the Department of Homeland Security.

(g) *Retention of records.* A sponsor must retain all records related to its exchange visitor program and its participants (to include accompanying spouse and dependents, if any) for a minimum of three years following the completion of each participant's exchange visitor program.

§ 62.11 Duties of Responsible Officers and Alternate Responsible Officers.

The RO must train and supervise AROs and ensure that these officials are in compliance with the Exchange Visitor Program regulations. ROs and AROs must:

(a) Be thoroughly familiar with the Exchange Visitor Program regulations, relevant immigration laws and all federal and state regulations pertaining to the administration of its exchange visitor program(s), including the Department of State's and the Department of Homeland Security's policies, manuals, instructions, guidance and SEVIS operations relevant to the Exchange Visitor Program;

(b) Ensure that the exchange visitor obtains sufficient advice and assistance to facilitate the successful completion of his or her exchange visitor program;

(c) Conduct all official communications relating to their sponsor's exchange visitor program with the Department of State and the Department of Homeland Security. A sponsor must include its exchange visitor program number on all correspondence submitted to the Department of State and to the Department of Homeland Security;

(d) Ensure that sponsor spam filters do not block reception of SEVIS or Department of State and Department of Homeland Security notices; and

(e) Control and issue Forms DS–2019 as set forth in § 62.12.

§ 62.12 Control of Forms DS–2019.

(a) *Issuance of Forms DS–2019.* A sponsor must:

(1) Ensure that only the RO and AROs have access to SEVIS;

(2) Ensure that information input into SEVIS is accurate, current, and updated pursuant to regulations herein; and

(3) Issue Forms DS–2019 only for the following authorized purposes:

(i) To facilitate the initial entry of the exchange visitor and accompanying spouse and dependents, if any, into the United States;

(ii) To extend the duration of participation of an exchange visitor, when permitted by the regulations;

(iii) To facilitate program transfers, when permitted by the regulations and/or authorized in writing by the Department of State;

(iv) To replace lost, stolen, or damaged Forms DS–2019;

(v) To facilitate the re-entry of an exchange visitor and accompanying spouse and dependents, if any, who travel outside the United States during the exchange visitor's program;

(vi) To facilitate a change of category, when permitted by the Department of State;

(vii) To update information when significant changes take place in regard to the exchange visitor's program (*e.g.,* a substantial change in funding or a change in the primary site of activity or actual and current U.S. address);

(viii) To facilitate the correction of a minor or technical infraction; or

(ix) To facilitate a ''reinstatement'' or a ''reinstatement update SEVIS status'' when permitted by the Department of State.

(b) *Verification.* (1) Prior to issuing Forms DS–2019, a sponsor must verify that each prospective exchange visitor:

(i) Is eligible, qualified, and accepted for the program in which he or she will participate (*e.g.,* has an offer letter from a camp, a written acceptance from a secondary school);

(ii) Possesses adequate financial resources to participate in and complete his or her exchange visitor program; and

(iii) Possesses adequate financial resources to support an accompanying spouse and dependents, if any.

(2) The sponsor must ensure that:

(i) Only the RO or ARO who is physically present in the United States or in a U.S. territory may print and sign Forms DS–2019; and

(ii) Only the RO or ARO whose name is printed on the Form DS–2019, is permitted to sign the document. The Form DS–2019 must be signed in blue ink to denote that it is the original document.

(iii) Sponsors for whom the RO or AROs have been found to have violated the requirements of this section will be subject to sanctions as set forth in § 62.50(a)(2).

(c) *Distribution of Forms DS–2019.* The sponsor must ensure that completed Forms DS–2019 are distributed directly to the exchange visitor and accompanying spouse and dependents, if any, (or to an individual designated by the exchange visitor) only via the sponsor's employees, officers, agents, independent contractors, third parties, volunteers, or other individuals acting on behalf of the sponsor in the administration of its exchange visitor program.

(d) *Allotment requests.* (1) Annual Form DS–2019 allotment. A sponsor must submit an electronic request via SEVIS to the Department of State for an annual allotment of Forms DS–2019 based on the annual reporting cycle (*e.g.,* academic, calendar or fiscal year) stated in its letter of designation or redesignation. A sponsor should allow up to four weeks for the processing of the allotment request. The Department has the sole discretion to determine the number of Forms DS–2019 to be issued to a sponsor.

(2) Expansion of Program. A request for program expansion must include information such as, but not limited to, the source of program growth, staff increases, confirmation of adequately trained employees, current financial information, additional overseas affiliates, and explanations of how the sponsor will accommodate the anticipated program growth. The Department of State will take into consideration the current size of a sponsor's program and the projected expansion of the program in the coming 12 months and may consult with the RO and/or ARO prior to determining the number of Forms DS–2019 to issue to a sponsor.

(e) *Safeguards and controls.* (1) ROs and AROs must secure their SEVIS logon Identification Numbers (IDs) and passwords at all times (*i.e.,* not share IDs and passwords with any other person). Sponsors whose ROs or AROs have been found to have willfully or negligently violated the requirements of this section

will be subject to sanctions as set forth in § 62.50(a).

(2) A sponsor, its employees, officers, agents, or other third parties acting on behalf of the sponsor, may not forward to any unauthorized party (via facsimile or other electronic means) copies or Portable Document Formats (PDFs) of signed or unsigned Forms DS–2019. However, a sponsor must forward such copies and/or PDFs to the Department of State or the Department of Homeland Security upon request.

(3) A sponsor must use the reprint function in SEVIS in the event the exchange visitor's Form DS–2019 has been lost or stolen.

(4) Destroy damaged and unusable Form DS–2019 on the sponsor's premises after making a record of such forms (*e.g.,* forms with errors or forms damaged by a printer).

(5) Request exchange visitors and prospective exchange visitors to return any unused Form DS–2019 sent to them.

§ 62.13 Notification requirements.

(a) *Valid program status of exchange visitor.* A sponsor must notify the Department of State via SEVIS of the following:

(1) Validation of program participation. A sponsor must promptly validate an exchange visitor's participation in his or her program and accompanying spouse and dependents, if any. This will change the status of the exchange visitor's SEVIS record from ''Initial'' to ''Active.'' SEVIS records with program durations of 30 days or more (*e.g.,* the period between the ''Program Begin Date'' to ''Program End Date'') must be validated within 30 days following the ''Program Begin Date'' identified in SEVIS. SEVIS records with program durations that are less than 30 days must be validated prior to the ''Program End Date'' reflected in SEVIS. Prior to validation, a sponsor may amend the program start date and must update the SEVIS record to reflect the actual and current U.S. address and site of activity in SEVIS. The status of SEVIS records that are not validated according to this schedule will automatically change to ''Invalid'' or ''No Show''.

(2) Failure of exchange visitor to begin program. A sponsor must report in SEVIS, no later than 30 calendar days after the ''Program Begin Date'' listed in SEVIS, the failure of an exchange visitor to report to his or her sponsor upon entry in the United States (*i.e.,* failure of exchange visitor to begin an exchange visitor program as scheduled). This will change the status of the exchange visitor's SEVIS record from ''Initial'' to ''No Show''.

(3) End of exchange visitor's program. A sponsor must report in SEVIS any withdrawal from or early completion of an exchange visitor's program that occurs prior to the ''Program End Date'' listed in SEVIS on the exchange visitor's Form DS–2019. The sponsor must not alter the ''Program End Date'' field, but should enter the date of program completion in the ''Effective Date of Completion'' field. This will change the status of the exchange visitor's SEVIS record from ''Active'' to ''Inactive.'' Such notification in SEVIS ends a sponsor's programmatic obligations to the exchange visitor and/or his or her accompanying spouse and dependents.

(4) Accompanying spouse and dependent records. A sponsor must report in SEVIS if an accompanying spouse and/or dependents depart from the United States prior to the exchange visitor's departure date.

(5) Termination of an exchange visitor's program. A sponsor must promptly report in SEVIS the involuntary termination of an exchange visitor's program. The sponsor must not alter the ''Program End Date'' field, but should enter the date of program termination in the ''Effective Date of Termination'' field. This will change the status of the SEVIS record from ''Active'' to ''Terminated''. Such notification in SEVIS ends a sponsor's programmatic obligation to the exchange visitor and spouse and dependents, if any, and prevents the sponsor from thereafter extending the exchange visitor's duration of participation, transferring the exchange visitor to another program, or changing the exchange visitor's category. Sponsors must not terminate the program of an exchange visitor who voluntarily ends his or her program.

(b) *Change of circumstance of an exchange visitor.* A sponsor must promptly notify the Department of State via SEVIS of any of the following circumstances:

(1) Change in the actual and current U.S. address. A sponsor must ensure that the actual and current U.S. addresses of an exchange visitor are reported in SEVIS:

(i) A sponsor must update the actual and current U.S. address information in SEVIS for an exchange visitor within 10 days of being notified by an exchange visitor of a change in address. A sponsor who is responsible for the placement or housing of such exchange visitors must promptly update a change in the actual and current U.S. address in SEVIS;

(ii) A sponsor must report the U.S. mailing address (*i.e.,* provide a P.O. Box number) in SEVIS in those limited cases where mail cannot be delivered to the exchange visitor's actual and current U.S. address (*e.g.,* the exchange visitor resides in a campus setting);

(iii) If a U.S. mailing address is reported to SEVIS, a sponsor must also maintain records in SEVIS of actual and current U.S. addresses (*e.g.,* dormitory, building and room number) for such exchange visitors; and

(iv) Failure to update the actual and current U.S. addresses of their exchange visitors as required, may be grounds for revocation of a sponsor's exchange visitor program designation, as set forth in § 62.50(a).

(2) Change in site of activity. A sponsor must report in SEVIS any change to an exchange visitor's site of activity by entering the new site within ten (10) calendar days of notification of such a change where sponsor rules or regulations permit such a change. A sponsor must promptly enter any change in the site of activity in those instances where the sponsor is responsible for the placement. A sponsor must identify the ''primary'' site of activity of an exchange visitor if multiple sites of activity are reported in SEVIS.

(c) *Change in sponsor's circumstance.* A sponsor must report within ten (10) days in SEVIS or directly to the Department of State, if appropriate, any material changes to its exchange visitor program as follows:

(1) Change of business and/or mailing address, telephone number, facsimile number, or e-mail address;

(2) Change in the composition of the sponsor organization that affects its U.S. citizenship status as defined in § 62.2 which includes a new Employment Identification Number (EIN);

(3) Change of RO or ARO;

(4) Major change of ownership or control of the sponsor's organization as defined in § 62.60(e);

(5) Change of the sponsor's principal place of business to a location outside the United States;

(6) Change in financial circumstances that may render the sponsor unable to comply with its obligations as set forth in § 62.9(e);

(7) Loss of licensure or accreditation;

(8) Loss or theft of Forms DS–2019, in which case a sponsor must notify the Department of State promptly by telephone (confirmed promptly in writing by facsimile or e-mail) of the SEVIS identification numbers of such Forms DS–2019 that have been lost or stolen;

(9) Any litigation related to a sponsor's exchange visitor program, in which the sponsor or an exchange visitor is a named party;

(10) A decision by the sponsor to voluntarily cancel (withdraw) its exchange visitor program designation; or,

(11) Any other material facts or events that may have an impact on the sponsor's ability to properly administer or conduct its exchange visitor program.

(d) *Serious problem or controversy.* A sponsor must inform the Department of State on or before the next business day by telephone (confirmed promptly in writing by facsimile or e-mail) of any serious problem or controversy which could be expected to bring the Department, the Exchange Visitor Program or the sponsor's exchange visitor program into notoriety or disrepute.

§ 62.14 Insurance.

(a) A sponsor must require that all exchange visitors and their accompanying spouse and dependents have insurance in effect that covers the exchange visitors for sickness or accidents during the period of time that they participate in the sponsor's exchange visitor program. A sponsor may offer insurance, but is not required, to ensure that exchange visitors have ''entry to exit'' coverage. The period of required coverage is the actual duration of the exchange visitor's participation in the sponsor's exchange visitor program. Minimum coverage must provide:

(1) Medical benefits of at least $200,000 per accident or illness;

(2) Repatriation of remains in the amount of $25,000;

(3) Expenses associated with the medical evacuation of exchange visitors to his or her home country in the amount of $50,000;

(4) Deductibles not to exceed $500 per accident or illness; and

(b) Insurance policies secured to fulfill the requirements of this section:

(1) May require a waiting period for pre-existing conditions that is reasonable as determined by current industry standards;

(2) May include provisions for co-insurance under the terms of which the exchange visitor may be required to pay up to 25% of the covered benefits per accident or illness; and

(3) Must not unreasonably exclude coverage for perils inherent to the activities of the exchange program in which the exchange visitor participates.

(c) Any policy, plan, or contract secured to fill the above requirements must, at a minimum, be:

(1) Underwritten by an insurance corporation having an A.M. Best rating of ''A−'' or above; an Insurance Solvency International, Ltd. (ISI) rating of ''A−i'' or above; a Standard & Poor's Claims-paying Ability rating of ''A−'' or above, a Weiss Research, Inc. rating of B+ or above, or such other rating as the Department of State may from time to time specify; or

(2) Backed by the full faith and credit of the government of the exchange visitor's home country; or

(3) Part of a health benefits program offered on a group basis to employees or enrolled students by a designated sponsor; or

(4) Offered through or underwritten by a federally qualified Health Maintenance Organization or eligible Competitive Medical Plan as determined by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.

(d) Federal, state or local government agencies; state colleges and universities; and public community colleges may, if permitted by law, self-insure any or all of the above-required insurance coverage.

(e) At the request of a non-governmental sponsor of an exchange visitor program, and upon a showing that such sponsor has funds readily available and under its control sufficient to meet the requirements of this section, the Department of State may permit the sponsor to self-insure or to accept full financial responsibility for such requirements.

(f) The Department of State may, in its sole discretion, condition its approval of self-insurance or the acceptance of full financial responsibility by the non-governmental sponsor by requiring such sponsor to secure a payment bond in favor of the Department guaranteeing the sponsor's obligations hereunder.

(g) An accompanying spouse and/or dependent is required to be covered by insurance in the amounts set forth in paragraph (a) of this section. A sponsor must inform exchange visitors of this requirement, in writing, in advance of the exchange visitor's arrival in the United States.

(h) An exchange visitor who willfully fails to maintain the insurance coverage set forth above while a participant in an exchange visitor program or who makes material misrepresentations to the sponsor concerning such coverage will be deemed to be in violation of these regulations and will be subject to termination as a participant.

(i) A sponsor must terminate an exchange visitor's participation in its program if the sponsor determines that the exchange visitor or any accompanying spouse or dependent willfully fails to remain in compliance with this section.

(j) To ensure coverage levels remain consistent with industry standards, the Secretary may, at any time it is determined that the minimum levels of coverage descried in § 62.14 are not sufficient, update minimum levels of coverage in guidance documents.

§ 62.15 Reporting requirements.

Sponsors must submit an annual report to the Department of State which is to be generated through SEVIS. Such report must be filed on an academic, calendar or fiscal year basis, as directed the Department of State, and must contain the following:

(a) *Program report and evaluation.* A brief summary of the activities in which exchange visitors were engaged, including an evaluation of program effectiveness;

(b) *Reciprocity.* A description of the nature and extent of reciprocity occurring in the sponsor's exchange visitor program during the reporting year;

(c) *Cross-cultural activities.* A summary of the cross-cultural activities provided for its exchange visitors during the reporting year;

(d) *Proof of insurance.* Certification of compliance with insurance coverage requirements set forth in § 62.14.

(e) *Certification.* All annual reports must include the following certification:

> I have reviewed this report of my organization's operation of a Department of State designated exchange visitor program and hereby certify that adequate staff and resources are devoted to the administration and oversight of this program and that internal controls adequate to ensure regulatory compliance are in place.

(1) For exchange visitor programs classified as ''Government Programs,'' this certification will be signed by the RO.

(2) For exchange visitor programs classified as P–1 or P–2 ''Academic Programs,'' this certification will be signed by the institution's Chief Financial Officer.

(3) For exchange visitor programs classified as P–3 and P–4 ''Private Sector Programs,'' this certification will be signed by the organization's Chief Financial Officer. In addition to the Annual Report required above, all P–3 and P–4 ''Private Sector'' programs must file a program specific management audit (in a format approved by the Department of State).

(f) *Program participation.* A numerical count, by category, of all exchange visitors participating in the sponsor's program for the reporting year (active status).

§ 62.16 Employment.

(a) An exchange visitor may receive compensation from the sponsor or the sponsor's appropriate designee for employment when such activities are part of the exchange visitor's program.

(b) An exchange visitor who engages in unauthorized employment shall be deemed to be in violation of his or her program status and is subject to termination as a participant in an exchange visitor program.

(c) The acceptance of employment by an accompanying spouse or dependent of an exchange visitor is governed by Department of Homeland Security regulations. An exchange visitor must report to his or her sponsor the Employment Authorization Document (EAD) number and the validation and expiration dates of the authorized period of employment for any accompanying spouse and each dependant. As required by § 62.10(d)(6), sponsors must report accompanying spouse and dependant EAD information in SEVIS.

Dated: September 16, 2009.

Stanley S. Colvin,

Deputy Assistant Secretary for Private Sector Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E9–22822 Filed 9–21–09; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 151

46 CFR Part 162

[USCG–2001–10486]

RIN 1625–AA32

Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters

AGENCY: Coast Guard, DHS.

ACTION: Notice of public meetings.

SUMMARY: This notice provides the times and locations of the first two of six public meetings which will be held by the Coast Guard (USCG) regarding the Notice of Proposed Rulemaking (NPRM) entitled ''Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters'' that published in the **Federal Register** on Friday, August 28, 2009.

DATES: Public meetings will be held in the Seattle, WA (September 28, 2009), New Orleans, LA (September 30, 2009), Chicago, IL (October 2, 2009), Washington, DC (October 8, 2009), Oakland, CA (October 27, 2009), and New York, NY (October 29, 2009) areas to provide opportunities for oral comments. The comment period for the NPRM closes on November 27, 2009. All comments and related material submitted after a meeting must either be submitted to our online docket via *http://www.regulations.gov* on or before November 27, 2009 or reach the Docket Management Facility by that date.

ADDRESSES: The dates and locations of the first two public meetings are provided in the following table. All meetings will be held from 9 a.m. until 4 p.m. local time unless otherwise noted. The meetings may conclude before the allotted time if all matters of discussion have been addressed.

Date	Location	Phone
09/28/2009	Hotel 1000 Seattle, 1000 First Avenue, Seattle, WA 98104	206–957–1000
09/30/2009	Hotel Monteleone, 214 Rue Royal, New Orleans, LA 70130	866–338–4684
10/02/2009	TBD, Chicago, IL	TBD
10/08/2009	TBD, Washington, DC	TBD
10/27/2009	TBD, Oakland, CA	TBD
10/29/2009	TBD, New York, NY	TBD

You may submit written comments identified by docket number USCG–2001–10486 before or after the meeting 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. Our online docket for this rulemaking is available on the Internet at *http://www.regulations.gov* under docket number USCG–2001–10486.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rulemaking, call or e-mail Mr. John Morris, Project Manager, Environmental Standards Division, U.S. Coast Guard Headquarters, telephone 202–372–1433, e-mail: *John.C.Morris@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

The Coast Guard published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on Friday, August 28, 2009 (74 FR 44632), entitled ''Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters.'' In it, we stated our intention to hold public meetings, and to publish a notice with additional details regarding those public meetings as soon as the information was available. 74 FR 44632. On Monday, September 14, 2009, we published a Notice of Public Meeting to inform the public of the date for each public meeting, as well as the city in which those meetings will be held. 74 FR 46964. That notice also stated that additional notice(s) would be published in the **Federal Register** as specific locations and details for these meetings are finalized. This notice provides those details for the first two of six public meetings.

Date	Location	Phone
09/28/2009	Hotel 1000 Seattle, 1000 First Avenue, Seattle, WA 98104	206–957–1000
09/30/2009	Hotel Monteleone, 214 Rue Royal, New Orleans, LA 70130	866–338–4684
10/02/2009	TBD, Chicago, IL	TBD
10/08/2009	TBD, Washington, DC	TBD

Date	Location	Phone
10/27/2009	TBD, Oakland, CA	TBD
10/29/2009	TBD, New York, NY	TBD

Written comments and related material may also be submitted to Coast Guard personnel specified at those meetings for inclusion in the official docket for this rulemaking.

Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the public meetings, contact Mr. John Morris at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Dated: September 17, 2009.

J.G. Lantz,

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

[FR Doc. E9–22944 Filed 9–18–09; 4:15 pm]

BILLING CODE 4910–15–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. RM 2009–3]

Mandatory Deposit of Published Electronic Works Available Only Online

AGENCY: Copyright Office, Library of Congress.

ACTION: Proposed rule; extension of time to file reply comments.

SUMMARY: The Copyright Office is extending the time in which reply comments may be filed in response to its Notice of Proposed Rulemaking regarding amendments to regulations governing mandatory deposit of electronic works published in the United States and available only online.

DATES: Reply comments must be received in the Office of the General Counsel of the Copyright Office no later than October 16, 2009.

ADDRESSES: If hand delivered by a private party, an original and five copies of a comment or reply comment should be brought to the Library of Congress, U.S. Copyright Office, Room 401, 101 Independence Avenue, SE, Washington, DC 20559, between 8:30 a.m. and 5 p.m. E.D.T. The envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a comment or reply comment should be addressed to U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Tanya M. Sandros, Deputy General Counsel, or Christopher Weston, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202)–707–8366.

SUPPLEMENTARY INFORMATION: Earlier this year the Copyright Office issued a Notice of Proposed Rulemaking proposing to amend its regulations governing mandatory deposit of electronic works published in the United States and available only online. The amendments would establish that such works are exempt from mandatory deposit until a demand for deposit of copies or phonorecords of such works is issued by the Copyright Office. They would also set forth the process for issuing and responding to a demand for deposit, amend the definition of a ''complete copy'' of a work for purposes of mandatory deposit of online–only works, and establish new best edition criteria for electronic serials available only online. The Office requested comments and reply comments to its proposal. 74 FR 34286 (July 15, 2009).

Due to an inadvertent routing error, an additional initial comment, while received at the designated addresses before the due date, was received by the Office of the General Counsel two weeks after the deadline, thus delaying their availability to the public. Because this delay will impair the ability of reply commenters to sufficiently consider all of the initial comments in the allotted time, the Office is extending the date by which reply comments must be received to October 16, 2009.

Dated: September 17, 2009.

Tanya Sandros

Deputy General Counsel, U.S. Copyright Office.

[FR Doc. E9–22791 Filed 9–21–09; 8:45 am]

BILLING CODE 1410–30–S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09–2041; MB Docket No. 09–163; RM–11562]

Television Broadcasting Services; Lexington, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by Gray Television Licensee, LLC (''Gray''), the licensee of WKYT–TV, channel 13, Lexington, Kentucky. Gray requests the substitution of channel 36 for channel 13 at Lexington.

DATES: Comments must be filed on or before October 7, 2009, and reply comments on or before October 19, 2009.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: John M. Burgett, Esq., Wiley Rein LLP, 1776 K Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Adrienne Y. Denysyk, *adrienne.denysyk@fcc.gov,* Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 09–163, adopted September 10, 2009, and released September 14, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via e-mail *http://www.BCPIWEB.com.* To request this document in accessible formats (computer diskettes, large print, audio

recording, and Braille), send an e-mail to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). 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).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

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

List of Subjects in 47 CFR Part 73

Television, Television broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.622(i) [Amended]

2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Kentucky, is amended by adding channel 36 and removing channel 13 at Lexington.

Clay C. Pendarvis,

Associate Chief, Video Division, Media Bureau, Federal Communications Commission.

[FR Doc. E9–22833 Filed 9–21–09; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 531 and 533

[Docket No. NHTSA–2009–0059]

Passenger Car Average Fuel Economy Standards—Model Years 2008–2020; Light Truck Average Fuel Economy Standards—Model Years 2008–2020; Request for Product Plan Information

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for information.

SUMMARY: The purpose of this request for comments is to acquire updated information regarding vehicle manufacturers' future product plans to assist the agency in assessing what corporate average fuel economy (CAFE) standards should be established for model years 2012 through 2016 passenger cars and light trucks. The establishment of those standards is required by the Energy Policy and Conservation Act, as amended by the Energy Independence and Security Act (EISA) of 2007, Public Law 110–140. This request for comments is being issued concurrently with a joint Notice of Proposed Rulemaking by NHTSA and EPA to proposed CAFE and greenhouse gas (GHG) standards for MYs 2012–2016 passenger cars and light trucks.

DATES: Comments must be received on or before November 23, 2009.

ADDRESSES: You may submit comments [identified by Docket No. NHTSA–2009–0059] by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* 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.
- *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. Telephone: 1–800–647–5527.
- *Fax:* 202–493–2251.

Instructions: All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

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

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and follow the online instructions, or visit the Docket Management Facility at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Katz, Fuel Economy Division, Office of International Policy, Fuel Economy and Consumer Programs, at (202) 366–0846, facsimile (202) 493–2290, electronic mail *ken.katz@dot.gov.* For legal issues, call Ms. Rebecca Yoon, Office of the Chief Counsel, at (202) 366–2992.

SUPPLEMENTARY INFORMATION:

I. Introduction

NHTSA has been issuing Corporate Average Fuel Economy (CAFE) standards for the last 30 years under the Energy Policy and Conservation Act (EPCA). The CAFE program conserves petroleum, a non-renewable energy source, saves consumers money, and promotes energy independence and security by reducing dependence on foreign oil. It also reduces carbon dioxide (CO_2) emissions from the tailpipes of new motor vehicles and the effects of climate change.

The Energy Independence and Security Act (EISA) amended EPCA by mandating that model year (MY) 2011–2020 standards be set to ensure that the industry wide average of all new passenger cars and light trucks, combined, is at least 35 miles per gallon (mpg) by MY 2020. This is a minimum requirement, as NHTSA must set standards at the maximum feasible level in each model year. EISA also mandated that the CAFE standards be based on one or more vehicle attributes. For example, size-based (*i.e.,* size-indexed) standards assign higher fuel economy targets to smaller vehicles and lower ones to larger vehicles. The fleetwide average fuel economy that a particular manufacturer must achieve depends on the size mix of its fleet. This approach ensures that all manufacturers will be required to incorporate fuel-saving

technologies across a broad range of their passenger car and light truck fleets.

Concurrently with this request for information, the agency is issuing a joint Notice of Proposed Rulemaking with EPA to propose CAFE and GHG standards for MYs 2012–2016 passenger cars and light trucks. The joint proposed rulemaking is consistent with the National Fuel Efficiency Policy announced by President Obama on May 19, 2009, responding to the country's critical need to address global climate change and to reduce oil consumption. The standards proposed by the agencies require passenger cars and light trucks to meet an estimated combined average emissions level of 250 grams of CO_2 per mile in MY 2016 under EPA's GHG program, and 34.1 mpg in MY 2016 under NHTSA's CAFE program and represent a harmonized and consistent national program (National Program). Under the National Program, automobile manufacturers would be able to build a single light-duty national fleet that satisfies all requirements under both programs while ensuring that consumers still have a full range of vehicle choices.

To assist the agency in analyzing potential CAFE standards for MYs 2012 through 2016, NHTSA is requesting any updates to future product plans previously provided by vehicle manufacturers, as well as production data through the recent past, including data about engines and transmissions for MY 2008 through MY 2020 passenger cars and light trucks and the assumptions underlying those plans. If manufacturers have not previously submitted product plan information to NHTSA and wish to do so, NHTSA also requests such information from them. NHTSA requests information for MYs 2008–2020 to supplement other information used by NHTSA in developing a realistic forecast of the MY 2012–2016 vehicle market, and in evaluating what technologies may feasibly be applied by manufacturers to achieve compliance with the MY 2012–2016 standards. Information regarding earlier model years may help the agency to better account for cumulative effects such as volume- and time-based reductions in costs, and also may help to reveal product mix and technology application trends during model years for which the agency is currently receiving actual CAFE compliance data. Information regarding later model years may help the agency gain a better understanding of how manufacturers' plans through MY 2016 relate to their longer-term expectations regarding EISA requirements, market trends, and prospects for more advanced technologies (such as HCCI engines, and plug-in hybrid, electric, and fuel cell vehicles, among others). NHTSA will also consider information from model years before and after MYs 2012–2016 when reviewing manufacturers' planned schedules for redesigning and freshening their products, in order to examine how manufacturers anticipate tying technology introduction to product design schedules. In addition, the agency is requesting information regarding manufacturers' estimates of the future vehicle population, and fuel economy improvements and incremental costs attributed to technologies reflected in those plans. The request for information is detailed in appendices to this notice. NHTSA has also included a number of questions directed primarily toward vehicle manufacturers. They can be found in Appendix A to this notice. Answers to those questions will assist the agency in its analysis.

Given the importance that responses to this request for comment may have in NHTSA's final CAFE rulemaking, either as part of the basis for the standards or as an independent check on them, NHTSA intends to review carefully and critically all data provided by commenters. It is crucial that commenters fully respond to each question, particularly by providing information regarding the basis for technology costs and effectiveness estimates.

To facilitate the submission of comments and to help ensure the conformity of data received regarding manufacturers' product plans from MY 2008 through MY 2020, NHTSA has developed spreadsheet templates for manufacturers' use. The uniformity provided by these spreadsheets is intended to aid and expedite our review, integration, and analysis of the information provided. These templates are the agency's strongly preferred format for data submittal, and can be found on the Volpe National Transportation Systems Center (Volpe Center) Web site at *ftp://ftpserver.volpe.dot.gov/pub/CAFE/templates/*or can be requested from Mr. Ken Katz at *ken.katz@dot.gov.* The templates include an automated tool (*i.e.,* a macro) that performs some auditing to identify missing or potentially erroneous entries. The appendices to this document also include sample tables that manufacturers may refer to when submitting their data to the agency.

In addition, NHTSA would like to note that we will share the information submitted in response to this notice with the Environmental Protection Agency (EPA). This sharing will facilitate our consideration of the appropriate factors to be used in establishing fuel economy standards for MY 2012 and beyond. We will ensure that confidential information that is shared is protected from disclosure in accordance with NHTSA's regulations and practices in this area.

II. Submission of Comments

How Do I Prepare and Submit Comments?

Comments should be prepared using the spreadsheet template described above. Please include the docket number of this document in your comments. Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**. Comments may also be submitted to the docket electronically by logging onto *http://www.regulations.gov.* Click on the ''Help'' tab at the top of the page and follow the instructions for finding a regulation and filing the comment electronically.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit a copy from which you have deleted the claimed confidential business information to the docket. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512)

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under

DATES. Due to the time frame of the upcoming rulemaking, we will be very limited in our ability to consider comments filed after the comment closing date. If a comment is received too late for us to consider it in developing a final rule, we will consider that comment as an informal suggestion for future rulemaking action.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location. You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

(1) Go to *http://www.regulations.gov.*

(2) Check the box for ''View results by docket folder.''

(3) In the field marked ''Keyword,'' type in the docket number found at the beginning of this notice.

(4) On the results page, click on the desired comments. You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the downloaded comments may not be word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Accordingly, we recommend that you periodically check the Docket for new material.

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

Authority: 49 U.S.C. 32902; delegation of authority at 49 CFR 1.50.

Julie Abraham,

Director, International Policy, Fuel Economy and Consumer Programs.

Appendix A

I. Definitions

As used in these appendices—

1. ''Automobile,'' ''fuel economy,'' ''manufacturer,'' and ''model year (MY),'' have the meaning given them in Section 32901 of Chapter 329 of Title 49 of the United States Code, 49 U.S.C. 32901.

2. ''Basic engine'' has the meaning given in 40 CFR 600.002–93(a)(21).

3. ''Cargo-carrying volume,'' ''gross vehicle weight rating'' (GVWR), and ''passenger-carrying volume'' are used as defined in 49 CFR 523.2.

4. ''CARB'' means California Air Resource Board.

5. ''Domestically manufactured'' is used as defined in Section 32904(b)(2) of Chapter 329, 49 U.S.C. 32904(b)(2).

6. ''Footprint'' means the product of average track width (measured in inches and rounded to the nearest tenth of an inch) times wheelbase (measured in inches and rounded to the nearest tenth of an inch) divided by 144 and then rounded to the nearest tenth of a square foot as described in 49 CFR Part 523.2.

7. ''Light truck'' means an automobile of the type described in 49 CFR Part 523.3 and 523.5.

8. A ''model'' of passenger car is a line, such as the Chevrolet Impala, Ford Fusion, Honda Accord, etc., which exists within a manufacturer's fleet.

9. ''Model Type'' is used as defined in 40 CFR 600.002–93(a)(19).

10. ''MY'' means model year.

11. ''Passenger car'' means an automobile of the type described in 49 CFR part 523.3 and 523.4.

12. ''Percent fuel economy improvements'' means that percentage which corresponds to the amount by which respondent could improve the fuel economy of vehicles in a given model or class through the application of a specified technology, averaged over all vehicles of that model or in that class which feasibly could use the technology. Projections of percent fuel economy improvement should be based on the assumption of maximum efforts by respondent to achieve the highest possible fuel economy increase through the application of the technology (*i.e.,* holding other performance characteristics constant such as 0–60 miles-per-hour (mph) time, towing capacity, *etc.*). The baseline for determination of percent fuel economy improvement is the level of technology and vehicle performance with respect to acceleration and gradeability for respondent's 2008 model year passenger cars or light trucks in the equivalent class.

13. ''Percent production implementation rate'' means that percentage which corresponds to the maximum number of passenger cars or light trucks of a specified class, which could feasibly employ a given type of technology if respondent made maximum efforts to apply the technology by a specified model year.

14. ''Production percentage'' means the percent of respondent's passenger cars or light trucks of a specified model projected to be manufactured in a specified model year.

15. ''Project'' or ''projection'' refers to the best estimates made by respondent, whether or not based on less than certain information.

16. ''Redesign'' means any change, or combination of changes, to a vehicle that would change its weight by 50 pounds or more or change its frontal area or aerodynamic drag coefficient by 2 percent or the implementation of new engine or transmission.

17. ''Refresh'' means any change, or combination of changes, to a vehicle that would change its weight by less than 50 pounds and would not change its frontal area or aerodynamic drag coefficient.

18. ''Relating to'' means constituting, defining, containing, explaining, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

19. ''Respondent'' means each manufacturer (including all its divisions) providing answers to the questions set forth in this appendix, and its officers, employees, agents or servants.

20. ''RPE'' means retail price equivalent.

21. ''Test Weight'' is used as defined in 40 CFR 86.082–2.

22. ''Track Width'' means the lateral distance between the centerlines of the base tires at ground, including the camber angle.

23. ''Truckline'' means the name assigned by the Environmental Protection Agency to a different group of vehicles within a make or car division in accordance with that agency's 2001 model year pickup, van (cargo vans and passenger vans are considered separate truck lines), and special purpose vehicle criteria.

24. ''Variants of existing engines'' means versions of an existing basic engine that differ from that engine in terms of displacement, method of aspiration, induction system or that weigh at least 25 pounds more or less than that engine.

25. ''Wheelbase'' means the longitudinal distance between front and rear wheel centerlines.

II. Assumptions

All assumptions concerning emission standards, damageability regulations, safety standards, etc., should be listed and described in detail by the respondent.

III. Specifications—Passenger Car and Light Truck Data

Go to *ftp://ftpserver.volpe.dot.gov/pub/CAFE/templates/* for spreadsheet templates.

1. Identify all passenger car and light truck models offered for sale in MY 2008 whose production each respondent projects discontinuing before MY 2012 and identify the last model year in which each will be offered.

2. Identify all basic engines offered by respondent in MY 2008 passenger cars and light trucks which respondent projects it will cease to offer for sale in passenger cars and light trucks before MY 2012, and identify the last model year in which each will be offered.

3. For each model year 2009–2020, list all known or projected car and truck lines and provide the information specified below for each model type. Model types that are essentially identical except for their nameplates (*e.g.,* Ford Fusion/Mercury Milan) may be combined into one item. Engines having the same displacement but belonging to different engine families are to be grouped separately. Within the fleet, the vehicles are to be sorted first by car or truck line, second by basic engine, and third by transmission type. For each model type, a specific indexed engine and transmission are to be identified. As applicable, an indexed predecessor model type is also to be identified. Spreadsheet templates can be found at *ftp://ftpserver.volpe.dot.gov/pub/CAFE/templates/.* These templates include

codes and definitions for the data that the Agency is seeking, including, but not limited to the following:

A. General Information

1. *Vehicle Number*—a unique number assigned to each model.

2. *Manufacturer*—manufacturer's name (*e.g.,* Toyota).

3. *Model*—name of model (*e.g.,* Corolla).

4. *Nameplate*—vehicle nameplate (*e.g.,* Corolla Matrix).

5. *Primary Fuel*—classified as CNG = compressed natural gas; D = diesel; E = electricity; E–85 = ethanol; E100 = neat ethanol; G = gasoline; H = hydrogen; LNG = liquefied natural gas; LPG = propane; M85 = methanol; M100 = neat methanol.

6. *Fuel Economy on Primary Fuel*—measured in miles per gallon; laboratory fuel economy (weighted FTP + highway gasoline-equivalent gallon (GEG), exclusive of any calculation under 49 U.S.C. 32905).

7. *Secondary Fuel*—classified as CNG = compressed natural gas; D = diesel; E = electricity; E–85 = ethanol; E100 = neat ethanol; G = gasoline; H = hydrogen; LNG = liquefied natural gas; LPG = propane; M85 = methanol; M100 = neat methanol.

8. *Fuel Economy on Secondary Fuel*—measured in miles per gallon; laboratory fuel economy (weighted FTP + highway GEG, exclusive of any calculation under 49 U.S.C. 32905).

9. *Tertiary Fuel*—classified as CNG = compressed natural gas; D = diesel; E = electricity; E–85 = ethanol; E100 = neat ethanol; G = gasoline; H = hydrogen; LNG = liquefied natural gas; LPG = propane; M85 = methanol; M100 = neat methanol.

10. *Fuel Economy on Tertiary Fuel*—measured in miles per gallon; laboratory fuel economy (weighted FTP + highway GEG, exclusive of any calculation under 49 U.S.C. 32905).

11. *CAFE Fuel Economy*—measured in miles per gallon; laboratory fuel economy (weighted FTP + highway GEG, inclusive of any calculation under 49 U.S.C. 32905).

12. *Engine Code*—unique number assigned to each engine.

A. *Manufacturer*—manufacturer's name (*e.g.,* General Motors, Ford, Toyota, Honda).

B. *Name*—name of engine.

C. *Configuration*—classified as V = V-shaped; I = inline; R = rotary, H = horizontally opposed (boxer).

D. *Primary Fuel*—classified as CNG = compressed natural gas, D = diesel, E85 = ethanol, E100 = neat ethanol, G = gasoline, H = hydrogen, LNG = liquefied natural gas, LPG = propane, M85 = methanol, M100 = neat methanol.

E. *Secondary Fuel*—classified as CNG = compressed natural gas, D = diesel, E85 = ethanol, E100 = neat ethanol, G = gasoline, H = hydrogen, LNG = liquefied natural gas, LPG = propane, M85 = methanol, M100 = neat methanol.

F. *Country of Origin*—name of country where engine is manufactured.

G. *Engine Oil Viscosity*—ratio between the applied shear stress and the rate of shear, which measures the resistance of flow of the engine oil (as per SAE Glossary of Automotive Terms); typical values as text include 0W20, 5W20, *etc.*

H. *Cycle*—combustion cycle of engine; classified as A = Atkinson, AM = Atkinson/Miller, D = Diesel, M = Miller, O = Otto, OA = Otto/Atkinson.

I. *Air/Fuel Ratio*—the weighted (FTP + highway) air/fuel ratio (mass); a number generally around 14.7 for gasoline engines.

J. *Fuel Delivery System*—mechanism that delivers fuel to engine; classified as SGDI = stoichiometric gasoline direct injection; LBGDI = lean-burn gasoline direct injection; SFI = sequential fuel injection; MPFI = multipoint fuel injection; TBI = throttle body fuel injection; CRDI = common rail direct injection (diesel); UDI = unit injector direct injection (diesel).

K. *Aspiration*—breathing or induction process of engine (as per SAE Automotive Dictionary); classified as NA = naturally aspirated, S = supercharged, T = turbocharged, T2 = twin turbocharged, T4 = quad-turbocharged, ST = supercharged and turbocharged.

L. *Valvetrain Design*—design of the total mechanism from camshaft to valve of an engine that actuates the lifting and closing of a valve (as per SAE Glossary of Automotive Terms); classified as CVA = camless valve actuation, DOHC = dual overhead cam, OHV = overhead valve, SOHC = single overhead cam.

M. *Valve Actuation/Timing*—valve opening and closing points in the operating cycle (as per SAE J604); classified as F = fixed, ICP = intake cam phasing, CCP = coupled cam phasing, DCP = dual cam phasing.

N. *Valve Lift*—describes the manner in which the valve is raised during combustion (as per SAE Automotive Dictionary); classified as F = fixed, DVVL = discrete variable valve lift, CVVL = continuously variable valve lift.

O. *Cylinders*—the number of engine cylinders; an integer equaling 3, 4, 5, 6, 8, 10 or 12.

P. *Valves/Cylinder*—the number of valves per cylinder, an integer from 2 through 5.

Q. *Deactivation*—presence of cylinder deactivation mechanism; classified as Y = cylinder deactivation applied; N = cylinder deactivation not applied.

R. Displacement—total volume displaced by a piston in a single stroke multiplied by the number of cylinders; measured in liters.

S. *Compression Ratio (min)*—typically a number between 8 and 11; (for fixed CR engines, should be identical to maximum CR).

T. *Compression Ratio (max)*—typically a number between 8 and 20; (for fixed CR engines, should be identical to minimum CR).

U. *Max. Horsepower*—the maximum power of the engine, measured as horsepower.

V. *Max. Horsepower RPM*—rpm at which maximum horsepower is achieved.

W. *Max. Torque*—the maximum torque of the engine, measured as lb-ft.

X. *Max Torque RPM*—rpm at which maximum torque is achieved.

13. *Transmission Code*—unique number assigned to each transmission.

A. *Manufacturer*—manufacturer's name (*e.g.,* General Motors, Ford, Toyota, Honda).

B. *Name*—name of transmission.

C. *Country of origin*—where the transmission is manufactured.

D. *Type*—type of transmission; classified as M = manual, A = automatic (torque converter), AMT = automated manual transmission (single clutch w/torque interrupt), DCT = dual clutch transmission, CVT1 = belt or chain CVT, CVT2 = other CVT (*e.g.,* toroidal), HEVT = hybrid/electric vehicle transmission (for a BISG or CISG type hybrid, please define the actual transmission used, not HEVT).

E. *Clutch Type*—type of clutch used in AMT or DCT type transmission; D = dry, W = wet.

F. *Number of Forward Gears*—classified as an integer indicating the number of forward gears; ''CVT'' for a CVT type transmission; or ''n/a''.

G. *Logic*—indicates aggressivity of automatic shifting; classified as A = aggressive bias toward improving fuel economy, C = conventional shifting. Provide rationale for selection in the transmission notes column.

14. *Origin*—classification (under CAFE program) as domestic or import, D = domestic, I = import.

B. Production

1. *Production*—actual and projected U.S. production for MY 2008 to MY 2020 inclusive, measured in number of vehicles.

2. *Percent of Production Regulated by CARB Standards*—percent of production volume that will be regulated under CARB's AB 1493 for MY 2008 to MY 2020 inclusive.

C. MSRP—measured in dollars (2009); actual and projected average MSRP (sales-weighted, including options) for MY 2008 to MY 2020 inclusive.

D. Vehicle Information

1. *Subclass*—for technology application purposes only and should not be confused with vehicle classification for regulatory purposes; classified as Subcompact, Subcompact Performance, Compact, Compact Performance, Midsize, Midsize Performance, Large, Large Performance, Minivan, Small LT, Midsize LT, Large LT; where LT = SUV/Pickup/Van; use tables below, with example vehicles, to place vehicles into most appropriate subclass.

Subclass	Example (MY 2008) vehicles
Subcompact	Chevy Aveo, Honda Civic, Volkswagen New Beetle.
Subcompact Performance	Audi TT, Mazda Miata, Subaru Impreza.
Compact	Chevy Cobalt, Ford Focus, Nissan Sentra.

Subclass	Example (MY 2008) vehicles
Compact Performance	Audi S4 Quattro, Mazda RX8, Mitsubishi Lancer Evolution.
Midsize	Honda Accord, Hyundai Azera, Toyota Camry.
Midsize Performance	Chevy Corvette, Ford Mustang GT, Nissan G37 Coupe.
Large	Audi A8, Cadillac CTS, Ford Taurus.
Large Performance	Bentley Arnage, BMW M5, Daimler CL600.
Minivans	Dodge Caravan, Toyota Sienna.
Small SUV/Pickup/Van	Ford Ranger, Nissan Rogue, Toyota RAV4.
Midsize SUV/Pickup/Van	Jeep Wrangler 4-door, Mazda CX–9, Toyota Tacoma.
Large SUV/Pickup/Van	Chevy Silverado, Ford Econoline, Toyota Sequoia.

2. *Style*—classified as Convertible, Coupe, Hatchback, Sedan, Minivan, Pickup, Sport Utility, Van, Wagon.

3. *Light Truck Indicator*—an integer(s); a unique number(s) assigned to each vehicle which represents the design feature(s) that classify it as a light truck; classified as:

(0) The vehicle neither has off-road design features (defined under 49 CFR 523.5(b) and described by numbers 1 and 2 below) nor has functional characteristics (defined under 49 CFR 523.5(a) and described by numbers 3 through 7 below) that would allow it to be properly classified as a light truck, thus the vehicle is properly classified as a passenger car.

> An automobile capable of off-highway operation, as indicated by the fact that it:

(1) (i) Has 4-wheel drive; or

(ii) Is rated at more than 6,000 pounds gross vehicle weight; and

(2) Has at least four of the following characteristics calculated when the automobile is at curb weight, on a level surface, with the front wheels parallel to the automobile's longitudinal centerline, and the tires inflated to the manufacturer's recommended pressure—

(i) Approach angle of not less than 28 degrees.

(ii) Breakover angle of not less than 14 degrees.

(iii) Departure angle of not less than 20 degrees.

(iv) Running clearance of not less than 20 centimeters.

(v) Front and rear axle clearances of not less than 18 centimeters each.

> An automobile designed to perform at least one of the following functions:

(3) Transport more than 10 persons;

(4) Provide temporary living quarters;

(5) Transport property on an open bed;

(6) Provide, as sold to the first retail purchaser, greater cargo-carrying than passenger-carrying volume, such as in a cargo van; if a vehicle is sold with a second-row seat, its cargo-carrying volume is determined with that seat installed, regardless of whether the manufacturer has described that seat as optional; or

(7) Permit expanded use of the automobile for cargo-carrying purposes or other nonpassenger-carrying purposes through:

(i) For non-passenger automobiles manufactured prior to model year 2012, the removal of seats by means installed for that purpose by the automobile's manufacturer or with simple tools, such as screwdrivers and wrenches, so as to create a flat, floor level, surface extending from the forwardmost point of installation of those seats to the rear of the automobile's interior; or

(ii) For non-passenger automobiles manufactured in model year 2008 and beyond, for vehicles equipped with at least 3 rows of designated seating positions as standard equipment, permit expanded use of the automobile for cargo-carrying purposes or other nonpassenger-carrying purposes through the removal or stowing of foldable or pivoting seats so as to create a flat, leveled cargo surface extending from the forwardmost point of installation of those seats to the rear of the automobile's interior.

4. *Structure*—classified as either L = Ladder or U = Unibody.

5. *Drive*—classified as A = all-wheel drive; F = front-wheel drive; R = rear-wheel-drive; 4 = 4-wheel drive.[1]

6. *Axle Ratio*—ratio of the speed of the drive shaft to the speed of the driven wheels.

7. *Length*—measured in inches; defined per SAE J1100, L103 (Sept. 2005).

8. *Width*—measured in inches; defined per SAE J1100, W116 (Sept. 2005).

9. *Wheelbase*—measured to the nearest tenth of an inch; defined per SAE J1100, L101 (Sept. 2005), and clarified above.

10. *Track Width (front)*—measured to the nearest tenth of an inch; defined per SAE J1100, W101–1 (Sept. 2005), and clarified above.

11. *Track Width (rear)*—measured to the nearest tenth of an inch; defined per SAE J1100, W101–2 (Sept. 2005), and clarified above.

12. *Footprint*— the product of average track width (measured in inches and rounded to the nearest tenth of an inch) times wheelbase (measured in inches and rounded to the nearest tenth of an inch) divided by 144 and then rounded to the nearest tenth of a square foot; Defined per 49 CFR 523.2.

13. *Base Tire*—the tire specified as standard equipment by a manufacturer on each vehicle configuration of a model type; (*e.g.* 275/40R17)

14. *Running Clearance*—measured in centimeters; defined per 49 CFR 523.2 .

15. *Front Axle Clearance*—measured in centimeters; defined per 49 CFR 523.2.

16. *Rear Axle Clearance*—measured in centimeters; defined per 49 CFR 523.2.

17. *Approach Angle*—measured in degrees; defined per 49 CFR 523.2.

18. *Breakover Angle*—measured in degrees; defined per 49 CFR 523.2.

19. *Departure Angle*—measured in degrees; defined per 49 CFR 523.2.

20. *Curb Weight*—total weight of vehicle including batteries, lubricants, and other expendable supplies but excluding the driver, passengers, and other payloads, measured in pounds; per SAE J1100 (Sept. 2005)

21. *Test Weight*—weight of vehicle as tested, including the driver, operator (if necessary), and all instrumentation (as per SAE J1263); measured in pounds.

22. *GVWR*—Gross Vehicle Weight Rating; as defined per 49 CFR 523.2 measured in pounds.

23. *Towing Capacity (Maximum)*—measured in pounds.

24. *Payload*—measured in pounds.

25. *Cargo volume behind the front row*—measured in cubic feet, defined per Table 28 of SAE J1100 (Sept. 2005)

26. *Cargo volume behind the second row*—measured in cubic feet, defined per Table 28 of SAE J1100 (Sept. 2005)

27. *Cargo volume behind the third row*—measured in cubic feet, defined per Table 28 of SAE J1100 (Sept. 2005)

28. *Enclosed Volume*—measured in cubic feet.

29. *Passenger Volume*—measured in cubic feet; the volume measured using SAE J1100 as per EPA Fuel Economy regulations (40 CFR 600.315–82, ''Classes of Comparable Automobiles''). This is the number that manufacturers calculate and submit to EPA.

30. *Cargo Volume Index*—defined per Table 28 of SAE J1100 (Sept. 2005)

31. *Luggage Capacity*—measured in cubic feet; defined per SAE J1100, V1 (Sept. 2005)

32. *Seating (max)*—number of usable seat belts before folding and removal of seats (where accomplished without special tools); provided in integer form.

33. *Number of Standard Rows of Seating*—number of rows of seats that each vehicle comes with as standard equipment; provided in integer form (*e.g.,* 1,2,3,4, or 5).

34. *Frontal Area*—a measure of the wind profile of the vehicle, typically calculated as the height times width of a vehicle body, *e.g.,* 25 square feet.

35. *Aerodynamic Drag Coefficient,* C_d—a dimensionless coefficient that relates the motion resistance force created by the air drag over the entire surface of a moving vehicle to the force of dynamic air pressure acting only over the vehicle's frontal area, *e.g.,* 0.25.

[1] NHTSA considers ''4-wheel drive'' to refer only to vehicles that have selectable 2- and 4-wheel drive options, as opposed to all-wheel drive, which is not driver-selectable.

36. *Tire Rolling Resistance,* C_{rr}—a dimensionless coefficient that relates the motion resistance force due to tire energy losses (*e.g.,* deflection, scrubbing, slip, and air drag) to a vehicle's weight, *e.g.,* 0.0012. Normalized on (pound force/1000 pound) basis.

37. *Fuel Capacity*—measured in gallons of diesel fuel or gasoline; MJ (LHV) of other fuels (or chemical battery energy)

38. *Electrical System Voltage*—measured in volts, e.g., 12 volt, 42 volts 2005)

39. *Power Steering*—H = hydraulic; E = electric; EH = electro-hydraulic

40. Percent of Production Volume Equipped with air conditioning (A/C)

41. *A/C Refrigerant Type—e.g.* HFC–134a; HFC–152a; CO_2

42. *A/C Compressor Displacement*—measured in cubic centimeters

43. *A/C CARB credit*—measured in grams per mile; g/mile CO_2 equivalent as reportable under California ARB's AB 1493 Regulation

44. N_2O Emission Rate—measured in grams per mile; as reportable under California ARB's AB 1493 Regulation

45. CH_4 Emission Rate—measured in grams per mile; as reportable under California ARB's AB 1493 Regulation

46. *Estimated Total CARB Credits*—measured in grams per mile; g/mile CO_2 equivalent as reportable under California ARB's AB 1493 Regulation

E. Hybridization/Electrification

1. *Type of Hybrid/Electric vehicle*—classified as MHEV = 12V micro hybrid, BISG = belt mounted integrated starter generator, CISG = crank mounted integrated starter generator, PSHEV = power-split hybrid, 2MHEV = 2-mode hybrid, PHEV = plug-in hybrid, EV = electric vehicle, H = hydraulic hybrid, P = pneumatic hybrid.

2. Voltage (volts) or, for hydraulic hybrids, pressure (psi)

3. *Energy storage capacity*—measured in MJ.

4. *Electric Motor Power Rating*—measured in hp or kW.

5. *Battery type*—classified as NiMH = Nickel Metal Hydride; Li-ion = Lithium Ion.

6. *Battery Only Range (charge depleting PHEV)*—measured in miles.

7. *Maximum Battery Only Vehicle Speed*—measured in miles per hour; maximum speed at which a HEV can still operate solely on battery power measured on a flat road using the vehicle's FTP weight.

8. Percentage of braking energy recovered and stored over weighted FTP + highway drive cycle.

9. Percentage of maximum motive power provided by stored energy system

10. *Electrified Accessories*—list of electrified accessories; classified as WP = water (coolant) pump; OP = oil pump; AC = air conditioner compressor.

F. Energy Consumption [2]—of total fuel energy (higher heating value) consumed over FTP city and highway tests (each weighted as for items 5 and 6 above), shares attributable to the following loss mechanisms, such that the sum of the shares equals one

1. System irreversibility governed by the Second Law of Thermodynamics.

2. Heat lost to the exhaust and coolant streams.

3. Engine friction (*i.e.,* the part of mechanical efficiency lost to friction in such engine components as bearings and rods, as could be estimated from engine dynamometer test results)

4. Pumping losses (*i.e.,* the part of mechanical efficiency lost to work done on gases inside the cylinder, as could be estimated from engine dynamometer test results)

5. Accessory losses (*i.e.,* the part of fuel efficiency lost to work done by engine-driven accessories, as could be estimated from bench test results for the individual components)

6. Transmission losses (*i.e.,* the part of driveline efficiency lost to friction in such transmission components as gears, bearings, and hydraulics, as could be estimated from chassis dynamometer test results)

7. Aerodynamic drag of the body, as could be estimated from coast-down test results.

8. Rolling resistance in the tires, as could be estimated from coast-down test results.

9. Work done on the vehicle itself, as could be estimated from the vehicle's inertia mass and the fuel economy driving cycles.

G. Planning and Assembly

1. *U.S. Content*—overall percentage, by value, that originated in the U.S.

2. *Canadian Content*—overall percentage, by value, that originated in Canada.

3. *Mexican Content*—overall percentage, by value, that originated in Mexico.

4. *Domestic Content*—overall percentage, by value, that originated in the U.S, Canada and Mexico.

5. Final Assembly City.

6. Final Assembly State/Province (if applicable)

7. Final Assembly Country.

8. *Predecessor*—number (or name) of model upon which current model is based, if any.

9. *Refresh Years*—model years of most recent and future refreshes through the 2020 time period; *e.g.,* 2010, 2015, 2020.

10. *Redesign Years*—model years of most recent and future redesigns through the 2020 time period; *e.g.,* 2007, 2012, 2017; where redesign means any change or combination of changes to a vehicle that would change its weight by 50 pounds or more or change its frontal area or aerodynamic drag coefficient by 2 percent or more.

11. *Employment Hours Per Vehicle*—number of hours of U.S. labor applied per vehicle produced.

H. The agency also requests that each manufacturer provide an estimate of its overall passenger car CAFE and light truck CAFE for each model year. This estimate should be included as an entry in the spreadsheets that are submitted to the agency.

4. As applicable, please explain the differences between the product plans submitted in response to the March 2009 product plan request and the product plans being submitted in response to this request.

5. Relative to MY 2008 levels, for MYs 2009–2020 please provide information, by carline and as an average effect on a manufacturer's entire passenger car fleet and by truckline and as an average effect on a manufacturer's entire light truck fleet, on the weight (increases or decreases) and/or fuel economy impacts of the following standards or equipment:

A. Federal Motor Vehicle Safety Standard (FMVSS No. 208) Automatic Restraints;

B. FMVSS No. 201 Occupant Protection in Interior Impact ;

C. Voluntary installation of safety equipment (*e.g.,* antilock brakes);

D. Environmental Protection Agency regulations ;

E. California Air Resources Board requirements;

F. Other applicable motor vehicle regulations affecting fuel economy.

6. For each specific model year and model of respondent's passenger car and light truck fleets projected to implement one or more of the following and/or any other weight reduction methods:

A. Substitution of materials;

B. ''Downsizing'' of existing vehicle design, dimensions (interior and exterior), footprint, systems or components ;

C. Use of new vehicle, structural, system or component designs.

Please provide the following information:

(i) Description of the method, for example:

—For material substitution, substituting a composite body panel for a steel panel;

—For downsizing, reducing front, rear, or side overhang (the dimensions of the vehicle outside the ''footprint'' area), or reducing track width or wheelbase;

—For use of new vehicle, structural, system or component designs, replacing a body-on-frame structure with a unibody structure, or replacing an existing fuel tank with a smaller fuel tank (*i.e.*, maintaining range).

(ii) The weight reduction, in pounds, averaged over the model;

(iii) The percent fuel economy improvement averaged over the model;

(iv) The basis for your answer to (iii), (*e.g.,* data from dynamometer tests conducted by respondent, engineering analysis, computer simulation, reports of test by others);

(v) The incremental RPE cost (in 2007 dollars), averaged over the model, associated with the method;

(vi) The percent production implementation rate and the reasons limiting the implementation rate

7. For each specific model year and model of respondent's passenger car and light truck fleets projected to implement one or more of the following and/or any other aerodynamic drag reduction methods:

A. Revised exterior components (*e.g.*, front fascia or side view mirrors);

B. Addition of underbody panels;

C. Vehicle design changes (e.g., change in ride height or optimized cooling flow path)

Please provide the following information:

(i) Description of the method/aerodynamic change

(ii) The percent reduction of the aerodynamic drag coefficient (C_d) and the C_d

[2] This information is sought in order to account for a given vehicle model's fuel economy as partitioned into nine energy loss mechanisms. The agency may use this information to estimate the extent to which a given technology reduces losses in each mechanism.

prior to the reduction, averaged over the model;

(iii) The percent fuel economy improvement averaged over the model;

(iv) The basis for your answer to (iii), (e.g., data from dynamometer tests conducted by respondent, wind tunnel testing, engineering analysis, computer simulation, reports of test by others);

(v) The incremental RPE cost (in 2007 dollars), averaged over the model, associated with the method;

(vi) The percent production implementation rate and the reasons limiting the implementation rate

8. For each specific model year and model of respondent's passenger car and light truck fleets projected to implement one or more of the following and/or any other A/C leakage reduction or A/C efficiency improvement methods:

A. Low permeation hoses;

B. Improved system fittings, connections and seals (including compressor shaft seal);

C. Externally controlled fixed or variable displacement compressor;

D. Automatic default to recirculated cabin air;

E. Improved blower and fan motor controls;

F. Electronic expansion valve;

G. Improved-efficiency evaporators and condensers;

H. Oil separator.

Please provide the following information:

(i) Description of the method, (*e.g.*, implementation of electronic control valve)

(ii) The g/mile CO_2 equivalent as reportable under California ARB's AB 1493 Regulation, averaged over the model;

(iii) The basis for your answer to (ii), (*e.g.*, data from dynamometer tests conducted by respondent, engineering analysis, computer simulation, reports of test by others);

(iv) The incremental RPE cost (in 2007 dollars), averaged over the model, associated with the method;

(v) The percent production implementation rate and the reasons limiting the implementation rate

9. Indicate any MY 2009–2020 passenger car and light truck model types that have higher average test weights than comparable MY 2008 model types. Describe the reasons for any weight increases (*e.g.*, increased option content, less use of premium materials) and provide supporting justification.

10. Please provide your estimates of projected *total industry* U.S. passenger car sales and light truck sales, separately, for each model year from 2009 through 2020, inclusive.

11. Please provide your company's assumptions for U.S. gasoline and diesel fuel prices during 2009 through 2020.

12. Please provide projected production capacity available for the North American market (at standard production rates) for each of your company's passenger carline and light truckline designations during MYs 2009–2020.

13. Please provide your estimate of production lead-time for new models, your expected model life in years, and the number of years over which tooling costs are amortized. Additionally, the agency is requesting that manufactures provide vehicle or design changes that characterize a freshening and those changes that characterize a redesign.

IV. Technologies, Cost and Potential Fuel Economy Improvements

Spreadsheet templates for the tables mentioned in the following section can be found at *ftp://ftpserver.volpe.dot.gov/pub/cafe/templates/*.

1. The agency requests that manufacturers, for each passenger car and light truck model projected to be manufactured by respondent between MY 2009–2020, provide the following information on new technology, including A/C technologies that will be eligible under EPA's proposed GHG standards, applications:

(i) Description of the nature of the technological improvement; including the vehicle's baseline technology that the technology replaces (e.g., 6-speed automatic transmission replacing a 4-speed automatic transmission)

(ii) The percent fuel economy improvement or the g/mile CO_2 equivalent reduction for A/C technologies, averaged over the model; please indicate if the weight saving (or increase), associated with the implementation of the technology, is accounted for in the fuel economy improvement estimate.

(iii) The basis for your answer to (ii), (*e.g.*, data from dynamometer tests conducted by respondent, engineering analysis, computer simulation, reports of test by others);

(iv) The incremental RPE cost (in 2007 dollars), averaged over the model, associated with implementing the new technology;

(v) The percent production implementation rate and the reasons limiting the implementation rate

In regards to costs, the agency is requesting information on cost reductions available through learning effects that are anticipated, so information should be provided regarding what the learning effects are, when and at what production volumes they occur, and to what degrees such learning is expected to be available.[3] The agency is also asking that the RPE markup factor (used to determine the RPE cost estimates) is stated in the response.

2. Additionally, the agency requests that manufactures and other interested parties provide the same information, as requested above, for the technologies listed in the following tables and any other potential technologies that may be implemented to improve fuel economy. These potential technologies can be inserted into additional rows at the end of each table. Examples of other potential technologies could include but are not limited to: Homogenous Charge Compression Ignition (HCCI), Electric Vehicle (EV), Fuel Cell Vehicle and Belt Mounted Integrated Starter Generator (BISG) and Crank Mounted Integrated Starter Generator (CISG) specific technologies. In an effort to standardize the information received the agency requests that if possible respondents fill in the following tables:

Table IV–1 with estimates of the model year of availability for each technology listed and any other identified technology.

Table IV–2 with estimated phase-in rates[4] by year for each technology listed and any other additional technologies. Engineering, planning and financial constraints can prohibit many technologies from being applied across an entire fleet of vehicles within a year, so the agency requests information on possible constraints on the rates at which each technology can penetrate a manufacturer's fleet.

Tables IV–3a, b and IV–4a, b with estimates for incremental RPE costs (in 2007 dollars) and incremental fuel consumption reductions for each technology listed and any other additional technologies. These estimates, for the technologies already listed, should assume that the preceding technologies, as defined by the decision trees in Appendix B, have already been applied and/or will be superseded. The agency is requesting that respondents fill in incremental RPE costs and fuel consumption reductions estimates for all vehicle subclasses listed. If a respondent feels that the incremental RPE cost and fuel consumption reduction estimates are similar for different subclasses they may combine subclasses.

Table IV–5 with estimates for the percentage by which each technology reduces energy losses attributable to each of nine energy loss mechanisms.

Tables IV–6a, b with estimates for synergies[5] that can occur when multiple technologies are applied.

[3] ''Learning effects'' describes the reduction in unit production costs as a function of accumulated production volume and small redesigns that reduce costs. Applying learning effects, or ''curves,'' requires estimates of three parameters: (1) The initial production volume that must be reached before cost reductions begin to be realized (referred to as ''threshold volume''); (2) the percent reduction in average unit cost that results from each successive doubling of cumulative production volume (usually referred to as the ''learning rate''); and (3) the initial cost of the technology. The method applies this effect for up to two doublings of production volume. For example, a 20 percent learning effect would be applied once at the 300,000 unit threshold volume and an additional 20 percent learning would be applied at a volume of 600,000, resulting in total reduction cost of 36 percent.

[4] In NHTSA's 2006 rulemaking establishing CAFE standards for MY 2008–2011 light trucks, the agency considered phase-in caps by ceasing to add a given technology to a manufacturer's fleet in a specific model year once it has increased the corresponding penetration rate by at least the amount of the cap. Having done so, it applied other technologies in lieu of the ''capped'' technology.

[5] When two or more technologies are added to a particular vehicle model to improve its fuel efficiency, the resultant fuel consumption reduction may sometimes be higher or lower than the product of the individual effectiveness values for those items. This may occur because one or more technologies applied to the same vehicle partially address the same source or sources of engine or vehicle losses. Alternately, this effect may be seen when one technology shifts the engine operating points, and therefore increases or reduces the fuel consumption reduction achieved by another technology or set of technologies. The difference between the observed fuel consumption reduction associated with a set of technologies and the product of the individual effectiveness values in that set is sometimes referred to as a ''synergy.''

3. The agency also asks that manufacturers or other interested parties provide information on appropriate sequencing of technologies, so that accumulated cost and fuel consumption effects may be evaluated incrementally. As examples of possible technology sequences, ''decision trees'' are shown in Appendix B below.

4. For each new or redesigned vehicle identified in response to Question III–3 and each new engine or fuel economy improvement identified in your response to Questions IV–1 and IV–2 provide your best estimate of the following, in terms of constant 2007 dollars:

A. Total capital costs required to implement the new/redesigned model or improvement according to the implementation schedules specified in your response. Subdivide the capital costs into tooling, facilities, launch, and engineering costs.

B. The maximum production capacity, expressed in units of capacity per year, associated with the capital expenditure in (a) above. Specify the number of production shifts on which your response is based and define ''maximum capacity'' as used in your answer.

C. The actual capacity that is planned to be used each year for each new/redesigned model or fuel economy improvement.

D. The increase in variable costs per affected unit, based on the production volume specified in (b) above.

E. The equivalent retail price increase per affected vehicle for each new/redesigned model or improvement. Provide an example describing methodology used to determine the equivalent retail price increase.

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Synergies may be positive (increased fuel consumption reduction compared to the product of the individual effects) or negative (decreased fuel consumption reduction).

Table IV-1: List of Technologies and Year of Availability

Technology	Model Abbreviation	Year Available
Low Friction Lubricants	LUB	
Engine Friction Reduction	EFR	
VVT - Coupled Cam Phasing (CCP) on SOHC	CCPS	
Discrete Variable Valve Lift (DVVL) on SOHC	DVVLS	
Cylinder Deactivation on SOHC	DEACS	
VVT - Intake Cam Phasing (ICP)	ICP	
VVT – Dual Cam Phasing (DCP)	DCP	
Discrete Variable Valve Lift (DVVL) on DOHC	DVVLD	
Continuously Variable Valve Lift (CVVL)	CVVL	
Cylinder Deactivation on DOHC	DEADD	
Cylinder Deactivation on OHV	DEACO	
VVT - Coupled Cam Phasing (CCP) on OHV	CCPO	
Discrete Variable Valve Lift (DVVL) on OHV	DVVLO	
Conversion to DOHC with DCP	CDOHC	
Stoichiometric Gasoline Direct Injection (GDI)	SGDI	
Combustion Restart	CBRST	
Turbocharging and Downsizing	TRBDS	
Exhaust Gas Recirculation (EGR) Boost	EGRB	
Conversion to Diesel following CBRST	DSLC	
Conversion to Diesel following TRBDS	DSLT	
6-Speed Manual/Improved Internals	6MAN	
Improved Auto. Trans. Controls/Externals	IATC	
Continuously Variable Transmission	CVT	
6/7/8-Speed Auto. Trans with Improved Internals	NAUTO	
Dual Clutch or Automated Manual Transmission	DCTAM	
Electric Power Steering	EPS	
Improved Accessories	IACC	
12V Micro-Hybrid	MHEV	
Belt Integrated Starter Generator	BISG	
Crank Integrated Starter Generator	CISG	
Power Split Hybrid	PSHEV	
2-Mode Hybrid	2MHEV	
Plug-in Hybrid	PHEV	
Mass Reduction 1 (1.5%)	MS1	
Mass Reduction 2 (3.5% – 8.5%)	MS2	
Low Rolling Resistance Tires	ROLL	
Low Drag Brakes	LDB	
Secondary Axle Disconnect 4WD	SAX	
Aero Drag Reduction	AERO	

Table IV-2: Phase-In Caps

		Percent Phase-in Rate per Year												
TECHNOLOGY	Abrev.	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Low Friction Lubricants	LUB													
Engine Friction Reduction	EFR													
VVT - Coupled Cam Phasing (CCP) on SOHC	CCPS													
Discrete Variable Valve Lift (DVVL) on SOHC	DVVLS													
Cylinder Deactivation on SOHC	DEACS													
VVT - Intake Cam Phasing (ICP)	ICP													
VVT - Dual Cam Phasing (DCP)	DCP													
Discrete Variable Valve Lift (DVVL) on DOHC	DVVLD													
Continuously Variable Valve Lift (CVVL)	CVVL													
Cylinder Deactivation on DOHC	DEACD													
Cylinder Deactivation on OHV	DEACO													
VVT - Coupled Cam Phasing (CCP) on OHV	CCPO													
Discrete Variable Valve Lift (DVVL) on OHV	DVVLO													
Conversion to DOHC with DCP	CDOHC													
Stoichiometric Gasoline Direct Injection (GDI)	SGDI													
Combustion Restart	CBRST													
Turbocharging and Downsizing	TRBDS													
Exhaust Gas Recirculation (EGR) Boost	EGRB													
Conversion to Diesel following CBRST	DSLC													
Conversion to Diesel following TRBDS	DSLT													
6-Speed Manual/Improved Internals	6MAN													
Improved Auto. Trans. Controls/Externals	IATC													
Continuously Variable Transmission	CVT													
6/7/8-Speed Auto. Trans with Improved Internals	NAUTO													
Dual Clutch or Automated Manual Transmission	DCTAM													
Electric Power Steering	EPS													
Improved Accessories	IACC													
12V Micro-Hybrid	MHEV													
Belt Integrated Starter Generator	BISG													
Crank Integrated Starter Generator	CISG													
Power Split Hybrid	PSHEV													
2-Mode Hybrid	2MHEV													
Plug-in Hybrid	PHEV													
Mass Reduction 1 (1.5%)	MS1													
Mass Reduction 2 (3.5%-8.5%)	MS2													
Low Rolling Resistance Tires	ROLL													
Low Drag Brakes	LDB													
Secondary Axle Disconnect	SAX													
Aero Drag Reduction	AERO													

Table IV-3a: Technology Cost Estimates

VEHICLE TECHNOLOGY RPE INCREMENTAL COSTS PER VEHICLE (2007$) BY VEHICLE SUBCLASS							
		Subcompact	Performance Subcompact	Compact	Performance Compact	Midsize	Performance Midsize
TECHNOLOGY	Abrev.	Car	Car	Car	Car	Car	Car
Low Friction Lubricants	LUB						
Engine Friction Reduction	EFR						
VVT - Coupled Cam Phasing (CCP) on SOHC	CCPS						
Discrete Variable Valve Lift (DVVL) on SOHC	DVVLS						
Cylinder Deactivation on SOHC	DEACS						
VVT - Intake Cam Phasing (ICP)	ICP						
VVT - Dual Cam Phasing (DCP)	DCP						
Discrete Variable Valve Lift (DVVL) on DOHC	DVVLD						
Continuously Variable Valve Lift (CVVL)	CVVL						
Cylinder Deactivation on DOHC	DEACD						
Cylinder Deactivation on OHV	DEACO						
VVT - Coupled Cam Phasing (CCP) on OHV	CCPO						
Discrete Variable Valve Lift (DVVL) on OHV	DVVLO						
Conversion to DOHC with DCP	CDOHC						
Stoichiometric Gasoline Direct Injection (GDI)	SGDI						
Combustion Restart	CBRST						
Turbocharging and Downsizing	TRBDS						
Exhaust Gas Recirculation (EGR) Boost	EGRB						
Conversion to Diesel following CBRST	DSLC						
Conversion to Diesel following TRBDS	DSLT						
6-Speed Manual/Improved Internals	6MAN						
Improved Auto. Trans. Controls/Externals	IATC						
Continuously Variable Transmission	CVT						
6/7/8-Speed Auto. Trans with Improved Internals	NAUTO						
Dual Clutch or Automated Manual Transmission	DCTAM						
Electric Power Steering	EPS						
Improved Accessories	IACC						
12V Micro-Hybrid	MHEV						
Belt Integrated Starter Generator	BISG						
Crank Integrated Starter Generator	CISG						
Power Split Hybrid	PSHEV						
2-Mode Hybrid	2MHEV						
Plug-in Hybrid	PHEV						
Mass Reduction 1 (1.5%)	MS1						
Mass Reduction 2 (3.5%-8.5%)	MS2						
Low Rolling Resistance Tires	ROLL						
Low Drag Brakes	LDB						
Secondary Axle Disconnect	SAX						
Aero Drag Reduction	AERO						

Table IV-3b: Technology Cost Estimates

VEHICLE TECHNOLOGY RPE INCREMENTAL COSTS PER VEHICLE (2007$) BY VEHICLE SUBCLASS							
		Large	Performance Large	Minivan	Small	Midsize	Large
TECHNOLOGY	Abrev.	Car	Car	LT	LT	LT	LT
Low Friction Lubricants	LUB						
Engine Friction Reduction	EFR						
VVT - Coupled Cam Phasing (CCP) on SOHC	CCPS						
Discrete Variable Valve Lift (DVVL) on SOHC	DVVLS						
Cylinder Deactivation on SOHC	DEACS						
VVT - Intake Cam Phasing (ICP)	ICP						
VVT - Dual Cam Phasing (DCP)	DCP						
Discrete Variable Valve Lift (DVVL) on DOHC	DVVLD						
Continuously Variable Valve Lift (CVVL)	CVVL						
Cylinder Deactivation on DOHC	DEACD						
Cylinder Deactivation on OHV	DEACO						
VVT - Coupled Cam Phasing (CCP) on OHV	CCPO						
Discrete Variable Valve Lift (DVVL) on OHV	DVVLO						
Conversion to DOHC with DCP	CDOHC						
Stoichiometric Gasoline Direct Injection (GDI)	SGDI						
Combustion Restart	CBRST						
Turbocharging and Downsizing	TRBDS						
Exhaust Gas Recirculation (EGR) Boost	EGRB						
Conversion to Diesel following CBRST	DSLC						
Conversion to Diesel following TRBDS	DSLT						
6-Speed Manual/Improved Internals	6MAN						
Improved Auto. Trans. Controls/Externals	IATC						
Continuously Variable Transmission	CVT						
6/7/8-Speed Auto. Trans with Improved Internals	NAUTO						
Dual Clutch or Automated Manual Transmission	DCTAM						
Electric Power Steering	EPS						
Improved Accessories	IACC						
12V Micro-Hybrid	MHEV						
Belt Integrated Starter Generator	BISG						
Crank Integrated Starter Generator	CISG						
Power Split Hybrid	PSHEV						
2-Mode Hybrid	2MHEV						
Plug-in Hybrid	PHEV						
Mass Reduction 1 (1.5%)	MS1						
Mass Reduction 2 (3.5%-8.5%)	MS2						
Low Rolling Resistance Tires	ROLL						
Low Drag Brakes	LDB						
Secondary Axle Disconnect	SAX						
Aero Drag Reduction	AERO						

Table IV-4a: Technology Effectiveness Estimates

VEHICLE TECHNOLOGY INCREMENTAL FUEL CONSUMPTION REDUCTION (-%) BY VEHICLE SUBCLASS							
		Subcompact	Performance Subcompact	Compact	Performance Compact	Midsize	Performance Midsize
TECHNOLOGY	Abrev.	Car	Car	Car	Car	Car	Car
Low Friction Lubricants	LUB						
Engine Friction Reduction	EFR						
VVT - Coupled Cam Phasing (CCP) on SOHC	CCPS						
Discrete Variable Valve Lift (DVVL) on SOHC	DVVLS						
Cylinder Deactivation on SOHC	DEACS						
VVT - Intake Cam Phasing (ICP)	ICP						
VVT - Dual Cam Phasing (DCP)	DCP						
Discrete Variable Valve Lift (DVVL) on DOHC	DVVLD						
Continuously Variable Valve Lift (CVVL)	CVVL						
Cylinder Deactivation on DOHC	DEACD						
Cylinder Deactivation on OHV	DEACO						
VVT - Coupled Cam Phasing (CCP) on OHV	CCPO						
Discrete Variable Valve Lift (DVVL) on OHV	DVVLO						
Conversion to DOHC with DCP	CDOHC						
Stoichiometric Gasoline Direct Injection (GDI)	SGDI						
Combustion Restart	CBRST						
Turbocharging and Downsizing	TRBDS						
Exhaust Gas Recirculation (EGR) Boost	EGRB						
Conversion to Diesel following CBRST	DSLC						
Conversion to Diesel following TRBDS	DSLT						
6-Speed Manual/Improved Internals	6MAN						
Improved Auto. Trans. Controls/Externals	IATC						
Continuously Variable Transmission	CVT						
6/7/8-Speed Auto. Trans with Improved	NAUTO						
Dual Clutch or Automated Manual	DCTAM						
Electric Power Steering	EPS						
Improved Accessories	IACC						
12V Micro-Hybrid	MHEV						
Belt Integrated Starter Generator	BISG						
Crank Integrated Starter Generator	CISG						
Power Split Hybrid	PSHEV						
2-Mode Hybrid	2MHEV						
Plug-in Hybrid	PHEV						
Mass Reduction 1 (1.5%)	MS1						
Mass Reduction 2 (3.5%-8.5%)	MS2						
Low Rolling Resistance Tires	ROLL						
Low Drag Brakes	LDB						
Secondary Axle Disconnect	SAX						
Aero Drag Reduction	AERO						

Table IV-4b: Technology Effectiveness Estimates

VEHICLE TECHNOLOGY INCREMENTAL FUEL CONSUMPTION REDUCTION (-%) BY VEHICLE SUBCLASS							
		Large	Performance Large	Minivan	Small	Midsize	Large
TECHNOLOGY	Abrev.	Car	Car	LT	LT	LT	LT
Low Friction Lubricants	LUB						
Engine Friction Reduction	EFR						
VVT - Coupled Cam Phasing (CCP) on SOHC	CCPS						
Discrete Variable Valve Lift (DVVL) on SOHC	DVVLS						
Cylinder Deactivation on SOHC	DEACS						
VVT - Intake Cam Phasing (ICP)	ICP						
VVT - Dual Cam Phasing (DCP)	DCP						
Discrete Variable Valve Lift (DVVL) on DOHC	DVVLD						
Continuously Variable Valve Lift (CVVL)	CVVL						
Cylinder Deactivation on DOHC	DEACD						
Cylinder Deactivation on OHV	DEACO						
VVT - Coupled Cam Phasing (CCP) on OHV	CCPO						
Discrete Variable Valve Lift (DVVL) on OHV	DVVLO						
Conversion to DOHC with DCP	CDOHC						
Stoichiometric Gasoline Direct Injection (GDI)	SGDI						
Combustion Restart	CBRST						
Turbocharging and Downsizing	TRBDS						
Exhaust Gas Recirculation (EGR) Boost	EGRB						
Conversion to Diesel following CBRST	DSLC						
Conversion to Diesel following TRBDS	DSLT						
6-Speed Manual/Improved Internals	6MAN						
Improved Auto. Trans. Controls/Externals	IATC						
Continuously Variable Transmission	CVT						
6/7/8-Speed Auto. Trans with Improved	NAUTO						
Dual Clutch or Automated Manual	DCTAM						
Electric Power Steering	EPS						
Improved Accessories	IACC						
12V Micro-Hybrid	MHEV						
Belt Integrated Starter Generator	BISG						
Crank Integrated Starter Generator	CISG						
Power Split Hybrid	PSHEV						
2-Mode Hybrid	2MHEV						
Plug-in Hybrid	PHEV						
Mass Reduction 1 (1.5%)	MS1						
Mass Reduction 2 (3.5%-8.5%)	MS2						
Low Rolling Resistance Tires	ROLL						
Low Drag Brakes	LDB						
Secondary Axle Disconnect	SAX						
Aero Drag Reduction	AERO						

Table IV-5: Energy Loss Mechanism Estimates

		Percent Reduction of Energy Losses, by Loss Mechanism								
TECHNOLOGY	Abrev.	System Irreversibility	Exhaust and Coolant Heat Loss	Engine Friction	Pumping Loss	Accessory Losses	Transmission Losses	Aerodynamic Drag	Tire Rolling Resistance	Vehicle Work
Low Friction Lubricants	LUB									
Engine Friction Reduction	EFR									
VVT - Coupled Cam Phasing (CCP) on SOHC	CCPS									
Discrete Variable Valve Lift (DVVL) on SOHC	DVVLS									
Cylinder Deactivation on SOHC	DEACS									
VVT - Intake Cam Phasing (ICP)	ICP									
VVT - Dual Cam Phasing (DCP)	DCP									
Discrete Variable Valve Lift (DVVL) on DOHC	DVVLD									
Continuously Variable Valve Lift (CVVL)	CVVL									
Cylinder Deactivation on DOHC	DEACD									
Cylinder Deactivation on OHV	DEACO									
VVT - Coupled Cam Phasing (CCP) on OHV	CCPO									
Discrete Variable Valve Lift (DVVL) on OHV	DVVLO									
Conversion to DOHC with DCP	CDOHC									
Stoichiometric Gasoline Direct Injection (GDI)	SGDI									
Combustion Restart	CBRST									
Turbocharging and Downsizing	TRBDS									
Exhaust Gas Recirculation (EGR) Boost	EGRB									
Conversion to Diesel following CBRST	DSLC									
Conversion to Diesel following TRBDS	DSLT									
6-Speed Manual/Improved Internals	6MAN									
Improved Auto. Trans. Controls/Externals	IATC									
Continuously Variable Transmission	CVT									
6/7/8-Speed Auto. Trans with Improved	NAUTO									
Dual Clutch or Automated Manual Transmission	DCTAM									
Electric Power Steering	EPS									
Improved Accessories	IACC									
12V Micro-Hybrid	MHEV									
Belt Integrated Starter Generator	BISG									
Crank Integrated Starter Generator	CISG									
Power Split Hybrid	PSHEV									
2-Mode Hybrid	2MHEV									
Plug-in Hybrid	PHEV									
Mass Reduction 1 (1.5%)	MS1									
Mass Reduction 2 (3.5%-8.5%)	MS2									
Low Rolling Resistance Tires	ROLL									
Low Drag Brakes	LDB									
Secondary Axle Disconnect	SAX									
Aero Drag Reduction	AERO									

Table IV-6a: Technology Synergy Estimates

Synergies		Fuel Consumption Improvement Synergy values by Vehicle Class Positive values are [positive] synergies, negative values are dissynergies.					
Technology A	Technology B	Subcompact PC	Subcompact Perf. PC	Compact PC	Compact Perf. PC	Midsize PC	Midsize Perf. PC
ICP	CVT						

Table IV-6b: Technology Synergy Estimates

Synergies		Fuel Consumption Improvement Synergy values by Vehicle Class Positive values are [positive] synergies, negative values are dissynergies.					
Technology A	Technology B	Large PC	Large Perf. PC	Minivan LT	Small LT	Midsize LT	Large LT
ICP	CVT						

Appendix B. Technology Decision Trees

Figure 1. Engine Technology Decision Tree

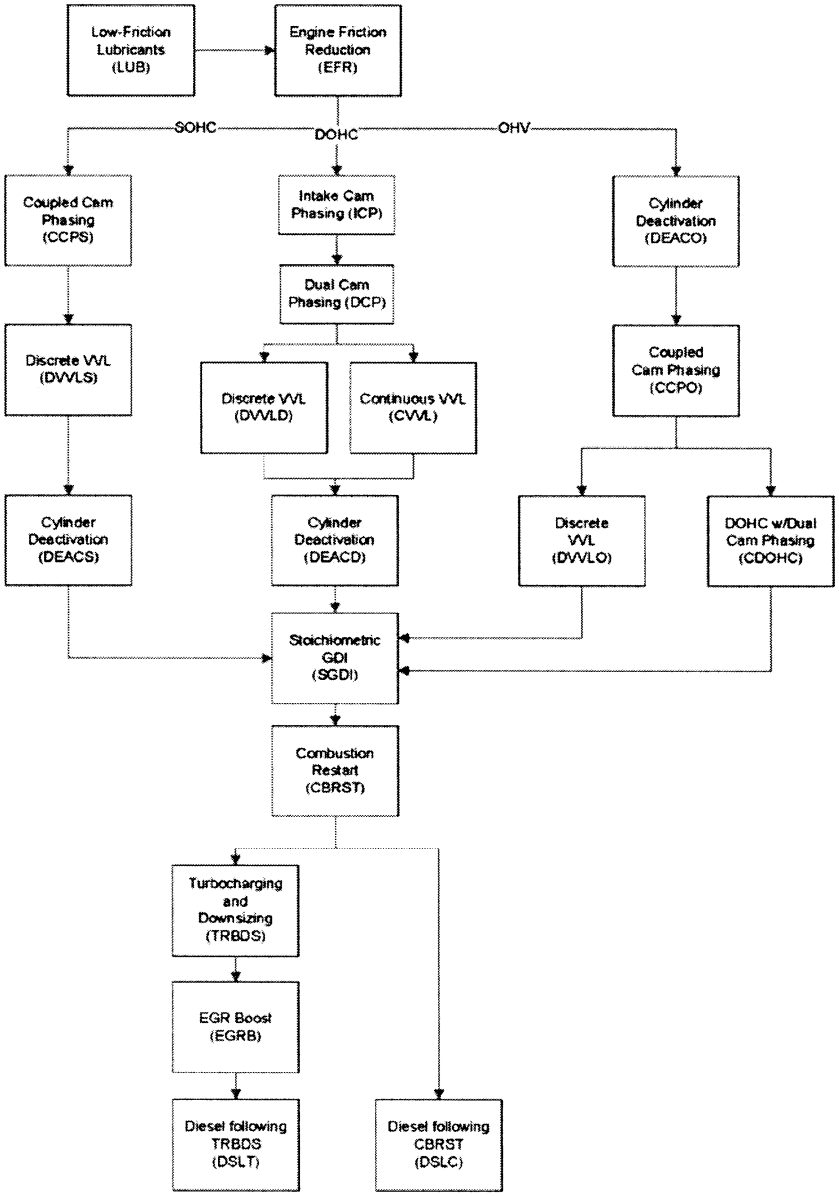


Figure 2. Electrification/Accessory, Transmission and Hybrid Technology Decision Tree

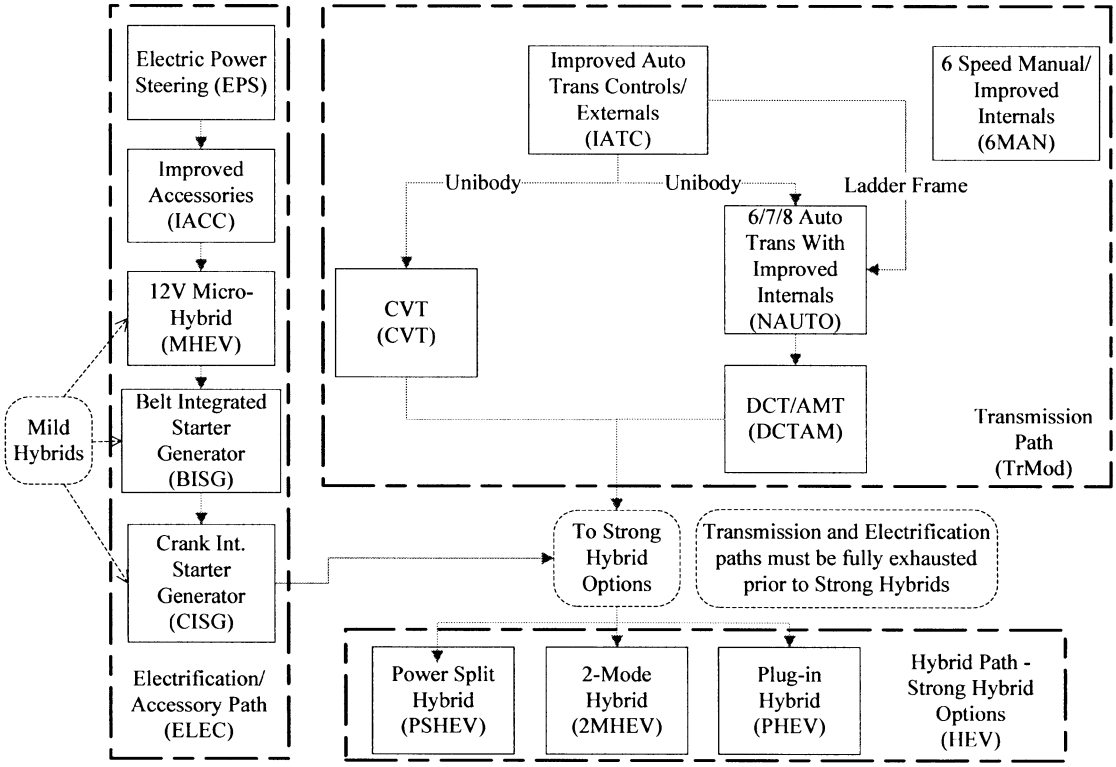
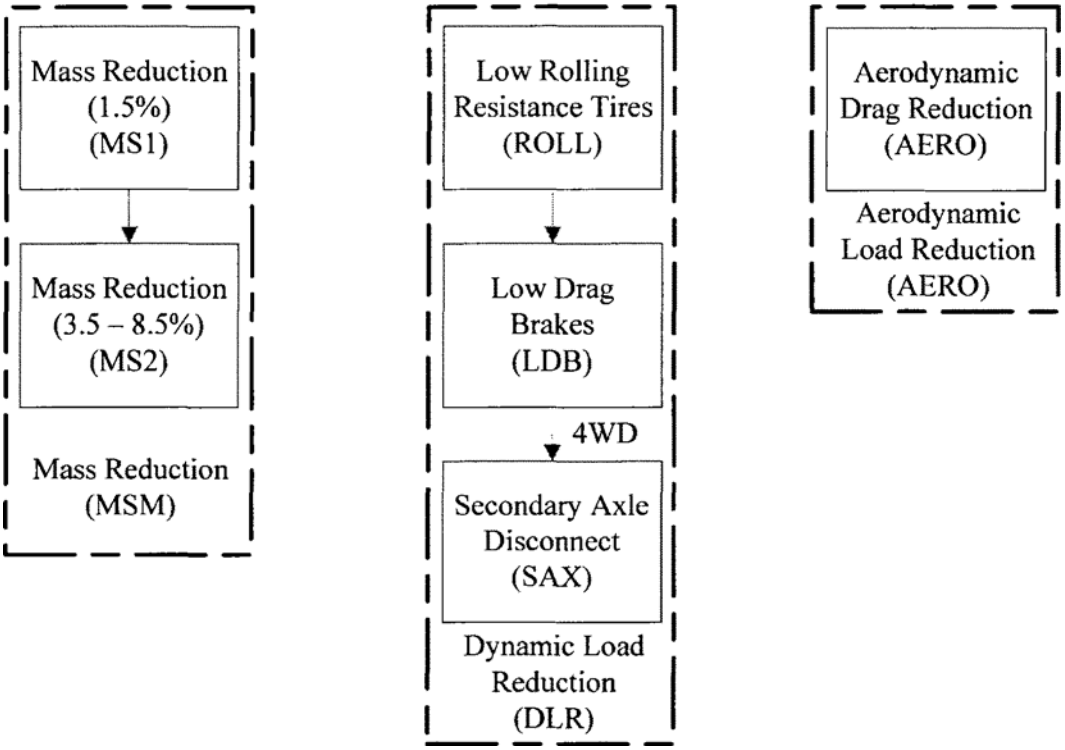


Figure 3. Vehicle Technology Decision Tree



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BILLING CODE P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R1–ES–2009–0010]
[92210–1117–000–B4]

RIN 1018–AV87

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Oregon Chub

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period, availability of draft economic analysis, amendment of required determinations, and announcement of public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the comment period on the proposed designation of critical habitat for the Oregon chub (*Oregonichthys crameri*) under the Endangered Species Act of 1973, as amended (Act). We also announce the availability of a draft economic analysis (DEA) and an amended required determinations section of the proposal. We are reopening the comment period for an additional 30 days to allow all interested parties an opportunity to comment simultaneously on the proposed designation of critical habitat for the Oregon chub, the associated DEA, and the amended required determinations section. If you submitted comments previously, you do not need to resubmit them because we have already incorporated them into the public record and will fully consider them in preparation of the final rule. We also announce a public hearing; the public is invited to review and comment on any of the above actions associated with the proposed critical habitat designation at the public hearing or in writing.

DATES: *Written Comments:* We will consider public comments received or postmarked on or before October 22, 2009.

Public Hearing: We will hold a public hearing on Monday, October 5, 2009, from 6:30 p.m. to 8:00 p.m. Pacific Time.

ADDRESSES: *Written Comments:* You may submit comments by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the instructions for submitting comments to Docket No. FWS-R1-ES-2009-0010.

• *U.S. mail or hand-delivery*: Public Comments Processing, Attn: FWS-R1-ES-2009-0010; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

Public Hearing: We will hold the public hearing at Benton Plaza, Plaza Meeting Room, 408 SW Monroe Ave., Corvallis OR 97330.

Availability of Comments: We will post all comments and the public hearing transcript on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Paul Henson, State Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266, by telephone (503-231-6179) or by facsimile (503-231-6195). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We will accept written comments and information during this reopened comment period on the proposed designation of critical habitat for the Oregon chub that was published in the **Federal Register** on March 10, 2009 (74

FR 10412), the DEA of the proposed designation of critical habitat for the Oregon chub, and the amended required determinations provided in this document. Verbal testimony or written comments may also be presented during the public hearing (see the **Public Hearing** section below for more information). We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The reasons why we should or should not designate certain habitat as critical habitat under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether there are threats to the Oregon chub from human activity, the type of human activity causing these threats, and whether the benefit of designation would outweigh the threats to the species due to the designation, such that the designation is prudent.

(2) Specific information on:

• The current amount and distribution of Oregon chub habitat.

• What physical and biological factors are essential to the conservation of the Oregon chub and why. Please include information as to the distribution of these essential factors and what special management considerations or protections may be required to maintain or enhance them.

• What areas occupied at the time of listing contain features essential for the conservation of the species which we should include in the designation and why.

• What areas not occupied at the time of listing are essential to the conservation of the species and why.

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

(4) Any foreseeable economic, national security, or other relevant impacts that may result from the proposed designation and, in particular, any impacts to small entities, and the benefits of including or excluding areas from the proposed designation that exhibit these impacts.

(5) Special management considerations or protections that the essential physical and biological features identified in the proposed critical habitat may require.

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

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

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

You may submit your comments and materials concerning our proposed rule, the associated DEA, and our amended required determinations by one of the methods listed in the **ADDRESSES** section.

If you submit a comment via *http://www.regulations.gov*, your entire submission — including any personal identifying information — will be posted on the website. If your submission is made via a hard copy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hard copy comments on *http://www.regulations.gov*. Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation used to prepare this notice, will be available for public inspection at *http://www.regulations.gov*, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office (see the **FOR FURTHER INFORMATION CONTACT** section). You may obtain copies of the proposed rule and DEA on the Internet at *http://www.regulations.gov* at Docket Number FWS–R1–ES–2009–0010, from our Web site at *http://www.fws.gov/oregonfwo/Species/Data/OregonChub/*, or by mail from the Oregon Fish and Wildlife Office (see the **FOR FURTHER INFORMATION CONTACT** section).

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Public Hearing

We are holding a public hearing on the date listed in the DATES section at the address listed in the **ADDRESSES** section. We are holding this public hearing to provide interested parties an opportunity to provide verbal testimony (formal, oral comments) or written comments regarding the proposed critical habitat designation, the associated DEA, and the amended required determinations section. An informational session will precede the hearing from 4:30 p.m. to 5:30 p.m. Pacific Time. During this session, Service biologists will be available to provide information and address questions on the proposed rule in advance of the formal hearing.

People needing reasonable accommodations in order to attend and participate in the public hearings should contact Paul Henson, Oregon Fish and Wildlife Office, at 503-231-6179, as soon as possible (see **FOR FURTHER INFORMATION CONTACT** section). In order to allow sufficient time to process requests, please call no later than one week before the hearing date. Information regarding this notice is available in alternative formats upon request.

Background

It is our intent to discuss only those topics directly relevant to the proposed designation of critical habitat for the Oregon chub in this notice. For more information on previous Federal actions concerning the Oregon chub, refer to the proposed designation of critical habitat published in the **Federal Register** on March 10, 2009 (74 FR 10412). For more information on the Oregon chub or its habitat, refer to the final listing rule published in the **Federal Register** on October 18, 1993 (58 FR 53800), or contact the Oregon Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

On March 9, 2007, the Institute for Wildlife Protection filed suit against the Service for failure to designate critical habitat for the Oregon chub within the statutory timeframe, and for failure to conduct a 5–year status review (*Institute for Wildlife Protection* v. *U.S. Fish and Wildlife Service*). In a settlement agreement with the Plaintiff, we agreed to complete a status review by March 1, 2008, submit a proposed critical habitat rule for the Oregon chub to the **Federal Register** by March 1, 2009, and to submit a final critical habitat determination to the **Federal Register** by March 1, 2010.

On March 8, 2007, we published a notice that we would begin a status review of the Oregon chub (72 FR 10547). We completed the Oregon chub's 5–year review on February 11, 2008. We published the proposed designation of critical habitat in the **Federal Register** on March 10, 2009 (74 FR 10412).

Section 3 of the Act defines critical habitat as ''the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with'' the Act, ''on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require

special management considerations or protection; and specific areas outside the geographical area occupied by the species at the time it is listed'' ''upon a determination by the Secretary that such areas are essential for the conservation of the species'' (16 USC 1532(5)(A)(i and ii)). If the proposed rule is made final, section 7 of the Act will prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Federal agencies proposing actions that affect critical habitat must consult with us on the effects of their proposed actions, under section 7(a)(2) of the Act.

Draft Economic Analysis

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific data available, after taking into consideration the economic impact, impact on national security, or any other relevant impact of specifying any particular area as critical habitat.

We have prepared a Draft Economic Analysis (DEA), which identifies and analyzes the potential economic impacts associated with the proposed designation of critical habitat for the Oregon chub that we published in the **Federal Register** on March 10, 2009 (74 FR 10412). The DEA quantifies the economic impacts of all potential conservation efforts for the Oregon chub; some of these costs will likely be incurred regardless of whether or not we designate critical habitat. The economic impact of the proposed critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.'' The ''without critical habitat'' scenario represents the baseline for the analysis, considering protections already in place for the species (e.g., under the Federal listing and other Federal, State, and local regulations). The baseline, therefore, represents the costs incurred regardless of whether critical habitat is designated. The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts are those not expected to occur absent the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat above and beyond the baseline costs; these are the costs we may consider in the final designation of critical habitat. The analysis looks retrospectively at baseline impacts incurred since the species was listed, and forecasts both baseline and incremental impacts likely to occur if we finalize the proposed critical habitat designation.

The DEA estimates impacts based on activities that are reasonably foreseeable, including, but not limited to, activities that are currently authorized, permitted, or funded, or for which proposed plans are currently available to the public. The DEA provides estimated costs of the foreseeable potential economic impacts of the proposed critical habitat designation for the Oregon chub over the next 20 years, which was determined to be the appropriate period for analysis because limited planning information was available for most activities to reasonably forecast activity levels for projects beyond a 20–year timeframe. The DEA identifies potential incremental costs as a result of the proposed critical habitat designation; these are those costs attributed to critical habitat over and above those baseline costs attributed to listing. The DEA quantifies economic impacts of conservation efforts for the Oregon chub associated with the following categories of activity: (1) Transportation; (2) habitat management; (3) agriculture; (4) water management; and (5) forestry.

Total future (2010-2029) baseline impacts are estimated to be $3.74 million to $12.9 million using a 3 percent discount rate, and $2.74 million to $11.1 million using a 7 percent discount rate. Impacts to mitigation banking for anticipated transportation projects in Unit 2B(1) (Ankeny Willow Marsh) are expected to bear the majority of the total future baseline impacts ($4.59 million), using a 7 percent discount rate. Under the low-end scenario (3 percent discount rate), Unit 3H (Hospital Pond) has the highest levels of impacts ($525,000), stemming primarily from habitat management activities.

The DEA estimates that total potential incremental economic impacts in areas proposed as critical habitat over the next 20 years will be $146,000 using a 3 percent discount rate, and $108,000 using a 7 percent discount rate. Approximately 67 percent of the incremental impacts attributed to the proposed designation of critical habitat are expected to be related to section 7 consultations with Federal agencies for habitat management activities, followed by water management consultations (20.5 percent), transportation consultations (8.3 percent), and forestry consultations (4.5 percent). We do not anticipate section 7 consultations related to agricultural activities during the DEA timeframe.

As stated earlier, we are seeking data and comments from the public on the DEA, as well as all aspects of the proposed rule and our amended required determinations. We may revise the proposed rule or supporting documents to incorporate or address information we receive during the public comment period, including information received during or in response to the public hearing. In particular, we may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area, provided the exclusion will not result in the extinction of the species.

Required Determinations — Amended

In our March 10, 2009, proposed rule (74 FR 10412), we indicated that we would defer our determination of compliance with several statutes and Executive Orders until the information concerning potential economic impacts of the designation and potential effects on landowners and stakeholders became available in the DEA. We have now made use of the DEA data in making these determinations. In this document, we affirm the information in our proposed rule concerning Executive Order (E.O.) 13132 (Federalism), E.O. 12988 (Civil Justice Reform), the Paperwork Reduction Act, the National Environmental Policy Act, and the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951). However, based on the DEA data, we are amending our required determinations concerning E.O. 12866 (*Regulatory Planning and Review*) and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), E.O. 13211 (Energy Supply, Distribution, or Use), E.O. 12630 (Takings), and the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*).

Regulatory Planning and Review (E.O. 12866)

The Office of Management and Budget (OMB) has determined that this proposed rule is not significant and has not reviewed this proposed rule under E.O. 12866. The OMB based its determination upon the following four criteria:

(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions), as described below. However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Based on our DEA of the proposed designation, we provide our analysis for determining whether the proposed rule would result in a significant economic impact on a substantial number of small entities. Based on comments we receive, we may revise this determination as part of a final rulemaking.

According to the Small Business Administration, small entities include small organizations, such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term significant economic impact is meant to apply to a typical small business firm's business operations.

To determine if the proposed designation of critical habitat for the Oregon chub would affect a substantial number of small entities, we considered the number of small entities affected within particular types of economic activities, such as residential and commercial development. In order to determine whether it is appropriate for our agency to certify that this rule would not have a significant economic impact on a substantial number of small entities, we considered each industry or category individually. In estimating the numbers of small entities potentially affected, we also considered whether their activities have any Federal involvement. Critical habitat designation will not affect activities that do not have any Federal involvement; designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies.

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

In the DEA, we evaluated the potential economic effects on small business entities resulting from implementation of conservation actions related to the proposed designation of critical habitat for the Oregon chub. The DEA identified the estimated incremental impacts associated with the proposed designation of critical habitat as described in sections 3 through 7, and evaluated the potential for economic impacts related to activity categories including water management, agriculture, forestry, transportation, and habitat management.

As discussed in Appendix A of the DEA, of the activities addressed in the analysis, only forestry activities are expected to experience incremental, administrative consultation costs that may be borne by small businesses. These costs may arise when the U.S. Forest Service consults on Federal timber sales, with small logging and timber tract companies as third parties. In Lane and Benton Counties, there are 178 logging operations and 98 timber tract operations that are considered small, representing between 98 and 100 percent of all businesses in the affected industry sector within these two counties. These small businesses may bear a total of $1,440 in incremental impacts related to these consultations through 2029. Please refer to our Draft Economic Analysis of the proposed critical habitat designation for a more detailed discussion of potential economic impacts.

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

Executive Order 13211—Energy Supply, Distribution, and Use

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. The OMB's guidance for implementing this Executive Order outlines nine outcomes that may constitute ''a significant adverse effect'' when compared to no regulatory action. As discussed in Appendix A, the DEA finds that none of these criteria are relevant to this analysis. The DEA concludes that no incremental impacts are forecast associated specifically with this rulemaking on the production, distribution, or use of energy. All forecast impacts are expected to occur associated with the listing of the Oregon chub, regardless of the designation of critical habitat. Therefore, designation of critical habitat is not expected to lead to any adverse outcomes (such as a reduction in electricity production or an increase in the cost of energy production or distribution), and a Statement of Energy Effects is not required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act, the Service makes the following findings:

(a) This rulemaking will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)-(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or Tribal

governments,'' with two exceptions. First, it excludes ''a condition of federal assistance.'' Second, it excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding'' and the State, local, or Tribal governments ''lack authority'' to adjust accordingly. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance; or (ii) a duty arising from participation in a voluntary Federal program.''

Critical habitat designation does not impose a legally binding duty on non-Federal government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. Designation of critical habitat may indirectly impact non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action. However, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above on to State governments.

(b) As discussed in the DEA of the proposed designation of critical habitat for the Oregon chub, we do not believe that this rule would significantly or uniquely affect small governments because it would not produce a Federal mandate of $100 million or greater in any year; that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The DEA concludes that incremental impacts may occur due to project modifications that may need to be made for agricultural and development activities; however, these are not expected to affect small governments. Consequently, we do not believe that the critical habitat designation would significantly or uniquely affect small government entities. As such, a Small Government Agency Plan is not required.

Executive Order 12630—Takings

In accordance with E.O. 12630 (''Government Actions and Interference with Constitutionally Protected Private Property Rights''), we have analyzed the potential takings implications of proposing critical habitat for the Oregon chub in a takings implications assessment. Critical habitat designation does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits. The proposed critical habitat for the Oregon chub does not pose significant takings implications for the above reasons.

References Cited

A complete list of all references we cited in the proposed rule and in this document is available on the Internet at *http://www.regulations.gov* or by contacting the Oregon Fish and Wildlife Office (see the **FOR FURTHER INFORMATION CONTACT** section).

Authors

The primary authors of this rulemaking are the staff members of the Oregon Fish and Wildlife Office.

Authority

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

Dated: August 24, 2009

Will Shafroth

Acting Assistant Secretary for Fish and Wildlife and Parks

[FR Doc. E9–22801 Filed 9–21–09; 8:45 am]

BILLING CODE 4310–55–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R6–ES–2009–0027; 92220–1113–0000; ABC Code: C3]

RIN 1018–AW27

Endangered and Threatened Wildlife and Plants; Proposed Rule To List the Shovelnose Sturgeon as Threatened Due to Similarity of Appearance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service or USFWS), propose to treat the shovelnose sturgeon *(Scaphirhynchus platorynchus*) as threatened under the ''Similarity of Appearance'' provisions of the Endangered Species Act of 1973, as amended (Act). The shovelnose sturgeon *(Scaphirhynchus platorynchus*) and the endangered pallid sturgeon (*Scaphirhynchus albus*) are difficult to differentiate in the wild and inhabit overlapping portions of the Missouri and Mississippi River basins. Four States where the two species commonly coexist allow for commercial fishing of shovelnose sturgeon which is in demand for its roe (eggs sold as caviar). The close resemblance in appearance between the two species creates substantial difficulty for fishermen, State regulators, and law enforcement personnel in differentiating between shovelnose and pallid sturgeon, both whole specimens and parts (including flesh and roe). This similarity of appearance has resulted in the documented take of pallid sturgeon and is a threat to the species. The determination that the shovelnose sturgeon should be treated as threatened due to similarity of appearance will substantially facilitate law enforcement actions to protect and conserve pallid sturgeon. We also propose a special rule to define activities that would and would not constitute take of shovelnose sturgeon under section 9 of the Act.

DATES: We will accept comments received or postmarked on or before November 23, 2009. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by November 6, 2009.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow instruction for submitting comments to Docket No. FWS–R6–ES–2009–0027.
- *U.S. mail or hand-delivery:* Public Comments Processing, *Attn:* FWS–R6–ES–2009–0027; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

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

FOR FURTHER INFORMATION CONTACT: Pallid Sturgeon Recovery Coordinator, Billings Field Office, 2900 4th Avenue North, Room 301, Billings, Montana 59101 (telephone 406/247–7365; facsimile 406/247–7364). Persons who

use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800/877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

Public Comments

You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section. If you submit a comment via *http://www.regulations.gov,* your entire comment—including your personal identifying information—will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on *http://www.regulations.gov.*

Peer Review

In accordance with our joint policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), and the Office of Management and Budget's (OMB) Final Information Quality Bulletin for Peer Review, dated December 16, 2004, we will seek independent review of the science in this rule. The purpose of such review is to ensure that our final rule is based on scientifically sound data, assumptions, and analyses. We will send at least three peer reviewers copies of this proposed rule immediately following publication in the **Federal Register**. We will invite these peer reviewers to comment, during the public comment period, on the specific assumptions and conclusions regarding the proposed rule.

We will take into consideration all comments, including peer review comments, and any additional information received during the comment period on this proposed rule during the preparation of a final rulemaking. Accordingly, the final decision may differ from this proposal.

Public Hearings

Section 4(b)(5)(E) of the Act requires that we hold one public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal in the **Federal Register** (*see* **DATES**). Such requests must be made in writing and be addressed to the Pallid Sturgeon Recovery Coordinator at the address in **FOR FURTHER INFORMATION CONTACT.**

Similarity of Appearance Listing

Section 4(e) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*) and implementing regulations (50 CFR 17.50–17.52) authorize the treatment of a species as endangered or threatened if (a) The species so closely resembles in appearance a listed endangered or threatened species that law enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species; (b) the effect of this substantial difficulty is an additional threat to an endangered or threatened species; and (c) such treatment of an unlisted species will substantially facilitate the enforcement and further the purposes of the Act. With regard to shovelnose sturgeon, we believe each of these factors apply.

In 1990, we listed the pallid sturgeon (*Scaphirhynchus albus*) as endangered under the Act (55 FR 36641, September 6, 1990). The pallid sturgeon has a flattened, shovel-shaped snout, possesses a long and slender and completely armored caudal peduncle, and lacks a spiracle and belly scutes (Forbes and Richardson 1905, pp. 38–41). Pallid sturgeon are a bottom-oriented species found only in portions of the Missouri and Mississippi River basins (Kallemeyn 1983, p. 4). The species can be long-lived (40 + years), with females reaching sexual maturity later than males (Keenlyne and Jenkins 1993, pp. 393, 395). Pallid sturgeon at the northern end of their range can obtain sizes much larger than pallid sturgeon at the southern end of their range (USFWS 1993, p. 3). Known threats to the pallid sturgeon include habitat modification, small population size, limited natural reproduction, hybridization, pollution and contaminants, and commercial harvest (55 FR 36641, September 6, 1990; USFWS 2007, pp. 38–59).

The shovelnose sturgeon (*Scaphirhynchus platorynchus*) is similar in appearance to the pallid sturgeon and inhabits overlapping portions of the Missouri and Mississippi River basins. Traditionally, biologists used character indices to distinguish between pallid and shovelnose sturgeon. This approach uses up to 13 morphometric body measurements as well as meristic counts (*i.e.,* the number of dorsal and anal fin rays) to differentiate between the two species. Since shovelnose sturgeon do not obtain maximum sizes as great as pallid sturgeon, it was assumed that adult shovelnose sturgeon could be distinguished from pallid sturgeon by their smaller size. However, throughout their ranges, there is length overlap between the two species. Thus size alone is not a suitable diagnostic character between the two species. Age of the individual also can complicate use of morphometrics in differentiation based on size (Kuhajda *et al.* 2007, pp. 324, 344). Recent data show limited success applying character indices universally across the geographic range of the species (Kuhajda *et al.* 2007, pp. 344–346; Murphy *et al.* 2007, p. 322). We now believe a combination of character indices, based on morphometric measures and meristic counts, as well as genetic testing is necessary to reliably identify a whole specimen or its parts. While genetic tests can differentiate *Scaphirhynchus* eggs from those of other genera, at this time, roe cannot be reliably differentiated as having been derived from shovelnose sturgeon, harvest of which may be legal, or pallid sturgeon, harvest of which is illegal (Curtis 2008). This similarity poses a problem for Federal and State law enforcement agents trying to stem illegal trade in pallid sturgeon roe.

While harvest of pallid sturgeon is prohibited by section 9 of the Act and by State regulations throughout its range, commercial harvest of shovelnose sturgeon has resulted in the documented take of pallid sturgeon (Sheehan *et al.* 1997, p. 3; Bettoli *et al.* 2009, p. 3; USFWS 2007, pp. 45–48). Four States allow commercial harvest of shovelnose sturgeon from waters commonly occupied by pallid sturgeon (USFWS 1993, pp. 3–5). These are Tennessee (Tennessee 2008, pp. 4–5), Missouri (except on the Missouri River upstream of the Kansas River to the Iowa border) (Missouri 2008, pp. 10–11), Kentucky (Kentucky 2008, pp. 1–2), and Illinois (below Mel Price Locks and Dam) (Illinois 2007, pp. 3–5; Illinois 2008, p. 2). In order to protect pallid sturgeon, fishing seasons with maximum harvestable size limits for shovelnose sturgeon have been established (Bettoli *et al.* 2009, pp. 1–2). However, harvestable size limits for shovelnose sturgeon cannot protect pallid sturgeon that fall within the harvestable size limits if pallid sturgeon cannot be reliably differentiated from shovelnose sturgeon.

A recent study documented that commercial fishers misidentified 29 percent of the encountered pallid sturgeon and that a minimum of 1.8 percent of total sturgeon harvest in Tennessee was endangered pallid sturgeon (Bettoli *et al.* 2009, p. 3). Applying this minimum harvest estimate to the 2005–07 commercial

shovelnose fishing season within the Tennessee portion of the Mississippi River results in a minimum harvest estimate of 169 adult pallid sturgeon (Bettoli *et al.* 2009, p. 1). If this minimum estimate of pallid sturgeon take was applied across the four States that commercially harvest shovelnose sturgeon where the species commonly coexist, the data suggest a substantial level of pallid sturgeon take (approximately 3,000 kilograms (6,600 pounds (lb)) of pallid sturgeon flesh and about 320 kilograms (700 lb) pallid sturgeon roe since 2000).

Furthermore, demographic data indicate that total annual pallid sturgeon mortality rates are about three times higher where commercial harvest of shovelnose sturgeon occurs compared to areas without commercial harvest (30 percent versus 7 to 11 percent) (Killgore *et al.* 2007, pp. 454–455). The same study found that maximum identified ages of pallid sturgeon are substantially lower in commercially fished reaches of the Mississippi River (14 years) than in noncommercially fished reaches of the Mississippi River (21 years) (Killgore *et al.* 2007, p. 454). Harvested and protected populations should have considerably different mortality rates (and, therefore, corresponding different maximum ages); however, Colombo *et al.* (2007, p. 449) found similar mortality rates for the endangered pallid sturgeon and the harvested shovelnose sturgeon in the middle Mississippi River. This provides further evidence that illegal harvest of pallid sturgeon is occurring. Because female sturgeon do not begin egg development until ages 9 to 12, may not spawn until ages 15 to 20, and spawning may not occur annually (Keenlyne and Jenkins 1993, p. 395), mortality associated with commercial fishing activity is likely substantially lowering recruitment and negatively impacting population growth. Such take is a threat that needs to be addressed in order to conserve the pallid sturgeon.

State commercial fishing data (Table 1) demonstrate a substantial level of commercial harvest of shovelnose sturgeon, including both flesh and roe, from areas where both shovelnose and pallid sturgeon coexist (Williamson 2003, pp. 118–120; Maher 2008; Scholten 2008a; Scholten 2008b; Travnichek 2008).

TABLE 1—REPORTED COMMERCIAL HARVEST OF SHOVELNOSE STURGEON FLESH AND ROE IN POUNDS FROM 1995 TO 2007 FROM THE PORTIONS OF ILLINOIS, KENTUCKY, MISSOURI, AND TENNESSEE WHERE BOTH SHOVELNOSE STURGEON AND PALLID STURGEON COEXIST

[Scholten 2008a; Scholten 2008b; Travnichek 2008; Williamson 2003]

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Flesh													
Illinois	405	3,475	6,115	2,855	3,798	1,576	3,074	1,541	600	2,931	2,599	*	*
Kentucky	*	*	*	*	25	9,938	13,059	8,324	1,413	5,167	16,324	14,130	10,043
Missouri	6,201	10,142	8,231	9,089	19,655	23,394	77,498	43,211	23,956	28,818	10,002	6,526	5,220
Tennessee	*	*	*	*	*	4,178	2,178	3,519	5,759	4,005	17,297	12,926	7,812
Total	6,606	13,617	14,346	11,944	23,478	39,086	95,809	56,595	31,728	40,921	46,222	33,582	23,075
Roe													
Illinois	0	28	65	87	0	16	208	402	134	585	8,395	*	*
Kentucky	*	*	*	*	*	527	1,021	731	258	554	1,844	1,648	1,738
Missouri	*	*	*	*	*	*	*	*	4,490	3,504	2,356	1,907	1,420
Tennessee	*	*	*	*	*	*	*	660	1,001	665	2,290	2,027	1,366
Total	0	28	65	87	0	543	1,229	1,793	5,883	5,308	14,885	5,582	4,524

Illinois shovelnose harvest includes Mississippi River catch downstream of Mel Price Locks and Dam; Missouri shovelnose harvest includes both Mississippi River (downstream of Mel Price Locks and Dam) and Missouri River (except on the Missouri River upstream of the Kansas River to the Iowa border) catches; and Tennessee and Kentucky shovelnose harvest includes Mississippi River catch. Tennessee's flesh data was extrapolated using length–weight relationships from total fish harvested.

An asterisk (*) indicates no data reported or data otherwise unavailable.

Much of the domestic sturgeon fishing pressure has been driven by international sturgeon supply and increasing price trends. Global sturgeon catch declined from the record peak of 32,078 metric tons (70,719,884 lb) in 1978 to 2,658 metric tons (5,859,886 lb) in 2000 (FAO Fisheries Circular 2004, executive summary). This reduction in supply resulted in exponential growth of caviar prices since the 1978 peak (Bardi and Yaxley 2005, p. 2). Since 1998, international trade in all species of sturgeon has been regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) owing to concerns over the impact of international trade on sturgeon populations in the wild. Recent CITES sturgeon quotas have further limited supply and exacerbated price pressures (CITES 2005, pp. 1–5, 8–9; CITES 2006, pp. 1, 5–6, 10–11; CITES 2007, pp. 1, 3–5, 8–9; CITES 2008, pp. 3, 7, 8, 11, 14). We expect commercial pressures on domestic sturgeon to remain constant or possibly increase due in part to the current restrictions on import of beluga sturgeon (*Huso huso*) caviar into the United States (70 FR 57316, September 30, 2005 and 70 FR 62135, October 28, 2005) due to its status as a threatened species and the general trend toward reduced caviar exports from the Caspian Sea and Black Sea sturgeon stocks.

Incidental and illegal harvest of pallid sturgeon is a significant impediment to the survival and recovery of this species in some portions of its range (USFWS 2007, p. 45). Our recent 5-year status review recommended that we identify and implement measures to eliminate or significantly reduce illegal and accidental harvest of pallid sturgeon (USFWS 2007, p. 59).

Treating the shovelnose sturgeon as a threatened species, due to similarity of appearance, will result in a termination of commercial harvest of shovelnose sturgeon and shovelnose-pallid sturgeon hybrids where they commonly coexist with pallid sturgeon, which, in turn, will facilitate the enforcement of take

protections for pallid sturgeon and drastically reduce or eliminate take of pallid sturgeon associated with commercial fishing of shovelnose sturgeon and their roe. Reduction of take of pallid sturgeon will facilitate the species' survival, reproduction, and, ultimately, its recovery. For these reasons, the Service is proposing to treat the shovelnose sturgeon as threatened due to similarity of appearance to the pallid sturgeon in those areas where the two species commonly coexist, in accordance with section 4(e) of the Act.

Section 4(d) ''Special Rule'' Regulating Take

Whenever a species is listed as a threatened species under the Act, the Secretary may specify regulations that he deems necessary to provide for the conservation of that species under a special rule authorized by section 4(d) of the Act. These rules, commonly referred to as ''special rules,'' are found in part 17 of title 50 of the Code of Federal Regulations (CFR) in sections 17.40–17.48. This proposed special rule for 17.44, which deals with fishes, would prohibit take of any shovelnose sturgeon, shovelnose-pallid sturgeon hybrids, or their roe when associated with or related to a commercial fishing activity in those portions of its range that commonly overlap with the range of endangered pallid sturgeon. In this context, commercial fishing purposes is defined as any activity where shovelnose sturgeon and shovelnose-pallid sturgeon hybrid roe or flesh is, is attempted to be, or is intended to be traded, sold, or exchanged for goods or services. Capture of shovelnose sturgeon or shovelnose-pallid sturgeon hybrids in any commercial fishing gear is not prohibited if it is accidental or incidental to otherwise legal commercial fishing activities, such as commercial fishing targeting nonsturgeon species, provided the animal is released immediately upon discovery, with all roe intact, at the point of capture. All otherwise legal activities involving shovelnose sturgeon and shovelnose-pallid sturgeon hybrids that are conducted in accordance with applicable State, Federal, Tribal, and local laws and regulations are not considered to be take under this proposed regulation.

Effects of these Proposed Rules

Listing the shovelnose sturgeon as threatened under the ''similarity of appearance'' provisions of the Act will extend take prohibitions to shovelnose sturgeon, shovelnose-pallid sturgeon hybrids, or their roe when associated with a commercial fishing activity. Capture of shovelnose sturgeon or shovelnose-pallid sturgeon hybrids in any commercial fishing gear is not prohibited if it is accidental or incidental to otherwise legal commercial fishing activities, such as commercial fishing targeting nonsturgeon species, provided the animal is released immediately upon discovery, with all roe intact, at the point of capture. All otherwise legal activities within the identified areas that may involve shovelnose sturgeon and shovelnose-pallid sturgeon hybrids and which are conducted in accordance with applicable State, Federal, Tribal, and local laws and regulations will not be considered take under this proposed regulation.

Under the special 4(d) rule, take would only be prohibited where shovelnose and pallid sturgeons' range commonly overlap (USFWS 1993, pp. 3–5, 16–17). Specifically, this includes the portion of the Missouri River in Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota; the portion of the Mississippi River in Arkansas, Kentucky, Illinois (downstream from Melvin Price Locks and Dam), Louisiana, Mississippi, Missouri (downstream from Melvin Price Locks and Dam), and Tennessee; the Platte River in Nebraska downstream of Elkhorn River confluence; the portion of the Kansas River downstream from Bowersock Dam in Kansas; the Yellowstone River in North Dakota and Montana downstream of the Bighorn River confluence; and the Atchafalaya River in Louisiana. See the map in the rule portion of this document.

This proposed designation of similarity of appearance under section 4(e) of the Act would not extend any other protections of the Act, such as the requirements to designate critical habitat, the recovery planning provisions under section 4(f), or consultation requirements for Federal agencies under section 7, to shovelnose sturgeon. Therefore, should this proposal become final, Federal agencies will not be required to consult with us on activities they authorize, fund, or carry out that may affect shovelnose sturgeon.

Clarity of This Proposed Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Paperwork Reduction Act

Office of Management and Budget (OMB) regulations at 5 CFR part 1320 implement provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The OMB regulations at 5 CFR 1320.3(c) define a ''collection of information'' as the obtaining of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, 10 or more persons. Furthermore, 5 CFR 1320.3(c)(4) specifies that ''10 or more persons'' refers to the persons to whom a collection of information is addressed by the agency within any 12-month period. For purposes of this definition, employees of the Federal Government are not included. A Federal 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. This rule does not contain collections of information other than those permit application forms already approved under the Paperwork Reduction Act and assigned OMB control number 1018–0094.

National Environmental Policy Act

We have determined that an Environmental Assessment or Environmental Impact Statement, as defined under the authority of the National Environmental Policy Act of 1969 (NEPA), need not be prepared in connection with listing regulations adopted pursuant to section 4 of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). The Service believes that this rationale also applies to section 4(d) rules.

References Cited

A complete list of references cited in this rule is available upon request from the Pallid Sturgeon Recovery

Coordinator (*see* **FOR FURTHER INFORMATION CONTACT** section above).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

Accordingly, we hereby propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 17—[AMENDED]

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

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

2. Amend § 17.11(h) by adding an entry for ''Sturgeon, shovelnose'', in alphabetical order under ''FISHES,'' to the List of Endangered and Threatened Wildlife to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	
FISHES							
*	*	*	*	*	*	*	
Sturgeon, shovelnose.	*Scaphirhynchus platorynchus*.	U.S.A. (AL, AR, IA, IL, IN, KS, KY, LA, MN, MO, MS, MT, ND, NE, NM, OH, OK, PA, SD, TN, TX, WI, WV, WY).	Entire	T (S/A)		N/A	17.44(aa)
*	*	*	*	*	*	*	

3. Amend § 17.44 by adding a new paragraph (aa) to read as follows:

§ 17.44 Special rules—fishes.

* * * * *

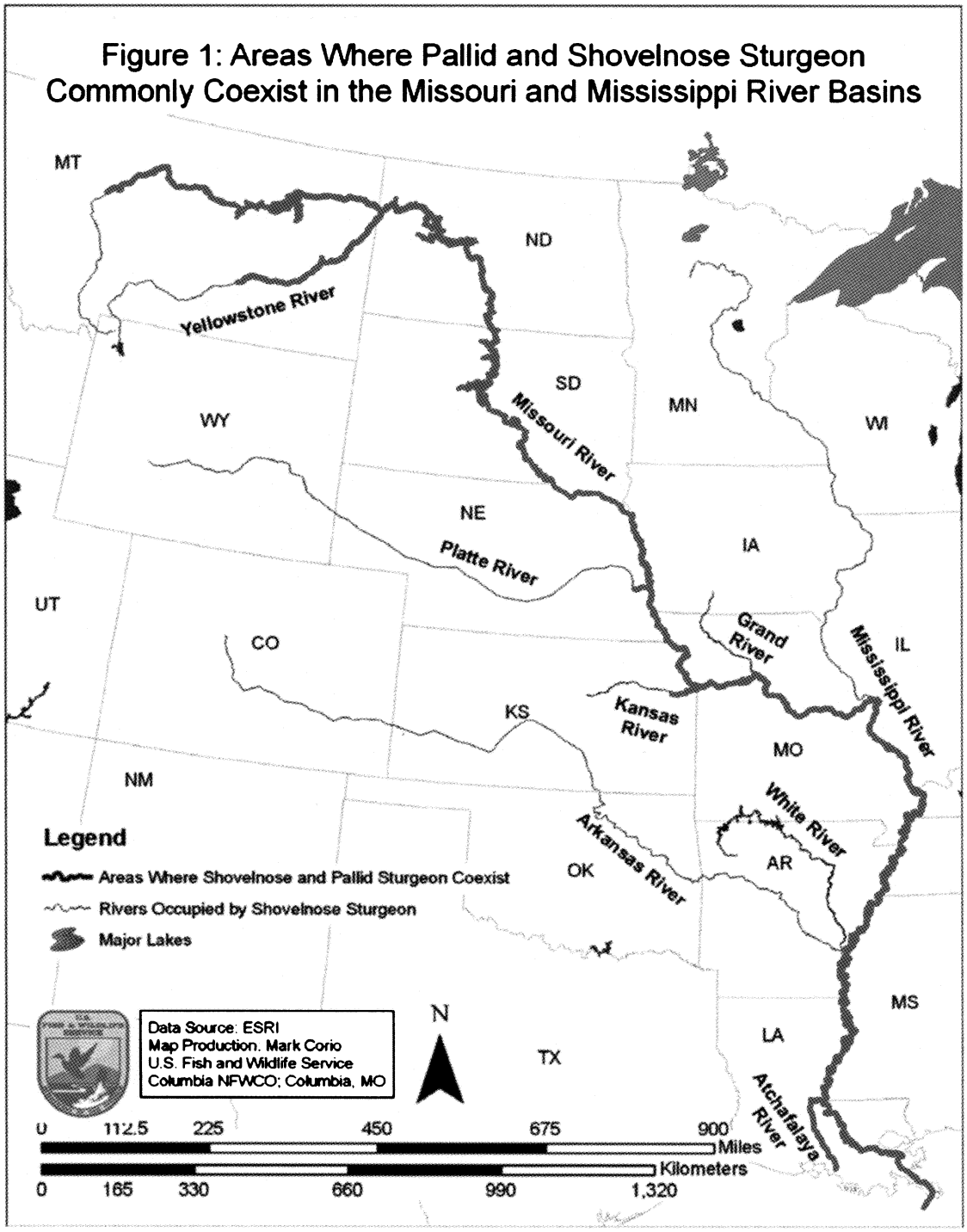
(aa) Shovelnose sturgeon (*Scaphirhynchus platorynchus*).

(1) Within the geographic areas set forth in paragraph (aa)(2) of this section, except as expressly noted in this paragraph, take of any shovelnose sturgeon, shovelnose-pallid sturgeon hybrids, or their roe associated with or related to a commercial fishing activity is prohibited. Capture of shovelnose sturgeon or shovelnose-pallid sturgeon hybrids in any commercial fishing gear is not prohibited if it is accidental or incidental to otherwise legal commercial fishing activities, such as commercial fishing targeting nonsturgeon species, provided the animal is released immediately upon discovery, with all roe intact, at the point of capture.

(2) The shovelnose and shovelnose-pallid sturgeon hybrid populations covered by this special rule occur in portions of AR, IA, IL, KS, KY, LA, MO, MS, MT, ND, NE, SD, and TN. The specific areas are: (1) The portion of the Missouri River in IA, KS, MO, MT, ND, NE, and SD; (2) the portion of the Mississippi River downstream from the Melvin Price Locks and Dam in AR, IL, KY, LA, MO, MS, and TN; (3) the Platte River downstream of the Elkhorn River confluence in NE; (4) the portion of the Kansas River downstream from the Bowersock Dam in KS; (5) the Yellowstone River downstream of the Bighorn River confluence in ND and MT; and (6) the Atchafalaya River in LA.

(3) A map showing the area covered by this special rule (the area of shared habitat between shovelnose and pallid sturgeon) follows:

BILLING CODE 4310–55–P



Dated: September 1, 2009.

Thomas L. Strickland,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E9–22541 Filed 9–21–09; 8:45 am]

BILLING CODE 4310–55–C

Notices

Federal Register

Vol. 74, No. 182

Tuesday, September 22, 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

U.S. Forest Service

San Juan National Forest; Columbine Ranger District; Colorado; Hermosa/Mitchell Lakes Land Exchange; Comment Period Extension

AGENCY: U.S. Forest Service, Agriculture.

ACTION: Notice of public comment deadline extension.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended, and regulatory requirements, the San Juan National Forest, Columbine Ranger District will extend the public comment period on the Hermosa/Mitchell Lakes Land Exchange Draft Environmental Impact Statement for an additional 30 days beyond the original comment 45 day comment period.

DATES: The deadline for public comment was originally published as September 28, 2009, and then extended to October 1, 2009 due to a **Federal Register** publishing delay. The new deadline for public comments will be October 30, 2009.

ADDRESSES: Send written comments to Columbine Ranger District, Hermosa Land Exchange Comments, P.O. Box 439, 367 Pearl Street, Bayfield, CO 81122; or electronically to: *comments-rocky-mountain-san-juan-columbine@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Cindy Hockelberg, Lands Forester, Columbine Ranger District, 970–884–1418.

SUPPLEMENTARY INFORMATION: A Draft Environmental Impact Statement has been prepared to assess a proposal to exchange 265 acres of federal land for 330 acres of three private inholdings. Copies of the document are available for review and download on the Internet at: *http://www.fs.fed.us/r2/sanjuan/projects/projects.shtml.*

Hard copies can also be viewed at the Durango and Bayfield public libraries, and at the Columbine Ranger District Office, 267 Pearl Street, Bayfield CO, and at the San Juan Public Lands Office, 15 Burnett Court, Durango CO.

Comments that provide information and reasoning, as opposed to statements of opinion or preference, are most likely to be helpful in determining the decision. Reviewers should provide comments on factual errors, missing information, issues that were not brought to our attention during scoping, or other items affecting accuracy of the analysis. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(**Authority:** 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: September 16, 2009.

Bill Dunkelberger,

Deputy Forest Supervisor/Associate Center Manager.

[FR Doc. E9–22827 Filed 9–21–09; 8:45 am]

BILLING CODE 3410–11–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Office of Inspector General; Senior Executive Services (SES) Performance Review Board: Update

ACTION: Notice.

SUMMARY: This notice is hereby given of the appointment of members of the updated USAID OIG SES Performance Review Board.

DATES: September 3, 2009.

FOR FURTHER INFORMATION CONTACT: Paula F. Hayes, Assistant Inspector General for Management, Office of Inspector General, U.S. Agency for International Development, 1300 Pennsylvania Avenue, NW., Room 8.08–029, Washington, DC 20523–8700; telephone 202–712–0010; FAX 202–216–3392; Internet E-mail address: *phayes@usaid.gov* (for E-mail messages, the subject line should include the following reference—USAID OIG SES Performance Review Board).

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314 (b) (c) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management at 5 CFR part 430, subpart C and section 430.307 thereof in particular, one or more Senior Executive Service Performance Review Boards. The board shall review and evaluate the initial appraisal of each USAID OIG senior executive's performance by his or her supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive. This notice updates the membership of the USAID OIG's SES Performance Review Board as it was last published on October 1, 2008.

Approved: September 3, 2009.

The following have been selected as regular members of the SES Performance Review Board of the U.S. Agency for International Development, Office of Inspector General:

Michael G. Carroll, Deputy Inspector General.

Adrienne Rish, Assistant Inspector General for Investigations.

Paula F. Hayes, Assistant Inspector General for Management.

Lisa S. Goldfluss, Legal Counsel.

Alvin A. Brown, Assistant Inspector General, Millennium Challenge Corporation.

Melinda Dempsey, Deputy Assistant Inspector General for Audit.

Howard I. Hendershot, Deputy Assistant Inspector General for Investigations.

Winona Varnon, Director, Security Services, Department of Education.

Pauline K. Brunelli, Director, Federal Voting Assistance Program Department of Defense.

Edward Blansitt, Deputy Assistant Inspector General for Audit, Department of Commerce.

Mark Bialek, Counsel to the Inspector General, Environmental Protection Agency.

Theodore P. Alves, Assistant Inspector General Financial Information, Department of Transportation.

Dated: September 9, 2009.

Donald A. Gambatesa,

Inspector General.

[FR Doc. E9–22637 Filed 9–21–09; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Paperwork Submissions under the Coastal Zone Management Act Federal Consistency Requirements.

OMB Control Number: 0648–0411.

Form Number(s): None.

Type of Request: Regular submission.

Number of Respondents: 2,334.

Average Hours per Response: Federal agency/license or permit and assistance: State and non-Federal applicant, each 8 hours; State and other applicant, each 2 hours; unlisted activity requests, 4 hours; public notices, 1 hour; remedial action requests, 4 hours; listing notices/coordination: State listing, 1 hour; interstate listing, 30 hours; mediation requests, 2 hours; Secretarial appeals, appellants and states, each 210 hours.

Burden Hours: 35,799.

Needs and Uses: A number of paperwork submissions are required by the Coastal Zone Management Act (CZMA), 16 U.S.C. 1456, and by NOAA to provide a reasonable, efficient and predictable means of complying with the CZMA requirements. These requirements are detailed in 15 CFR part 930. The information will be used by coastal States with federally-approved Coastal Zone Management Programs to determine if Federal agency activities, Federal license or permit activities, and Federal assistance activities that affect a State's coastal zone are consistent with the States' programs.

Affected Public: State, local and tribal government.

Frequency: Annually and on occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: September 17, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–22735 Filed 9–21–09; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration Iraq Conference; Announcement of U.S.-Iraq Business and Investment Conference in Washington, DC; October 20–21, 2009

AGENCY: Department of Commerce.

ACTION: Notice.

Event Description: The U.S. Department of Commerce (Commerce), International Trade Administration (ITA), is organizing a U.S.-Iraq Business and Investment Conference, to be held in Washington, DC, on October 20th and 21st, 2009. The goal of the conference is to encourage U.S. private investment in Iraq by promoting current business opportunities, providing matchmaking opportunities for U.S. and Iraqi firms, providing opportunities for dialogue with Iraqi Ministers and other senior Government of Iraq (GOI) officials, and holding bilateral meetings with U.S. and Iraqi government officials to address commercial policy. The conference will cover twelve sectors—agriculture, banking/finance, defense, electricity, health, education, housing/construction, industry, oil/gas, telecommunications, tourism and transportation—and, while it will be open to all U.S. companies, those operating in these sectors are especially encouraged to participate. The Iraqi delegation will include several Iraqi Ministers and other senior GOI officials, many provincial government officials, and representatives from over 100 private-sector firms.

Background: The investment conference was announced by Iraqi Prime Minister Maliki at the U.S. Chamber of Commerce headquarters, Washington, DC, on July 24, 2009. The conference, to be held on October 20th and 21st, 2009, in Washington, DC, will provide plenary sessions with U.S. and GOI keynote speakers, break-out sessions with Iraqi provincial government officials, and breakout sessions on the following twelve sectors: agriculture, banking/finance, defense, electricity, health, education, housing/construction, industry, oil/gas, telecommunications, tourism and transportation. It will also provide matchmaking opportunities for U.S. and Iraqi firms.

Event Goals: The conference will facilitate business-to-business meetings between U.S. companies and their private-sector counterparts in Iraq, as well as improve U.S. industries' understanding of the commercial opportunities in Iraq. The conference is also designed to facilitate commercial dialogue between the GOI and the U.S. private sector. The conference aims to:

- Promote current investment and business opportunities in Iraq.
- Provide matchmaking opportunities for U.S. and Iraqi firms.
- Address challenges to doing business in Iraq.
- Provide opportunities for U.S. firms to meet with Iraqi Ministers and other senior GOI officials.
- Hold bilateral meetings with U.S. and Iraqi government officials to address commercial policy.

Proposed Event Timetable

Oct 20	• The opening day of the event will include a plenary session at which senior U.S.G. and GOI officials will address participants. • In the afternoon, industry sector breakout sessions will take place, as well as matchmaking meetings between U.S. and Iraqi firms.
Oct 21	• Panels addressing how to do business in Iraq, the U.S. business experience and sector breakout sessions. • The afternoon session will allow for overviews of the Provinces, a regulatory and legal overview and matchmaking between firms.
Oct 22	• One-on-one business meetings.

Participation Requirements

Interested parties will be able to register online for the investment conference at *http://www.trade.gov/iraq.* A registration fee of $200 will be charged to cover meal expenses. Registrations received after October 12, 2009, will be considered only if space and scheduling constraints permit.

Disclaimer

The U.S. Government does not make any representations or guarantees as to the commercial success of business activities that utilize or rely upon information obtained at this conference.

FOR FURTHER INFORMATION CONTACT:

Tanya Cheguer, U.S. Department of Commerce, Iraq Investment and Reconstruction Task Force, E-mail: *tanya.cheguer@mail.doc.gov.* Telephone: 202–482–1232, Facsimile: 202–482–0980.

Ariana Monti, U.S. Department of Commerce, Iraq Investment and Reconstruction Task Force, E-mail: *ariana.monti@mail.doc.gov,* Telephone: 202–482–3754, Facsimile: 202–482–0980.

Susan Hamrock-Mann,

Director, Iraq Investment & Reconstruction Task Force, U.S. Department of Commerce.

[FR Doc. E9–22823 Filed 9–21–09; 8:45 am]

BILLING CODE 3510–DA–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Notice of Amended Final Results of Antidumping Duty Administrative Review: Glycine from the People's Republic of China

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

EFFECTIVE DATE: September 22, 2009.

FOR FURTHER INFORMATION CONTACT: Angelica Mendoza or Dena Crossland, Import Administration, International Trade Administration, U.S. Department of Commerce (''the Department''), 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3019 or (202) 482–3362, respectively.

SUPPLEMENTARY INFORMATION:

Amendment to the Final Results

In accordance with sections 751(a) and 777(i)(1) of the Tariff Act of 1930, as amended, (''the Act''), on August 6, 2009, the Department issued its final results in the administrative review of the antidumping duty order on glycine from the People's Republic of China (''PRC''), covering the March 1, 2007, through February 29, 2008, period. The final results were subsequently released to all parties in the proceeding, and published in the **Federal Register** on August 14, 2009. *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 74 FR 41121 (August 14, 2009) (''*Glycine Final Results*''). On August 17, 2009, and pursuant to 19 CFR 351.224(c)(2), we received a timely–filed allegation from the domestic interested producer participating in this administrative review, GEO Specialty Chemicals, Inc. (''GEO''), that the Department made ministerial errors with respect to its final dumping margin calculation for respondent Baoding Mantong Fine Chemistry Co., Ltd. (''Baoding Mantong''). *See* Letter from GEO Specialty Chemicals, Inc. to the Department of Commerce, regarding ''Ministerial Error Comments,'' dated August 17, 2009 (''GEO Ministerial Letter''). On August 21, 2009, we received comments from Baoding Mantong regarding the ministerial errors alleged by GEO. *See* Letter from Baoding Mantong Fine Chemistry Co., Ltd. to the Department of Commerce, regarding ''Response to Petitioner's Ministerial Error Allegations,'' dated August 21, 2009 (''Baoding Mantong Response Letter''). For a discussion of the Department's analysis of the allegations in the GEO Ministerial Letter and rebuttal comments in the Baoding Mantong Response Letter, *see* Memorandum from Dena Crossland to Richard O. Weible, entitled, ''Ministerial Errors Allegation in the Final Results of the Antidumping Duty Administrative Review of Glycine from the People's Republic of China: Baoding Mantong Fine Chemistry Co., Ltd.,'' dated September 14, 2009.

A ministerial error includes ''errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which {the Department} considers ministerial.'' Section 751(h) of the Act; *see also* 19 CFR 351.224(f). In the GEO Ministerial Letter, GEO alleges that the Department made two ministerial errors in calculating Baoding Mantong's dumping margin for the final results of this administrative review. First, GEO alleges that the Department made a ministerial error by not converting the *Chemical Weekly* value for methanol from a per–liter to a per–kilogram basis. Additionally, GEO argues that the Department should not have multiplied *Chemical Weekly* prices for formaldehyde from the period of review by a 37.2–percent concentration level (a simple average of the concentration levels that Baoding Mantong reported for the formaldehyde it consumes in the production of glycine) because *Chemical Weekly* prices were already based on a 37–percent concentration level, rather than a 100–percent concentration level.

After analyzing GEO's ministerial error comments and Baoding Mantong's rebuttal comments, we have determined, in accordance with 19 CFR 351.224(e), that we made the following ministerial error with respect to our final dumping margin calculation for Baoding Mantong: the Department inadvertently did not convert the *Chemical Weekly* value for methanol from a per–liter basis to a per–kilogram basis. *See* GEO Ministerial Letter; *see also* Administrative Review of Glycine from the People's Republic of China: Surrogate Values for the Preliminary Results, dated March 31, 2009, at 6 and Attachment 5B, and 2007/2008 Antidumping Duty Administrative Review of Glycine from the People's Republic of China: Program Analysis for the Final Results, dated August 6, 2009, at Attachment 3. The Department has revised its calculation of the surrogate value for methanol to be consistent with Baoding Mantong's reporting of its methanol input, as originally intended by the Department.

With respect to GEO's allegation that the Department erred in its calculation of the surrogate value for formaldehyde, we find that the alleged error does not meet the definition of ministerial error pursuant to 19 CFR 351.224(f) and is methodological in nature. Specifically, it is clear from the record that the Department intended to adjust the surrogate value for formaldehyde by 37.2 percent, which is a simple average of the concentration levels that Baoding Mantong reported for the formaldehyde it consumes in the production of the subject merchandise. Therefore, we have not changed our surrogate value for formaldehyde.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final results in this antidumping duty administrative review of glycine from the PRC. After correcting the ministerial error with respect to Baoding Mantong's methanol input, the amended final weighted–average dumping margin is as follows:

Manufacturer/Exporter	Final Results Weighted–Average Margin Percentage	Amended Final Weighted-Average Margin Percentage
Baoding Mantong Fine Chemistry Co., Ltd.	33.67	37.18

Assessment Rates

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (''CBP'') 15 days after the date of publication of these amended final results of review. In accordance with 19 CFR 351.212(b)(1), we have calculated importer–specific assessment rates for merchandise subject to this review.

Cash Deposit Requirements

The following deposit requirements will be effective retroactively on any entries made on or after August 14, 2009, the date of publication of the Final Results, for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption as provided by section 751(a)(2)(C) of the Act: (1) For Baoding Mantong, which has a separate rate, the cash deposit rate will be the company–specific rate shown above; (2) for previously reviewed or investigated companies not listed above that have a separate rate, the cash deposit rate will continue to be the company–specific rate published for the most recent period; (3) the cash deposit rate for all other PRC exporters will be 155.89 percent, the current PRC–wide rate; and (4) the cash deposit rate for all non–PRC exporters will be the rate applicable to the PRC exporter that supplied that exporter. These cash deposit requirements will remain in effect until further notice.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties. This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

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

Dated: September 14, 2009.

Carole Showers,

Acting Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. E9–22837 Filed 9–21–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part

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

SUMMARY: The Department of Commerce (''the Department'') has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with August anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received a request to revoke one antidumping duty order in part.

DATES: *Effective Date:* September 22, 2009.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4697.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with August anniversary dates. The Department also received a timely request to revoke in part the antidumping duty order on Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea with respect to one exporter.

Notice of No Sales

Under 19 CFR 351.213(d)(3), the Department may rescind a review where there are no exports, sales, or entries of subject merchandise during the respective period of review listed below. If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review, it should notify the Department within 30 days of publication of this notice in the **Federal Register**. The Department will consider rescinding the review only if the producer or exporter, as appropriate, submits a properly filed and timely statement certifying that it had no exports, sales, or entries of subject merchandise during the period of review. All submissions must be made in accordance with 19 CFR 351.303 and are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (''the Act''). Six copies of the submission should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. Further, in accordance with section 351.303(f)(1)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review (''POR''). We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within five days of publication of this initiation notice and to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent Selection within 10 calendar days of publication of this **Federal Register** notice.

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2,1994). In accordance with the separate-rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate-rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate-rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate-rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://www.trade.gov/ia* on the date of publication of this **Federal Register**. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 30 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

For entities that have not previously been assigned a separate rate, to demonstrate eligibility for such, the Department requires a Separate Rate Status Application. The Separate Rate Status Application will be available on the Department's Web site at *http://www.trade.gov/ia* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with sections 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than August 31, 2010.

	Period to be reviewed
Antidumping Duty Proceedings	
Italy: Granular Polytetrafluoroethylene Resin A–475–703	8/1/08—7/31/09
Solvay Solexis S.p.A.	
Malaysia: Polyethylene Retail Carrier Bags A–557–813	8/1/08—7/31/09
Europlastics Malaysia Sdn. Bhd. and the Eplastics Procurement Center Sdn. Bhd.	
Mexico: Light-Walled Rectangular Pipe and Tube A–201–836	8/1/08—7/31/09
Maquilacero S.A. de C.V.	
Regiomontana de Perfiles Y Tubos S.A. de C.V.	
Industrias Monterrey S.A. de C.V.	
Perfiles y Herrajes LM S.A. de C.V.	
Galvak	
Hysla S.A. de C.V.	
Nacional de Acero S.A. de C.V.	
Productos Laminados de Monterrery S.A. de C.V.	
Ternium Mexico, S.A. de C.V.	
Republic of Korea: Corrosion-Resistant Carbon Steel Flat Products A–580–816	8/1/08—7/31/09
Dongbu Steel Co., Ltd.	
Dongkuk Industries Co., Ltd.	
Haewon MSC Co., Ltd.	
Hyundai HYSCO	
LG Hausys, Ltd.	
LG Chem, Ltd.	
Pohang Iron and Steel Co., Ltd./Pohang Coated Steel Co., Ltd.	
Union Steel Manufacturing Co., Ltd.	
Socialist Republic of Vietnam: Frozen Fish Fillets [1] A–552–801	8/1/08—7/31/09
An Giang Fisheries Import and Export Joint Stock Company (aka Agifish or AnGiang Fisheries Import and Export)	
Anvifish Co., Ltd.	
Anvifish Joint Stock Company	
Asia Commerce Fisheries Joint Stock Company (aka as Acomfish JSC)	
Binh An Seafood Joint Stock Co.	

	Period to be reviewed
Cadovimex II Seafood Import-Export and Processing Joint Stock Company (aka Cadovimex II)	
CUU Long Fish Joint Stock Company (aka CL–Fish)	
East Sea Seafoods Limited Liability Company (formerly known as East Sea Seafoods Joint Venture Co., Ltd.)	
East Sea Seafoods Joint Venture co., Ltd. (aka East Sea Seafoods LLC)	
Hiep Thanh Seafood Joint Stock Co.	
Nam Viet Company Limited (aka NAVICO)	
NTSF Seafoods Joint Stock Company (aka NTSF)	
Panga Mekong Co., Ltd.	
QVD Food Company, Ltd.	
QVD Dong Thap Food Co., Ltd.	
Saigon-Mekong Fishery Co., Ltd. (aka SAMEFICO)	
Southern Fishery Industries Company, Ltd. (aka South Vina)	
Thien Ma Seafood Co., Ltd.	
Thuan Hung Co., Ltd. (aka THUFICO)	
Vinh Hoan Corporation	
Vinh Hoan Company, Ltd.	
Vinh Quang Fisheries Corporation	
Thailand: Polyethylene Retail Carrier Bags A–549–821	8/1/08—7/31/09
C.P. Packaging Co., Ltd.	
Giant Pack Co., Ltd.	
Landblue (Thailand) Co., Ltd.	
Sahachit Watana Plastic Ind. Co., Ltd.	
Thai Plastic Bags Industries Co., Ltd.	
Thantawan Industry Public Co., Ltd.	
The People's Republic of China: Certain Steel Nails [2] A–570–909	1/23/08—7/31/09
Aironware (Shanghai) Co., Ltd.	
Beijing Daruixing Global Trading Co., Ltd.	
Beijing Daruixing Nail Products Co., Ltd.	
Beijing Hong Sheng Metal Products Co., Ltd.	
Beijing Hongsheng Metal Products Co., Ltd.	
Beijing Tri-Metal Co., Ltd.	
Beijing Yonghongsheng Metal Products Co., Ltd.	
Besco Machinery Industry (Zhejiang) Co., Ltd.	
Cana (Tiajin) Hardware Ind., Co., Ltd.	
Certified Products International Inc.	
Chiieh Yung Metal Ind. Corp.	
China Silk Trading & Logistics Co., Ltd.	
China Staple Enterprise (Tianjin) Co., Ltd.	
Chongqing Hybest Nailery Co., Ltd.	
Chongqing Hybest Tools Group Co., Ltd.	
CYM (Nanjing) Nail Manufacture Co., Ltd.	
Dagang Zhitong Metal Products Co., Ltd.	
Dezhou Hualude Hardware Products Co., Ltd.	
Dingzhou Ruili Nail Production Co. Ltd.	
Dong'e Fuqiang Metal Products Co., Ltd.	
Faithful Engineering Products Co., Ltd.	
Guangdong Foreign Trade Import & Export Corporation	
Haixing Hongda Hardware Production Co., Ltd.	
Haixing Linhai Hardware Products Factory	
Handuk Industrial Co., Ltd.	
Hebei Cangzhou New Century Foreign Trade Co., Ltd.	
Hebei Super Star Pneumatic Nails Co., Ltd.	
Hengshui Mingyao Hardware & Mesh Products Co., Ltd.	
Hilti (China) Limited	
Hong Kong Yu Xi Co., Ltd.	
Huadu Jin Chuan Manufactory Co., Ltd.	
Huanghua Huarong Hardware Products Co., Ltd.	
Huanghua Jinhai Hardware Products Co., Ltd.	
Huanghua Jinhai Metal Products Co., Ltd.	
Huanghua Shenghua Hardware Manufactory Factory	
Huanghua Xinda Nail Production Co., Ltd.	
Huanghua Xionghua Hardware Products Co., Ltd.	
Huanghua Yufutai Hardware Products Co., Ltd.	
Jinding Metal Products Ltd.	
Jining Huarong Hardware Products Co., Ltd.	
Jisco Corporation	
Joto Enterprise Co., Ltd.	
Koram Panagene Co., Ltd.	
Kyung Dong Corp.	
Maanshan Longer Nail Product Co., Ltd.	
Mingguang Abundant Hardware Products Co., Ltd.	
Nanjing Dayu Pneumatic Gun Nails Co., Ltd.	

	Period to be reviewed
Nanjing Yuechang Hardware Co., Ltd.	
PT Enterprise Inc.	
Qidong Liang Chyuan Metal Industry Co., Ltd.	
Qingdao D & L Group Ltd.	
Qingdao Denarius Manufacture Co. Limited	
Qingdao International Fastening Systems Inc.	
Qingdao Jisco Co., Ltd.	
Qingdao Koram Steel Co., Ltd.	
Qingdao Sino-Sun International Trading Company Limited	
Qingyuan County Hongyi Hardware Products Factory	
Qingyun Hongyi Hardware Factory	
Rizhao Changxing Nail-Making Co., Ltd.	
Rizhao Handuk Fasteners Co., Ltd.	
Rizhao Qingdong Electric Appliance Co., Ltd.	
Romp (Tianjin) Hardware Co., Ltd.	
SDC International Australia Pty., Ltd.	
Senco-Xingya Metal Products (Taicang) Co., Ltd.	
Shandong Dinglong Import & Export Co., Ltd.	
Shandong Minmetals Co., Ltd.	
Shandong Minimetals Co., Ltd.	
Shandong Oriental Cherry Hardware Group, Ltd.	
Shandong Oriental Cherry Hardware Group Co., Ltd.	
Shandong Oriental Cherry Hardware Import and Export Co., Ltd.	
Shanghai Chengkai Hardware Product Co., Ltd.	
Shanghai Curvet Hardware Products Co., Ltd.	
Shanghai Jade Shuttle Hardware Tools Co., Ltd.	
Shanghai March Import & Export Company Ltd.	
Shanghai Nanhui Jinjun Hardware Factory	
Shanghai Seti Enterprise International Co., Ltd.	
Shanghai Tengyu Hardware Tools Co., Ltd.	
Shanghai Yueda Nails Industry Co., Ltd.	
Shanxi Hairui Trade Co., Ltd.	
Shanxi Pioneer Hardware Industrial Co.. Ltd.	
Shanxi Tianli Industries Co.	
Shanxi Yuci Broad Wire Products Co., Ltd.	
Shaoxing Chengye Metal Producting Co., Ltd.	
Shouguang Meiqing Nail Industry Co., Ltd.	
Sinochem Tianjin Imp & Exp Shenzhen Corp	
S-mart (Tianjin) Technology Development Co., Ltd.	
Suntec Industries Co., Ltd.	
Suzhou Xingya Nail Co., Ltd.	
Suzhou Yaotian Metal Products Co., Ltd.	
The Stanley Works (Langfang) Fastening Systems Co., Ltd.	
Tianjin Baisheng Metal Products Co., Ltd.	
Tianjin Bosai Hardware Tools Co., Ltd.	
Tianjin Chentai International Trading Co., Ltd.	
Tianjin City Dagang Area Jinding Metal Products Factory	
Tianjin City Daman Port Area Jinding Metal Products Factory	
Tianjin City Jinchi Metal Products Co., Ltd.	
Tianjin Dagang Dongfu Metallic Products Co., Ltd.	
Tianjin Dagang Hewang Nail Factory	
Tianjin Dagang Hewang Nails Manufacture Plant.	
Tianjin Dagang Huasheng Nailery Co., Ltd.	
Tianjin Dagang Jingang Nail Factory	
Tianjin Dagang Jingang Nails Manufacture Plant.	
Tianjin Dagang Linda Metallic Products Co., Ltd.	
Tianjin Dagang Longhua Metal Products Plant.	
Tianjin Dagang Shenda Metal Products Co., Ltd.	
Tianjin Dagang Yate Nail Co., Ltd.	
Tianjin Foreign Trade (Group) Textile & Garment Co., Ltd.	
Tianjin Hewang Nail Making Factory	
Tianjin Huapeng Metal Company	
Tianjin Huachang Metal Products Co., Ltd.	
Tianjin Huasheng Nails Production Co., Ltd.	
Tianjin Jieli Hengyuan Metallic Products Co., Ltd.	
Tianjin Jietong Hardware Products Co., Ltd.	
Tianjin Jietong Metal Products Co., Ltd.	
Tianjin Jin Gang Metal Products Co., Ltd.	
Tianjin Jinchi Metal Products Co., Ltd.	
Tianjin Jinghai County Hongli Industry & Business Co., Ltd.	
Tianjin Jishili Hardware Co., Ltd.	
Tianjin JLHY Metal Products Co., Ltd.	
Tianjin Jurun Metal Products Co., Ltd.	

	Period to be reviewed
Tianjin Kunxin Hardware Co., Ltd.	
Tianjin Hunxin Metal Products Co., Ltd.	
Tianjin Lianda Group Co., Ltd.	
Tianjin Linda Metal Company	
Tianjin Longxing (Group) Huanyu Imp. & Exp. Co., Ltd.	
Tianjin Port Free Trade Zone Xiangtong Intl. Industry & Trade Corp.	
Tianjin Qichuan Metal Products Co., Ltd.	
Tianjin Ruiji Metal Products Co., Ltd.	
Tianjin Shenyuan Steel Producting Group Co., Ltd.	
Tianjin Shishun Metal Product Co., Ltd.	
Tianjin Shishun Metallic Products Co., Ltd.	
Tianjin Universal Machinery Imp & Exp Corporation	
Tianjin Xiantong Fucheng Gun Nail Manufacture Co., Ltd.	
Tianjin Xiantong Material & Trade Co., Ltd.	
Tianjin Xinyuansheng Metal Products Co., Ltd.	
Tianjin Yihao Metallic Products Co., Ltd.	
Tianjin Yongchang Metal Product Co., Ltd.	
Tianjin Yongxu Metal Products Co., Ltd.	
Tianjin Yongyi Standard Parts Production Co., Ltd.	
Tianjin Zhonglian Metals Ware Co., Ltd.	
Unicatch Industrial Co., Ltd.	
Union Enterprise (Kunshan) Co., Ltd.	
Wintime Import & Export Corporation Limited of Zhongshan	
Wuhu Shijie Hardware Co., Ltd.	
Wuhu Xin Lan De Industrial Co., Ltd.	
Wuqiao County Huifeng Hardware Products Factory	
Wuqiao County Xinchuang Hardware Products Factory	
Wuqiao Huifeng Hardware Production Co., Ltd.	
Wuxi Baolin Nail-Making Machinery Co., Ltd.	
Wuxi Chengye Metal Products Co., Ltd.	
Wuxi Qiangye Metalwork Production Co., Ltd.	
Xi'an Metals & Minerals Import and Export Co., Ltd.	
Xuzhou CIP International Group Co., Ltd.	
Yitian Nanjing Hardware Co., Ltd.	
Zhangjiagang Longxiang Packing Materials Co., Ltd.	
Zhaoqing Harvest Nails Co., Ltd.	
Zhejiang Gem-Chun Hardware Accessory Co., Ltd.	
Zhongshan Junlong Nail Manufactures Co., Ltd.	
The People's Republic of China: Floor-Standing Metal-Top Ironing Tables [3] A–570–888	8/1/08—7/31/09
Foshan Shunde Yongjian Housewares & Hardware Co., Ltd.	
Since Hardware (Guangzhou) Co., Ltd. [4]	8/1/07—7/31/08
The People's Republic of China: Laminated Woven Sacks [5] A–570–916	1/31/08—7/31/09
Changshu Xinsheng Bags Producing Company Ltd.	
Zibo Aifudi Plastic Packaging Co., Ltd.	
The People's Republic of China: Light-Walled Rectangular Pipe and Tubing [6] A–570–914	1/20/08—7/31/09
Sun Group Inc.	
The People's Republic of China: Polyethylene Retail Carrier Bags [7] A–570–886	8/1/08—7/31/09
Dongguan Nozawa Plastics Products Co., Ltd. and United Power Packaging, Ltd. (collectively Nozawa)	
Chung Va Century Macao Commercial Offshore Ltd.	
Zhuahi Chintec Packaging Technology Enterprise Co., Ltd.	
Countervailing Duty Proceedings	
Republic of Korea: Corrosion-Resistant Carbon Steel Flat Products C–580–818	1/1/08—12/31/08
Dongbu Steel Co., Ltd.	
Hyundai HYSCO	
Pohang Iron & Steel Co., Ltd.	
Republic of Korea: Dynamic Random Access Memory Semiconductors C–580–851	1/1/08—8/10/08
Hynix Semiconductor, Inc.	
The People's Republic of China: Laminated Woven Sacks C–570–917	12/3/07—12/31/08
Changshu Xinsheng Bags Producing Company Ltd.	
Zibo Aifudi Plastic Packaging Co., Ltd.	
Suspension Agreements	
None.	

[1] If one of the above named companies does not qualify for a separate rate, all other exporters of frozen fish fillets from the Socialist Republic of Vietnam who have not qualified for a separate rate are deemed to be covered by this review as part of the single Vietnam entity of which the named exporters are a part.

[2] If one of the above named companies does not qualify for a separate rate, all other exporters of certain steel nails from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[3] If one of the above named companies does not qualify for a separate rate, all other exporters of floor-standing metal-top ironing tables from the People's Republic of China ("PRC") who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[4] The Department deferred the 08/01/2007–07/31/2008 administrative review for Since Hardware for one year on 10/29/2008 (73 FR 64305). The Department is now initiating this review one year later along with the 08/01/2008–07/31/2009 administrative review.

[5] If one of the above named companies does not qualify for a separate rate, all other exporters of laminated woven sacks from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[6] If the above named company does not qualify for a separate rate, all other exporters of light-walled rectangular pipe and tubing from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[7] If one of the above named companies does not qualify for a separate rate, all other exporters of polyethylene retail carrier bags from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the period of review.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 USC 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: September 16, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–22839 Filed 9–21–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Advisory Committee on Earthquake Hazards Reduction Meeting

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

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee), will meet Monday, November 23, 2009, from 8:30 a.m. to 5 p.m. and Tuesday, November 24, 2009, from 8:30 a.m. to 4:30 p.m. The primary purpose of this meeting is to discuss and develop the 2010 Annual Report of the Effectiveness of the NEHRP Advisory Committee on Earthquake Hazard Reduction. The agenda may change to accommodate Committee business. The final agenda will be posted on the NEHRP Web site at *http://nehrp.gov/*.

DATES: The ACEHR will meet on Monday, November 23, 2009, from 8:30 a.m. until 5 p.m. The meeting will continue on Tuesday, November 24, 2009, from 8:30 a.m. until 4:30 p.m. The meeting will be open to the public.

ADDRESSES: The meeting will be held in Room 375, National Science Foundation, Arlington, Virginia. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Dr. Jack Hayes, National Earthquake Hazards Reduction Program Director, National Institute of Standards and Technology (NIST), 100 Bureau Drive, Mail Stop 8630, Gaithersburg, Maryland 20899–8630. Dr. Hayes' e-mail address is *jack.hayes@nist.gov* and his phone number is (301) 975–5640.

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L. 108–360). The Committee is composed of 15 members appointed by the Director of NIST, who were selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues affecting the National Earthquake Hazards Reduction Program. In addition, the Chairperson of the U.S. Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC) serves in an ex officio capacity on the Committee. The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- The effectiveness of NEHRP in performing its statutory activities (improved design and construction methods and practices; land use controls and redevelopment; prediction techniques and early-warning systems; coordinated emergency preparedness plans; and public education and involvement programs);
- Any need to revise NEHRP; and
- The management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at *http://nehrp.gov/*.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Advisory Committee on Earthquake Hazards Reduction (ACEHR) will meet Monday, November 23, 2009, from 8:30 a.m. until 5 p.m. The meeting will continue on Tuesday, November 24, 2009, from 8:30 a.m. until 4:30 p.m. The meeting will be held in Room 375, National Science Foundation, Arlington, Virginia. The primary purpose of this meeting is to discuss and develop the 2010 Annual Report of the Effectiveness of the NEHRP Advisory Committee on Earthquake Hazard Reduction. The agenda may change to accommodate Committee business. The final agenda will be posted on the NEHRP Web site at *http://nehrp.gov/*.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the

Committee's affairs are invited to request a place on the agenda. On November 24, 2009, approximately one-half hour will be reserved near the conclusion of the meeting for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the ACEHR, National Institute of Standards and Technology, 100 Bureau Drive, MS 8630, Gaithersburg, Maryland 20899–8630, via fax at (301) 975–5433, or electronically by e-mail to *info@nehrp.gov*.

All visitors to the National Science Foundation campus are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by close of business Monday, November 16, in order to attend. Please submit your name, time of arrival, e-mail address and phone number to Tina Faecke. Non-U.S. citizens must also submit their country of citizenship, title, employer/sponsor, and address. Ms. Faecke's e-mail address is *tina.faecke@nist.gov* and her phone number is (301) 975–5911.

Dated: September 16, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9–22818 Filed 9–21–09; 8:45 am]

BILLING CODE 3510–13–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Wednesday, October 21, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–22892 Filed 9–18–09; 4:15 pm]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, October 30, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–22893 Filed 9–18–09; 4:15 pm]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, October 2, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–22894 Filed 9–18–09; 4:15 pm]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, October 23, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–22898 Filed 9–18–09; 4:15 pm]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2 p.m., October 16, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–22896 Filed 9–18–09; 4:15 pm]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, October 9, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–22895 Filed 9–18–09; 4:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2009–HA–0137]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 23, 2009.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Institute for Public Health Research, University of Connecticut Health Center, ATTN: [Robert Aseltine, Jr. PhD], 99 Ash St., East Hartford, CT 06108.

Title; Associated Form; and OMB Number: An Outcome Evaluation of the SOS Suicide Prevention Program; OMB Control Number 0720–TBD.

Needs and Uses: The information collection requirement is necessary to evaluate the effectiveness of the SOS Suicide Prevention Program which is used as suicide prevention programming in middle and high schools throughout the country. The surveys are completed in school and then returned to the University of Connecticut's Institute for Public Health Research for analysis.

Affected Public: Middle and high school students in state schools.

Annual Burden Hours: 840.

Number of Respondents: 840.

Responses per Respondent: 2.

Average Burden per Response: 30 minutes.

Frequency: Once.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are middle and high school students who are receiving the SOS Suicide Prevention Program in their schools. The SOS Program is a video-based educational program used by middle and high schools throughout the country in order to educate students about the signs and symptoms of depression and suicidality. An Outcome Evaluation of the SOS Suicide Prevention Program will assess the degree to which the SOS program fosters greater knowledge of and more adaptive attitudes toward depression and suicide, increases rates of help-seeking, and reduces rates of suicidal ideation and suicide attempts.

This program evaluation will survey middle and high school students in grades 6–12 in schools that administer the SOS program. All schools will be located near military bases and have high proportions of students with parents or caretakers in the military. Surveys will be administered to students at two points in time, once before receipt of the SOS program and once about 3 months after receipt of the program. A screening form is also included as a part of the program. The goal is to have approximately 840 civilian students in up to 25 schools. This evaluation will allow school officials to make evidence based decisions regarding programming in their schools. Without this evaluation we risk delivering ineffective programming to students.

Dated: August 21, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–22787 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[Docket ID: DoD–2009–HA–0138]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

In compliance with *Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995*, the Office of the Assistant Secretary of Defense for Health Affairs announces a proposed new information collection. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 23, 2009.

ADDRESSES: You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this

proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Ms. Toni Wainwright, Office of the Assistant Secretary of Defense for Health Affairs (OASD), ATTN: Ms. Maureen Viall, SES, Chief Human Capital Officer, 5111 Leesburg Pike, Suite 810A, Falls Church, VA 22041–3206, or call (703) 681–1700.

Title; Associated Form; and OMB Number: Health Professions Scholarship Program (HPSP); OMB Control Number 0720–TBD.

Needs and Uses: This collection of information was developed by a Tri-Service committee intent on providing an efficient, accessible, and common format for applicants to apply for HPSP Scholarships. It serves to consolidate the initial demographic and educational information previously being collected separately by all Services. As such it continues to satisfy the requirement of the DoD Issuance 6000.13; Medical Manpower and Personnel. This form is not intended to replace additional Service-specific information required, rather, it serves to support the DoD, Army, Navy, Air Force, and MHS missions.

Affected Public: Individuals or Households.

Annual Burden Hours: 622 hrs.

Number of Respondents: 1,244.

Responses per Respondent: 1.

Average Burden per Response: .50 (30 minutes).

Frequency: One Time.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Health Professions Scholarship Program (HPSP) offers prospective military physicians, dentists, nurse practitioners, optometrists, psychologists, and veterinarians a paid medical education in exchange for service as a commissioned medical department officer. Programs are available in the United States Army, the United States Navy, and the United States Air Force (AFHPSP).

Created under authority of the Uniformed Services Health Professions Revitalization Act of 1972, the HPSP is the primary source of trained healthcare professionals entering the United States Armed Forces. Subject to eligibility for a commission (such as U.S. citizenship, physical and academic qualifications, etc.), scholarship ''selectees'' are commissioned as second lieutenants in the U.S. Army Reserve or the U.S. Air Force Reserve, or ensigns in the U.S. Navy Reserve. The selectees are then placed on inactive reserve status during their medical training.

Prospective students compete for scholarships that cover some or all of the medical school years. The Air Force offers three- and four-year scholarships, and the Army offers one- to four-year scholarships. While on scholarship, the financial expenses of tuition, fees, a monthly stipend, and mandatory books and equipment are paid by the student's sponsoring service.

As inactive reserve officers, the students are required to serve 45 days of active duty for training (ADT) each fiscal year. While on active duty, they receive the same rights, privileges, and pay, and are subject to the Uniform Code of Military Justice, as any other active-duty officer. For the first two years of training, this duty is sometimes spent attending an officer basic course/school (Army, Navy, Air Force) or executing ''School Orders'' (participating in clinical training) at the student's university. For the 3rd and 4th years, the student will often carry out elective clinical rotations at a military hospital.

Upon graduation, the student is promoted to the rank of captain in the Army and Air Force, or lieutenant in the Navy, and is placed on active duty for residency in a military or civilian hospital. In general, Army and Air Force medical residents are allowed to complete their residencies before proceeding to their first assignments, while Navy personnel complete an internship and then serve as a general medical officer (GMO), with the option of completing a residency following their GMO tour.

The incurred service obligation is generally one-for-one for every service-paid year of schooling, with a minimum of two years for physicians and three years for other specialties. Additional time required for certain postgraduate programs, such as lengthy residencies, can result in longer service obligations. Fulfillment of the obligation begins only after postgraduate training is completed. For Navy officers, time spent as a GMO is credited towards the service obligation.

This collection will consolidate and standardize requirements across the Services for the collection and reporting of needed information as it pertains to the enrollee.

Dated: August 21, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–22786 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2008–HA–0139]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 23, 2009.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to TRICARE Management Activity Dental Care Branch, 5111 Leesburg Pike, Skyline 5, *Attn:* CAPT

Robert Mitton, Falls Church, VA 22041, or call the TRICARE Management Activity Dental Care Branch, at 703–681–0039.

Title; Associated Form; and OMB Number: Active Duty Dental Program Claim Form; OMB Control Number 0720–TBD.

Needs and Uses: The information collection requirement is necessary to obtain and record the dental readiness of Service Members using the Active Duty Dental Program and at the same time submit the claim for the dental procedures provided so that claims can be processed and reimbursement made to the provider. Many of these Service Members are not located near a military dental treatment facility and receive their dental care in the private sector. The new form is needed to update the dental readiness of all Service Members so that they can maintain worldwide deployment status and reduces paperwork by combining the dental claim and dental readiness into one form.

Affected Public: Private Sector Dentists participating in the Active Duty Dental Program.

Annual Burden Hours: 737,500.

Number of Respondents: 59,000 (ADDP network is 59,000 dentists).

Responses per Respondent: 1–500.

Average Burden per Response: 3 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are dental professionals who are participating providers in the Active Duty Dental Program (ADDP). The ADDP Claim form allows civilian dental providers to submit the claim for dental procedures provided to active duty service members and to update their dental readiness classification at the same time. The completed form is forwarded to the ADDP contractor, United Concordia Companies, Inc. for reimbursement and the electronic update of the dental readiness. If the form is not available, civilian providers will not have a mechanism to update dental readiness for this dental program. Dental readiness classification allows the Services to ensure that all Service Members are ready for worldwide deployment. Dental readiness is an integral part of medical readiness, and medical readiness is fundamental to the readiness of our forces.

September 4, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–22785 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Defense Contract Audit Agency Senior Executive Service Performance Review Boards

AGENCY: Defense Contract Audit Agency, DoD.

ACTION: Notice.

SUMMARY: This notice announces the appointment of members to the Defense Contract Audit Agency (DCAA) Performance Review Boards. The Performance Review Boards provide fair and impartial review of Senior Executive Service (SES) performance appraisals and make recommendations to the Director, DCAA, regarding final performance ratings and performance awards for DCAA SES members.

DATES: Effective September 22, 2009.

FOR FURTHER INFORMATION CONTACT: Sandra L. Burrell, Chief, Human Resources Management Division, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2133, Fort Belvoir, Virginia 22060–6219, (703) 767–1039.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are the names and titles of DCAA career executives appointed to serve as members of the DCAA Performance Review Boards. Appointees will serve one-year terms, effective upon publication of this notice.

Headquarters Performance Review Board

Ms. Karen Cash, Assistant Director, Operations, DCAA, Chairperson.

Mr. Kenneth Saccoccia, Assistant Director, Policy and Plans, DCAA, member.

Mr. Thomas Peters, Director, Field Detachment, DCAA, member.

Regional Performance Review Board

Mr. David Eck, Regional Director, Mid-Atlantic Region, DCAA, chairperson.

Mr. Paul Phillips, Regional Director, Eastern Region, DCAA, member.

Mr. Ronald Meldonian, Regional Director, Northeastern Region, DCAA, member.

Dated: September 15, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–22792 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Performance Review Board

AGENCY: Missile Defense Agency (MDA), DoD.

ACTION: Notice.

This notice announces the appointment of the members of the Performance Review Board (PRB) of the Missile Defense Agency. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The PRB provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance ratings and performance scores to the Director, MDA.

DATES: *Effective Date:* September 2, 2009.

FOR FURTHER INFORMATION CONTACT: Sandy Rawdon, MDA SES Program Manager, Missile Defense Agency, Arlington, Virginia, (703) 693–1575.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the MDA PRB:

RDML Joseph A. Horn, USN
Mr. David Altwegg
Ms. Nancy Morgan
Mr. Richard Matlock
Ms. Mary Lacey.

Executives listed will serve a one-year term, effective September 2, 2009.

Dated: September 15, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–22796 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2009–OS–0135]

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Logistics Agency is proposing to amend a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective without further notice on October 22, 2009 unless comments are received which would result in a contrary determination.

ADDRESSES: Chief Privacy and FOIA Officer, Headquarters Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis Oleinick at (703) 767–6194.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's system of record notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: September 15, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

S400.30

SYSTEM NAME:

Mass Transportation Fringe Benefit Program—Outside the National Capital Region (June 14, 2006, 71 FR 34319).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 6220, ATTN: DES–B, Fort Belvoir, VA 22060–6221 and the Defense Logistics Agency (DLA) primary Level field activities located outside the National Capital Region. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

U.S. Department of Transportation, TRANServe, 400 7th Street, SW, Room P2–0327, Washington, DC 20590–0001.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 7905, Programs to Encourage Commuting by Means Other Than Single-Occupancy Motor Vehicles; E.O. 12191, Federal Facility Ride Sharing Program; E.O. 13150, Federal Workforce Transportation; and E.O. 9397 (SSN) as amended.''

PURPOSE(S):

Delete entry and replace with ''Information is collected and maintained for the purpose of managing the DLA Mass Transportation Fringe Benefit Program for participants Outside the National Capitol Region (ONCR), including receipt and processing of employee applications and distribution of the fare media to employees; to reimburse participants; to track the use of funds used to support the program; to evaluate employee participation in the program; and to prevent misuse of the funds involved.

Participant records may be used by the DLA Primary Level Field Activity parking authorities for the purpose of identifying those individuals who receive a fare subsidy and also make use of a DLA Primary Level Field activity parking sticker.''

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To U.S. Department of Transportation for the purposes of administering the Public Transportation Benefit Program and/or verifying the eligibility of individuals to receive a fare subsidy pursuant to transportation benefit program operated by the DoD or other Federal agencies.

The DoD 'Blanket Routine Uses' also apply to this system of records.''

* * * * *

RETRIEVABILITY:

Delete entry and replace with ''Information is retrieved by individual's name and last 4 digits of their Social Security Number (SSN).''

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with ''Documents relating to the disbursement of transportation subsidies to employees, including applications of employees no longer in the program, superseded applications, certification logs, vouchers, spreadsheets, and other forms used to document the disbursement of subsidies are destroyed after 3 years.

Documents relating to cash reimbursements for transportation expenses associated with transit passes or vanpools, specifically Standard Form (SF) 1164, entitled ''Claim for Reimbursement for Expenditures on Official Business,'' are destroyed 6 years and 3 months after period covered by account.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''ONCR Program Manager, Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 6220, ATTN: DES–B, Fort Belvoir, VA 22060–6221, and the ONCR Mass Transportation Fringe Benefit Program Points of Contact at the DLA Primary Level Field Activity Commanders.

Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the DLA Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

Written requests for information should contain the full name of the individual, current address, telephone number, and the DLA Primary Level Activity which provided the subsidy.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the DLA Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221 or to the Privacy Act Office of the DLA Primary Level Activity providing the subsidy. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests for information should contain the full name of the individual, current address, telephone number, and the DLA Primary Level Field Activity which provided the subsidy.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The DLA rules for accessing records, for

contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the DLA Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.''

* * * * *

S400.30

SYSTEM NAME:

Mass Transportation Fringe Benefit Program-Outside the National Capital Region

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 6220, ATTN: DES–B, Fort Belvoir, VA 22060–6221 and the Defense Logistics Agency (DLA) Primary Level Field activities located outside the National Capital Region. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

U.S. Department of Transportation, TRANServe, 400 7th Street, SW, Room P2–0327, Washington, DC 20590–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Logistics Agency (DLA) civilian and military employees; non-appropriated funded employees; interns/students employed and paid directly by DoD (*i.e.* interns/students hired through contractual agreements are not eligible); eligible interns/students hired for the summer months; members of the Reserve Components who are performing active duty for more than 30 days located outside the National Capital Region who apply for and/or obtain a transit subsidy under the Mass Transportation Fringe Benefit Program (MTFBP); registered and non-registered vanpool owners/operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include applicant's full name, last four digits of their Social Security Number, home address, office symbol and duty location, office telephone number, mode of transportation being used, cost(s) of commuting, reimbursement claim for expenditures, period covered, and amount of reimbursement, and records of vouchers, receipts or payments distributed, dates of participation and termination in program, and vanpool owner/operator certification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 7905, Programs to Encourage Commuting by Means Other Than Single-Occupancy Motor Vehicles; E.O. 12191, Federal Facility Ride Sharing Program; E.O. 13150, Federal Workforce Transportation; and E.O. 9397 (SSN) as amended.

PURPOSE(S):

Information is collected and maintained for the purpose of managing the DLA Mass Transportation Fringe Benefit Program for participants Outside the National Capitol Region (ONCR), including receipt and processing of employee applications and distribution of the fare media to employees; to reimburse participants; to track the use of funds used to support the program; to evaluate employee participation in the program; and to prevent misuse of the funds involved.

Participant records may be used by the DLA Primary Level Field Activity parking authorities for the purpose of identifying those individuals who receive a fare subsidy and also make use of a DLA Primary Level Field Activity parking sticker.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To U.S. Department of Transportation for the purposes of administering the Public Transportation Benefit Program and/or verifying the eligibility of individuals to receive a fare subsidy pursuant to transportation benefit program operated by the DoD or other Federal agencies.

The DoD 'Blanket Routine Uses' also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper forms and on electronic storage media.

RETRIEVABILITY:

Information is retrieved by individual's name and last 4 digits of their Social Security Number (SSN).

SAFEGUARDS:

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to record is limited to person(s) responsible for servicing the records in the performance of their official duties and who are properly screened and cleared for need-to-know. All individuals granted access to this system of records have received Privacy Act training.

RETENTION AND DISPOSAL:

Documents relating to the disbursement of transportation subsidies to employees, including applications of employees no longer in the program, superseded applications, certification logs, vouchers, spreadsheets, and other forms used to document the disbursement of subsidies are destroyed after 3 years.

Documents relating to cash reimbursements for transportation expenses associated with transit passes or vanpools, specifically Standard Form (SF) 1164, entitled ''Claim for Reimbursement for Expenditures on Official Business,'' are destroyed 6 years and 3 months after period covered by account.

SYSTEM MANAGER(S) AND ADDRESS:

ONCR Program Manager, Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 6220, ATTN: DES–B, Fort Belvoir, VA 22060–6221, and the ONCR Mass Transportation Fringe Benefit Program Points of Contact at the DLA Primary Level Field Activity Commanders.

Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the DLA Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

Written requests for information should contain the full name of the individual, current address, telephone number, and the DLA Primary Level Field Activity which provided the subsidy.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the DLA Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221 or to the Privacy Act Office of the DLA Primary Level Field Activity providing the subsidy. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests for information should contain the full name of the individual, current address, telephone number, and the DLA Primary Level Field Activity which provided the subsidy.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the DLA Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Applicant requesting transit subsidies; vanpool owner/operator; other federal agencies providing information regarding fare subsidies; and from periodic certifications and reports regarding fare subsidies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–22797 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2009–OS–0136]

Privacy Act of 1974; System of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to delete systems of records.

SUMMARY: The Defense Intelligence Agency is deleting a system of records notice from its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on October 22, 2009 unless comments are received which result in a contrary determination.

ADDRESSES: DIA Privacy Act Coordinator, Records Management Section, 200 McDill Blvd., Washington, DC 20340.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231–1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Defense Intelligence Agency is proposing to delete a system of records notice from its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. This proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: September 15, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0008

SYSTEM NAME:

Vehicle Registration Information (June 5, 1993, 71 FR 32320).

REASON:

The records contained in this system are maintained in F031 AF SP K Vehicle Administrative Records. DIA is a tenant organization on Bolling Air Force Base. DoD decals are maintained by the Chief of Security Police on Bolling and subsequently issued to agency for distribution.

[FR Doc. E9–22795 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Supplemental Environmental Impact Statement for a Proposed 278 Megawatt Circulating Fluidized Bed Electric Generating Unit and Associated Infrastructure To Be Constructed and Operated by East Kentucky Power Cooperative, Inc., in Clark County, KY

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent (NOI).

SUMMARY: East Kentucky Power Cooperative, Inc. (EKPC) has applied for a permit from the U.S. Army Corps of Engineers (Corps) to authorize unavoidable impacts to jurisdictional waters of the U.S. pursuant to Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act (Section 10). EKPC is proposing to construct and operate a 278 megawatt circulating fluidized bed electric generating unit (CFB) and associated infrastructure at the existing J.K. Smith Power Station (the Smith Site) in southern Clark County, Kentucky (Proposed Action). In addition to the CFB unit, other components of the Proposed Action on the Smith Site include: An approximately one-mile, 345 kV electric transmission line; two (2) beneficial reuse structural fills using coal combustion by-products (CCB); two (2) landfills for the on-site disposal of CCB; an emergency drought water storage reservoir; several soil borrow areas for landfill cover and other site development uses; and a new water intake/outfall structure in the Kentucky River.

The Corps intends to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate the potential effects of the Proposed Action on the environment. The SEIS is to be based on a Final EIS and Record of Decision prepared by the U.S. Department of Energy in 2002/2003 for a proposed 540 megawatt coal-fired integrated gasification combined cycle (IGCC) electric generating plant at the same location, the Smith Site. That project, known as the Kentucky Pioneer IGCC Demonstration Project, was never built. USACE has reviewed the EIS prepared by DOE and, based on similarities between the two projects, has determined to adopt that EIS as the basis for USACE's review of the Proposed Action. USACE is preparing this Supplemental EIS (SEIS) to evaluate those aspects of the Proposed Action that are not substantially similar to the DOE project, as a result of changes in project parameters, existing environmental conditions, and relevant laws and regulations. Where appropriate, information from the DOE EIS will be incorporated in the SEIS.

A Notice of Intent (NOI) to prepare an SEIS for the Proposed Action was originally published in the **Federal Register** on October 6, 2006, by the Rural Utilities Service (RUS), an agency which administers the U.S. Department of Agriculture's Rural Development Utilities Programs. 71 FR 59070 (2006).

The Corps previously agreed to participate as a cooperating agency in the preparation of the SEIS in order to meet its NEPA obligations with respect to EKPC's request for a Section 404/Section 10 permit for the Proposed Action. As a result of the RUS decision to suspend financing for new baseload electric generation plants, RUS has informed the Corps that it does not intend to complete the SEIS at this time. Thus, the Corps has determined that it will assume the role of lead agency in order to complete the SEIS and satisfy its NEPA obligations with respect to EKPC's request for a Section 404/Section 10 permit for the Proposed Action.

FOR FURTHER INFORMATION CONTACT: Questions about the Proposed Action and SEIS should be addressed to Michael Hasty, Project Manager, Regulatory Branch, Louisville District, at (502) 315–6676, e-mail *Michael.D.Hasty@usace.army.mil*.

SUPPLEMENTARY INFORMATION: *1. Proposed Action*. The project proposed by EKPC would include the construction and operation of a 278-megawatt CFB unit and associated infrastructure on the 3,272-acre Smith Site owned by EKPC in southern Clark County, Kentucky. The Proposed Action is needed to provide sufficient electric generating capacity to meet the baseload electric power needs of EKPC's rural member distribution cooperatives in 2013. Fuel would be supplied to the plant site by rail or truck. The construction of a substation and approximately one mile of 345 kV transmission line on the Smith Site would be required to connect the CFB unit to EKPC's transmission system at the existing, on-site J.K. Smith 345 kV Switching Station.

The discharge of fill material into waters of the U.S. would be required for the construction of two (2) CCB beneficial reuse structural fills; two (2) on-site CCB landfills; an emergency drought water storage reservoir; and several soil borrow areas for landfill cover and other on-site uses. The Proposed Action also would include the construction of a combined water supply intake and process water discharge outfall in the Kentucky River. EKPC's schedule calls for the proposed facility to be operational by spring 2013.

2. Alternatives. Alternatives to be considered by the Corps include no action, purchased power, renewable energy sources, distributed generation, non-renewable energy resources (including the Proposed Action), nuclear, demand side management, and alternative site locations. The Corps' review of alternatives also will include the application of the Section 404(b)(1) guidelines to ensure the avoidance, minimization, and mitigation of impacts to aquatic resources.

3. Scoping Process. RUS previously engaged in a scoping process for the Proposed Action that will serve as the basis for the SEIS. Following RUS's October 6, 2006 NOI, that agency conducted scoping meetings for government agencies and the public in Trapp, Kentucky, on October 18, 2006. An Alternatives Evaluation and Site Selection Study (Alternatives Report), prepared by EKPC, was made available for review at the scoping meeting and on the RUS Web site. That Alternatives Report and the Public Scoping Report developed as a result of the scoping process and scoping meetings are available for public review at the Corps at the address provided in this notice, and on EKPC's Web site at *http://www.ekpc.coop/smith-unit1.html*.

Because the Corps has participated as a cooperating agency with RUS in the NEPA process, and because the nature of the Proposed Action has not changed materially (except with the reduction from two CFB units to one CFB unit), the Corps intends to rely on the prior scoping process to complete and publish the Draft SEIS. In addition the Corps will continue consultations with the appropriate agencies.

4. Availability. The Draft SEIS is anticipated to be available for public review and comment in September or October 2009.

Dated: September 8, 2009.

Keith A. Landry,

Colonel, Corps of Engineers, District Commander.

[FR Doc. E9–22836 Filed 9–21–09; 8:45 am]

BILLING CODE 3710–JB–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2009–0026]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army is proposing to alter a system of records in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on October 22, 2009 unless comments are received that would result in a contrary determination.

ADDRESSES: Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on September 4, 2009, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 11, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

A0025–2 SAIS DoD

SYSTEM NAME:

Defense Biometric Services (April 6, 2009, 74 FR 15466)

CHANGES:

* * * * *

PURPOSE(S):

Delete entry and replace with ''To enhance identity management of DoD persons and streamline business functions through a biometric database and associated data processing/information service for designated populations.

The following functions are the key processes supported by this system:

To support DoD personnel, physical and logical security, and identity management by identifying or verifying an individual through the use of biometric databases and associated data processing/information services for designated populations for purposes of protecting U.S./Coalition/allied government/national security areas of responsibility and information.

To provide personnel identification and verification capabilities during disaster scenarios or other catastrophic events.

To enhance or streamline DoD functions that benefit from available biometric information for identification or verification of personnel.''

* * * * *

RETRIEVABILITY:

Delete entry and replace with ''Name, Social Security Number (SSN), biometric template, fingerprints, face, iris, or other unique identifiers.''

* * * * *

A0025–2 SAIS DoD

SYSTEM NAME:

Defense Biometric Services

SYSTEM LOCATION:

Director, Biometrics Task Force, 347 West Main Street, Clarksburg, West Virginia 26306–2947.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered include, but are not limited to, members of the U.S. Armed Forces, DoD civilian and contractor personnel, military reserve personnel, Army and Air National Guard personnel, foreign national partners, and other individuals (who are U.S. citizens or aliens lawfully admitted for permanent residence) requiring or requesting employment by DoD and/or access to DoD or DoD controlled information systems and/or DoD or DoD contractor operated or controlled installations and facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biometrics images; biometric templates; supporting documents; identifying biographic information including, but not limited to, name, Social Security Number (SSN), date of birth, place of birth, height, weight, eye color, hair color, race, globally unique identifier, organization, telephone number, office symbol, clearance, gender, and similar relevant information; and information from and electronic images of international, Federal, tribal, or State issued individual identity documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 113, Secretary of Defense; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; E.O. 12333, United States Intelligence Activities; E.O. 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information; National Defense Authorization Act of 2008, Section 1069; DoDD 8521.01E, Department of Defense Biometrics; DoDD 8500.1, Information Assurance; AR 25–2, Information Assurance and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To enhance identity management of DoD persons and streamline business functions through a biometric database and associated data processing/information service for designated populations.

The following functions are the key processes supported by this system:

To support DoD personnel, physical and logical security, and identity management by identifying or verifying an individual through the use of biometric databases and associated data processing/information services for designated populations for purposes of protecting U.S./Coalition/allied government/national security areas of responsibility and information.

To provide personnel identification and verification capabilities during disaster scenarios or other catastrophic events.

To enhance or streamline DoD functions that benefit from available biometric information for identification or verification of personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, State, tribal, local, or foreign agencies, for the purposes of law enforcement, counterterrorism, immigration management and control, and homeland security as authorized by U.S. Law or Executive Order, or for the purpose of protecting the territory, people, and interests of the United States of America against breaches of security related to DoD controlled information or facilities, and against terrorist activities.

The DoD ''Blanket Routine Uses'' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Name, Social Security Number (SSN), biometric template, fingerprints, face, iris, or other unique identifiers.

SAFEGUARDS:

Computerized records maintained in a controlled area are accessible only to authorized personnel. Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Physical and electronic access is restricted to designated individuals having a need therefor in the performance of official duties and who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Data is destroyed when superseded or when no longer needed for operational purposes, whichever is later by shredding, pulping, degaussing or erasing.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Biometrics Task Force, 1901 South Bell Street, Suite 900, Arlington, Virginia 22202–4512.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Director, Biometrics Task Force, 1901 South Bell Street, Suite 900, Arlington, Virginia 22202–4512.

For verification purposes, individual should provide full name, Social Security Number (SSN), sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Director, Biometrics Task Force, 1901 South Bell Street, Suite 900, Arlington, Virginia 22202–4512.

For verification purposes, individual should provide full name, Social Security Number (SSN), sufficient details to permit locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, DoD security offices, system managers, computer facility managers, automated interfaces for user codes on file at Department of Defense sites.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–22788 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2009–0025]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Department of the Army is proposing to add a system of records to its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on October 22, 2009 unless comments are received that would result in a contrary determination.

ADDRESSES: Department of the Army, Freedom of Information/Privacy Division, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Jr. at (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on September 4, 2009, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals', dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 11, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

A0500–5–1 DAMO

SYSTEM NAME:

Worldwide Individual Augmentation System.

SYSTEM LOCATION:

Army Operation Center, The Pentagon, Room BG849, Washington, DC 20310–0400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel assigned to fill individual augmentation requirements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personnel information extracted from official personnel and manpower authorization files, that include name; grade/rank; Social Security Number (SSN); gender; military occupational skills and/or civilian occupational series; additional skill identifiers; security clearance; current unit of assignment; deployment eligibility; Service component; mobilization date, location, and history; Worldwide Individual Augmentation System (WIAS) control number; portions of the Army manning document from the Joint Operations Manning Document.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 151, Joint Chiefs of Staff: Composition; functions; 10 U.S.C. 153, Chairman: functions; 10 U.S.C. 162 Combatant commands: assigned forces; chain of command; 10 U.S.C. 164 Commanders of combatant commands: assignment; powers; 10 U.S.C. 167 Unified combatant command for special operations; 10 U.S.C. 3013 Secretary of the Army; 10 U.S.C. 5031, Office of the Chief of Naval Operations: function; 10 U.S.C. 8031 The Air Staff: function; composition; 10 U.S.C. 12301, Reserve components generally; 10 U.S.C. 12302 Ready Reserve; 10 U.S.C. 12304 Selected Reserve and certain Individual Ready; Joint Publications 1–0 Personnel Support to Joint Operations, 2–0 Joint Intelligence, 3–0 Joint Operations, and 5–0 Joint Operation Planning; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To document Army manning documents and managing individual augmentation requirements, sourcing, and accountability. The Worldwide Individual Augmentation System will be used by authorized officials within the Army in performing all administrative functions as appropriate with respect to personnel assigned against recorded individual augmentation requirements in the system; for monitoring and processing requests for manpower; performing organizational and manpower reviews; and for processing personnel taskings requested by the Army and required for the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records may specifically be disclosed outside the Department of Defense as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' published at the beginning of the Army's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Retrieved by name, Social Security Number (SSN), and/or any combination of the data fields described in categories of records.

SAFEGUARDS:

Access to this record system is restricted to authorized personnel in performance of official duties. Entry into the system is controlled by randomly generated passwords changed every 90 days. The system employs secure socket layer certificate and the Social Security Number (SSN) data is encrypted to provide further protection from unauthorized access to personal data.

RETENTION AND DISPOSAL:

Deployment records are retained for 10 years. Personnel records are deleted by erasing when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Individual Augmentation Branch, Current Operations Division, Headquarters, Department of the Army, G3/5/7, Army Operations Center, Washington, DC 20310–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Chief, Individual Augmentation Branch, Current Operations Division, Headquarters, Department of the Army, G3/5/7, Army Operations Center, Washington, DC 20310–0400, or the commander or supervisor of organization to which the individual is/was assigned or employed. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide full name, Social Security Number (SSN) and military status, and other information verifiable from the record itself.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or

commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Individual Augmentation Branch, Current Operations Division, Headquarters, Department of the Army, G3/5/7, Army Operations Center, Washington, DC 20310–0400, or to the commander or supervisor of organization to which individual is/was assigned or employed. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide full name, Social Security Number (SSN) and military status, and information verifiable from the record itself.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; Title 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Source of information is from the individual and the individual's official personnel file, Total Army Personnel Database system, The Army Authorization Document System, Department of the Army Civilian Personnel System, Defense Integrated Military Human Resource System, and the integrated Total Army Personnel Database system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–22789 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of Air Force

[Docket ID USAF–2009–0056]

Privacy Act of 1974; System of Records

AGENCY: Department of Air Force, DoD.

ACTION: Notice to Amend a System of Records.

SUMMARY: The Department of Air Force proposes to amend a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on October 22, 2009 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Privacy Act Officer, Office of Warfighting Integration and Chief Information Officer, SAF/XCPPI, 1800 Air Force Pentagon, Washington, DC 20330–1800.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Swilley at (703) 696–6172.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: September 11, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

F033 AF D

SYSTEM NAME:

Automated Orders Data System (May 9, 2009, 68 FR 24944).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''All Air Force civilian employees and military members who perform temporary duty travel, including all Air Force reserve and Air National Guard personnel, and other individuals that travel on Air Force and/or Air National Guard travel orders.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 8013, Secretary of the Air Force; Joint Federal Travel Regulation; Air Instruction 33–328, Administrative Orders; Air Force Instruction 33–332, Privacy Act Program; Air Force Instructions 65–103, Temporary Duty Orders; Air National Guard Instruction 33–101, Air National Guard Special Orders; Air National Guard Instruction 65–101, Air National Guard Workday Accounting and Reporting Procedures; and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''To execute and maintain an official travel record authorization and payment file system. Provides management information for control of travel expenditures and work days, and supports documentation requirements for official travel.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and are properly screened for need-to-know. Usernames and passwords are established for computer system entrance.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Records Custodians at the installation, base, unit, organization, office or function to which the individual is assigned and/or affiliated with, attached, tenanted on, or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.''

NOTIFICATION PROCEDURES:

Delete entry and replace with ''Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Records Custodian and/or Order Specialist at the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on, or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individual should provide full name, Social Security Number (SSN), and office or organization.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to records about themselves contained in this system should address requests to the Records Custodian and/or Orders Specialist at the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on, or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individual should provide full name, Social Security Number (SSN), and office or organization.''

* * * * *

F033 AF D

SYSTEM NAME:

Automated Orders Data System.

SYSTEM LOCATION:

Any location where temporary orders are being published at all levels down to squadrons. Official mailing addresses are published as an appendix to the Air Force compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force civilian employees and military members who perform temporary duty travel, including all Air Force reserve and Air National Guard personnel, and other individuals that travel on Air Force and/or Air National Guard travel orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to official travel of individuals, including travel orders, per diem vouchers, transportation requests, travel itinerary, and supporting documentation. Records contain individual's name, Social Security Number (SSN), rank/grade, office name, telephone, and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; Joint Federal Travel Regulation; Air Instruction 33–328, Administrative Orders; Air Force Instruction 33–332, Privacy Act Program; Air Force Instructions 65–103, Temporary Duty Orders; Air National Guard Instruction 33–101, Air National Guard Special Orders; Air National Guard Instruction 65–101, Air National Guard Workday Accounting and Reporting Procedures; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To execute and maintain an official travel record authorization and payment file system. Provides management information for control of travel expenditures and work days, and supports documentation requirements for official travel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 5522a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Retrieved by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and are properly screened for need-to-know. Usernames and passwords are established for computer system entrance.

RETENTION AND DISPOSAL:

Identification data is maintained until the individual is reassigned. Orders are maintained for 1 to 56 years after the year in which they are published.

SYSTEM MANAGER(S) AND ADDRESS:

Records Custodians at the installation, base, unit, organization, office or function to which the individual is assigned and/or affiliated with, attached, tenanted on, or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Records Custodian and/or Order Specialist at the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on, or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individual should provide full name, Social Security Number (SSN), and office or organization.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the Records Custodian and/or Orders Specialist at the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on, or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individual should provide full name, Social Security Number (SSN), and office or organization.

CONTESTING RECORD PROCEDURES:

The Air Forces rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR parts 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from personnel records, automated system interfaces, individuals, and orders requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–22793 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2009–0057]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Department of the Air Force proposes to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on October 22, 2009 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Privacy Act Officer, Office of

Warfighting Integration and Chief Information Officer, SAF/XCPPI, 1800 Air Force Pentagon, Washington, DC 20330–1800.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Swilley at (703) 696–6172.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, were submitted on September 11, 2009 to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (February 20, 1996, 61 FR 6427).

Dated: September 11, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

F036 AF DP G

SYSTEM NAME:

Leadership Mirror 360 (LM 360).

SYSTEM LOCATION:

Headquarters United States Air Force, Directorate of Personnel Force Development, 1040 Air Force Pentagon, Washington, DC 20330–1040.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Personnel and DoD civilians who participate in Force Development.

CATEGORIES OF RECORDS IN THE SYSTEM:

First name, last name, middle name (when available), e-mail and mailing address, rank, Major Command (MAJCOM), Air Force Specialty Code (AFSC) and/or Occupational Series, and Electronic Data Interchange—Personal Identifier (EDI–PI).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; Air Force Instruction (AFI) 36–2640, Executing Total Force Development; and Air Force Policy Directive (AFPD) 36–26, Total Force Development.

PURPOSE(S):

Used to support Force Development (FD) needs of United States Air Force personnel by allowing an invited user to conduct a 360 degree assessment that is designed to collect perception-based feedback for individuals based on Air Force institutional competencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

In addition to those disclosures generally permitted under 5 U.S.C. 552A(b) of the Privacy Act of 1974, these records or information contained therein may be specifically disclosed outside the Department of Defense as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic storage media.

RETRIEVABILITY:

Combination of first and last name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties that are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, and in computer storage devices and protected by computer system software.

RETENTION AND DISPOSAL:

Data stored digitally within the system is retained only for the period required to satisfy recurring processing requirements and/or historical requirements. Backup data files will be retained for a period not to exceed 45 days. Backup files are maintained only for system restoration and are not to be used to retrieve individual records. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Force Development Integration, Directorate of Personnel Force Development, Headquarters United States Air Force (HQ USAF/A1DI), 1040 Air Force Pentagon, Washington, DC 20330–1040.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about them is contained in this system should address written inquiries to or visit the agency officials at the respective installation education center. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Request must contain full name and current mailing address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them contained in this system of records should address written inquiries to AF/A1DI, 1040 Air Force Pentagon, Washington, DC 20330–1040.

Request must contain full name and current mailing address.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 33–332, Privacy Act Program; 32 CFR part 806b or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data gathered from the individual, data gathered from other personnel records, transcripts and/or evaluations from schools and test results from testing agencies. Education, training and personnel information is obtained from approved automated system interfaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–22794 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2009–0027]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army is proposing to alter a system of records in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on October 22, 2009 unless comments are received that would result in a contrary determination.

ADDRESSES: Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on September 14, 2009, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 14, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer,

Department of Defense.

A0145–2 TRADOC

SYSTEM NAME:

Junior ROTC/NDCC Instructor Files (October 5, 2000, 65 FR 59403)

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''Junior ROTC/National Defense Cadet Corps Instructor Files.''

SYSTEM LOCATION:

Delete entry and replace with ''Department of the Army, Headquarters, United States Army Cadet Command (ATCC–JRI), 55 Patch Road, Fort Monroe, VA 23651–5000.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Retired officers and noncommissioned officers requesting to be certified, those already certified waiting to be assigned as instructors or presently working as a Junior Reserve Officers Training Corps instructor.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 2031, Junior Reserve Officers' Training Corps; 10 U.S.C. 3013, Secretary of the Army; Army Regulation 145–2, Organization, Administration, Operation, and Support; and E.O. 9397 (SSN), as amended.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.''

* * * * *

STORAGE:

Delete entry and replace with ''Electronic storage media and paper records.''

RETRIEVABILITY:

Delete entry and replace with ''By name or Social Security Number (SSN).''

SAFEGUARDS:

Delete entry and replace with ''Records are stored on data repository servers located in U.S. Army Accessions Command G–6 Network Operations Center at Fort Monroe Virginia, and on continuity of operations servers located at the U.S. Army Accessions Command G–6 Network Operations Center in Indianapolis, Indiana. In addition, the system will be a controlled system with passwords, and Common Access Card (CAC) governing access to data.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Records are maintained then destroyed 2 years after instructor's separation. Hardcopy records are shredded after they are scanned into the system. Once in the system and have reached the disposition date they will be electronically deleted.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Commander, U.S. Army Cadet Command (ATCC–JRI), 55 Patch Road, Fort Monroe, VA 23651–5000.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Department of the Army, Headquarters, United States Army Cadet Command (ATCC–JRI), 55 Patch Road, Fort Monroe, VA 23651–5000.

Individual should provide full name, Social Security Number (SSN) or other information verifiable from the record itself.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Department of the Army, Headquarters, United States Army Cadet Command (ATCC–JRI), 55 Patch Road, Fort Monroe, VA 23651–5000.

Individual should provide full name, Social Security Number (SSN) or other information verifiable from the record itself.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Individual retired and noncommissioned officer instructor applicants, staff and faculty of appropriate high school and supporting district and U.S. Army Cadet Command brigade responsible for overseeing the Program of Instruction being conducted and the operation of the units at schools in their area of operation.''

* * * * *

A0145–2 TRADOC

SYSTEM NAME:

Junior ROTC/National Defense Cadet Corps Instructor Files.

SYSTEM LOCATION:

Department of the Army, Headquarters, United States Army Cadet Command, (ATCC–JRI), 55 Patch Road, Fort Monroe, VA 23651–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired officers and noncommissioned officers requesting to be certified, those already certified waiting to be assigned as instructors or presently working as a Junior Reserve Officers Training Corps instructor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number (SSN), instructor evaluation forms, qualification data, biographical sketches and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2031, Junior Reserve Officers' Training Corps; 10 U.S.C. 3013, Secretary of the Army; Army Regulation 145–2, Organization, Administration, Operation, and Support; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To provide record of qualifications, experience, effectiveness, and similar related information on potential and/or assigned instructors and guest speakers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media and paper records.

RETRIEVABILITY:

By name or Social Security Number (SSN).

SAFEGUARDS:

Records are stored on data repository servers located in U.S. Army Accessions Command G–6 Network Operations Center at Fort Monroe Virginia, and on continuity of operations servers located at the U.S. Army Accessions Command G–6 Network Operations Center in Indianapolis, Indiana. In addition, the system will be a controlled system with passwords, and Common Access Card (CAC) governing access to data.

RETENTION AND DISPOSAL:

Records are maintained then destroyed 2 years after instructor's separation. Hardcopy records are shredded after they are scanned into the system. Once in the system and have reached the disposition date they will be electronically.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Cadet Command (ATCC–JRI), 55 Patch Road, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Department of the Army, Headquarters, United States Army Cadet Command (ATCC–JRI), 55 Patch Road, Fort Monroe, VA 23651–5000.

Individual should provide full name, Social Security Number (SSN), or other information verifiable from the record itself.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Department of the Army, Headquarters, United States Army Cadet Command, (ATCC–JRI), 55 Patch Road, Fort Monroe, VA 23651–5000.

Individual should provide full name, Social Security Number (SSN), or other information verifiable from the record itself.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents; and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual retired and noncommissioned officer instructor applicants, staff and faculty of appropriate high school and supporting district and U.S. Army Cadet Command brigade responsible for overseeing the Program of Instruction being conducted and the operation of the units at schools in their area of operation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–22790 Filed 9–21–09; 8:45 am]

BILLING CODE 5001–06–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 22, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or send e-mail to *oira_submission@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information

collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 17, 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: Revision.

Title: State Fiscal Stabilization Fund Grant Application.

Frequency: Once.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 52.

Burden Hours: 305.

Abstract: On February 17, 2009, the American Recovery and Reinvestment Act of 2009 (ARRA) became law. A major part of ARRA is the new State Fiscal Stabilization Fund (Stabilization) program. The program provides $53,600,000,000 to States to keep teachers in the classroom, prevent the cutting of valuable education programs, and help mitigate college tuition increases. Additionally, the Stabilization program will provide resources that States and districts may use to implement important education reforms, such as launching strategies that address inequities in the distribution of highly qualified teachers, building robust data systems that allow districts to better track student achievement, raising standards and strengthening student assessments, and turning around failing schools. We are requesting approval of the Stabilization program grant application so that State governors may apply for the first portion of these funds.

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 4093. 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. E9–22817 Filed 9–21–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13505–000]

Lock+™ Hydro Friends Fund XVII, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 15, 2009.

On June 9, 2009, Lock+™ Hydro Friends Fund XVII, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Enceladus Hydroelectric Project, located on the Kentucky River, in Lee County, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following:

(1) 2 lock frame modules; (2) 18 hydropower turbines; (3) flow control doors; (4) a conduit; (5) transmission line; and (6) appurtenant facilities. The proposed Enceladus Project would have an average annual generation of 284,018,400 kilowatt-hours.

Applicant Contact: Wayne F. Krause, Hydro Green Energy, LLC, Lock+™ Hydro Friends Fund, LLC, 5090 Richmond Avenue #390, Houston, TX 77056.

FERC Contact: Allyson Conner, 202–502–6082.

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 the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13505) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22711 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13507–000]

Lock+™ Hydro Friends Fund XIII, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 15, 2009.

On June 9, 2009, Lock+™ Hydro Friends Fund XIII, LLC filed an

application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Green Lightning Hydroelectric Project, located on the Verdigris River, in Wagoner County, Oklahoma. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following:

(1) 2 lock frame modules; (2) 18 hydropower turbines; (3) flow control doors; (4) a conduit; (5) transmission line; and (6) appurtenant facilities. The proposed Green Lightning Project would have an average annual generation of 284,018,400 kilowatt-hours.

Applicant Contact: Wayne F. Krause, Hydro Green Energy, LLC, Lock+™ Hydro Friends Fund, LLC, 5090 Richmond Avenue #390, Houston, TX 77056.

FERC Contact: Allyson Conner, 202–502–6082.

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–13507) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22713 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13506–000]

Lock+™ Hydro Friends Fund XV, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 15, 2009.

On June 9, 2009, Lock+™ Hydro Friends Fund XV, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Godzilla Hydroelectric Project, located on the Kentucky River, in Anderson and Woodford Counties, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following:

(1) 2 lock frame modules; (2) 18 hydropower turbines; (3) flow control doors; (4) a conduit; (5) transmission line; and (6) appurtenant facilities. The proposed Godzilla Project would have an average annual generation of 284,018,400 kilowatt-hours.

Applicant Contact: Wayne F. Krause, Hydro Green Energy, LLC, Lock+™ Hydro Friends Fund, LLC, 5090 Richmond Avenue #390, Houston, TX 77056.

FERC Contact: Allyson Conner, (202) 502–6082.

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 the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13506) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22712 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13504–000]

Lock+™ Hydro Friends Fund XVI, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 15, 2009.

On June 9, 2009, Lock+™ Hydro Friends Fund XVI, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Granny Smith Project, located on the Verdigris River, in Wagoner County, Oklahoma. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following:

(1) 2 lock frame modules; (2) 18 hydropower turbines; (3) flow control doors; (4) a conduit; (5) transmission line; and (6) appurtenant facilities. The proposed Granny Smith Project would have an average annual generation of 284,018,400 kilowatt-hours.

Applicant Contact: Wayne F. Krause, Hydro Green Energy, LLC, Lock+™ Hydro Friends Fund, LLC, 5090 Richmond Avenue #390, Houston, TX 77056.

FERC Contact: Allyson Conner, 202–502–6082.

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–13504) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22710 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–461–000]

Florida Gas Transmission Company, LLC; Notice of Application

September 15, 2009.

Take notice that on September 3, 2009, Florida Gas Transmission Company, LLC (FGT) tendered for filing an abbreviated application pursuant to the Natural Gas Act requesting authorization to abandon its service obligation utilizing its ownership interest in the Matagorda Offshore Pipeline System which is open to the public for inspection.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: Monday, September 21, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22701 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13521–000]

Oceanlinx Hawaii LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 15, 2009.

On August 21, 2009, Oceanlinx Hawaii LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Oceanlinx Maui Wave Energy Project (Oceanlinx Wave Project or project), located in the Pacific Ocean about 0.6 statute miles north of Pauwela Point and adjacent lands in the County of Maui, Alaska. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A proposed, 30-meter-wide (98-foot-wide) by 100-meter-long (328-foot-long) by 10-meter-high (33-foot-high—relative to the ocean surface) Wage Energy Converter (WEC) consisting of a floating pontoon moored to the seafloor by a cable and anchoring system and containing eight Oscillating Water Column (OWC) units with a combined nameplate capacity of 2.7 megawatts; (2) a proposed 15-kilovolt (kV), 3,600 or 4,100-foot-long (depending upon the transmission route chosen) submarine and overhead transmission line; and (3) appurtenant facilities. The proposed project would have an estimated average annual generation of up to about 4,000 megawatt-hours.

Applicant Contact: Stuart Weylandsmith, Manager, Oceanlinx Hawaii LLC, Suite 2200, ASB Tower, 1001 Bishop Street, Honolulu, HI 96813; Phone: +61 2 9549 6308; e-mail: *stuart.weylandsmith@oceanlinx.com.*

FERC Contact: Nick Jayjack, 202–502–6073.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR

385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp.* More information about this project, 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–13521) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22715 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 606–027–CA]

Kilarc-Cow Creek Hydroelectric Project; Notice of Scoping Meetings and Environmental Site Review and Soliciting Scoping Comments

September 15, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Surrender of License.

b. *Project No.:* 606–027.

c. *Date Filed:* March 13, 2009.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Kilarc-Cow Creek Hydroelectric Project.

f. *Location:* Old Cow Creek and South Cow Creek in Shasta County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Randal S. Livingston, Vice-President of Power Generation, Pacific Gas and Electric Company, P.O. Box 770000, MC–N11E, San Francisco, CA 94177–0001. Telephone (415) 973–7000.

i. *FERC Contact:* CarLisa Linton-Peters, (202) 502–8416, or e-mail: *carlisa.linton-peters@ferc.gov.*

j. *Deadline for filing scoping comments:* October 16, 2009.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–606) on any comments filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Scoping comments may be filed electronically via the Internet in lieu of paper filings. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''e-filing'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.''

k. *Description of Request:* The applicant proposes to surrender the license for the Kilarc-Cow Creek Hydroelectric Project. In addition, the applicant proposes to decommission and remove project facilities, as described in its proposed decommissioning plan. In general, (1) Diversion dams would be removed to stop water diversions and to allow for free passage of fish and sediment; (2) some diversion dam abutments and foundations would be left in place to protect stream banks and provide grade control; (3) powerhouse structures would be secured and left in place during decommissioning and an option for future reuse of the powerhouse structures for non-generation purposes would be preserved; (4) electric generators, turbines and other equipment would be removed; (5) forebays would be graded and filled; and (6) canal segments would be left in place, breached, or filled in consultation with affected landowners, and metal and wood flume structures would be removed. The applicant consulted with federal, state, local agencies, and other parties with potential interest, during the license surrender application process.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also 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. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

You may also register online at *http://www.ferc.govdocs-filing/esubscription.asp* to be notified via electronic mail of new filings and issuances related to this or other pending projects. For technical assistance, contact FERC Online Support.

m. *Mailing list:* Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Scoping Process:* The Commission intends to prepare an Environmental Assessment (EA) on the proposed action in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

FERC staff will conduct one evening public meeting and one agency scoping meeting, which is also open to the public. The agency scoping meeting will primarily focus on resource agency and non-governmental organization (NGO) concerns, while the public scoping meeting will primarily focus on receiving public input. All interested individuals, organizations, and agencies are invited to attend one or both of the scoping meetings, and to assist FERC staff in identifying the scope of the environmental issues that should be analyzed in the EA on the proposed action. There will also be a public environmental site review to the Kilarc-Cow Creek project site (see below). The times and locations of these two scoping meetings are as follows:

Public Scoping Meeting

Date: Monday, October 19, 2009.

Time: 6 p.m. until 8:30 p.m.

Place: Millville Grange.

Address: 22037 Old 44 Drive, Palo Cedro, CA 96073.

Telephone: (530) 547–5215.

Agency Scoping Meeting

Date: Thursday, October 22, 2009.

Time: 9 a.m. until 12 Noon.

Place: Holiday Inn.

Address: 1900 Hilltop Drive, Redding, CA 96002.

Telephone: (530) 221–7500.

At the scoping meetings, the public will meet the FERC staff and then the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Environmental Site Review

The Applicant and FERC staff will conduct a two-day public environmental site review. All interested individuals, organizations and agencies are invited to attend the site review, which begins on Tuesday, October 20, 2009 from 9:00 a.m. to 4:30 p.m. All participants wishing to tour the Kilarc project features should meet at the Whitmore Community Center, across from the Whitmore General Store, at 30555 Whitmore Road, Whitmore, CA. 96096. All participants are responsible for their own transportation to the site. Four-wheel drive transportation is strongly recommended to see the site, and car-pooling is encouraged. Participants should understand that parking for the site review is limited and available on a first come first serve basis; therefore FERC is requesting RSVPs for those planning to attend by October 13, 2009 to CarLisa M Linton-Peters at (202) 502–8416. All participants are asked to bring a brown-bag lunch, sufficient drink water, and wear appropriate clothing and shoes for the site visit. Participants should realize that there will be moderate hiking required and there is no access to restroom facilities for most of the tour. Participants will also be asked to sign a Release from Liability form prior to beginning the site tour. The second day of the environmental site review, to tour the Cow Creek project features, will occur on Wednesday, October 21, 2009 starting at 9 a.m. All participants joining us for the second day should meet at the Palo Cedro Park and Ride, across from the Holiday Market, on the corner of Deschutes Road and 44, in Palo Cedro, CA. 96073. A tentative itinerary of the two-day environmental site review is provided below. Anyone with questions about details of the site review should contact Lisa Whitman of Pacific Gas and Electric Company at (925) 973–7465.

Tentative Environmental Site Review Itinerary

Kilarc Creek Tour, Tuesday, October 20th 2009. 09:00 to 16:30.

09:00 Meet at the Whitmore Community Center, across from the Whitmore General Store. Provide instruction on tour and tour participations requirements (i.e. no smoking, will stay as a group, some hiking required/optional, and respect private lands). Public participants park their vehicles and load into PG&E vehicles. (If the public participants only want to visit the Kilarc Forebay, they may drive their own cars and park in the recreation area).

09:30 Drive to Kilarc Powerhouse. Due to safety rules and the use of Flame Resistant (FR) clothing in powerhouses and switchyards, members of the public will be able to view the powerhouse from the outside only and view the immediate area.

10:15 Drive to Kilarc Forebay—Proceed on Miller Mountain Road to Kilarc Forebay and tour the immediate area. Participants may walk a portion of the lower canal.

11:30 Option to proceed via Miller Mountain Road and Access Road ''A'' to Kilarc Diversion Dam. Participants may walk 1,500 yards to view a section of the upper canals, flume sections and the siphon.

13:00 Option to drive to North and South Canyon Creek Diversions.

16:30 Secure for day.

Cow Creek Tour, Wednesday, October 21st 2009. 09:00–16:30.

09:00 Meet at the Park and Ride across from the Holiday Market (Palo Cedro). Provide instruction on tour and tour participations requirements (i.e. no smoking, will stay as a group, some hiking required/optional, and respect private lands). Public participants park their vehicles and load into PG&E vehicles.

09:30 Drive to Abbott Ditch Diversion. Inspect the Abbott Ditch diversion and lower portion of Hooten Gulch.

10:00 Drive to Cow Creek Powerhouse. Due to safety rules and the use of FR clothing in powerhouses and switchyards, members of the public will be able to view the powerhouse from the outside only and inspect the immediate area including the upper portion of Hooten Gulch.

11:30 Proceed to Cow Creek Diversion Dam. Park vehicles, and walk approximately 400 yards to the diversion dam and the fish ladder and the upper section of the Cow Creek Canal. Walk 300 yards to the Mill Creek Diversion.

13:00 Proceed to Cow Creek Forebay, by South Cow Creek Road. For participants who do not want to see the Cow Creek Forebay, they would be driven back to their vehicles. The tour would go across the wet crossing of South Cow Creek to Access Road A and to Cow Creek Forebay. The group would tour the immediate area of the Forebay and then return via Access Road A and South Cow Creek Road back to the Palo Cedro Park and Ride.

16:30 Secure for Day.

Note: For both days of the environmental site review, all participants are asked to bring a brown bag lunch and water bottles.

Scoping Document

Copies of the Scoping Document (SD) outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list on September 15, 2009. Copies of the SD will also be available at the scoping meetings or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link.

Procedures

The scoping meetings will be recorded by a stenographer and will become part of the formal record of the Commission proceeding on this project.

Individuals, organizations and agencies with environmental expertise and concerns are encouraged to attend the meetings and the site visit and to assist the FERC staff in defining and clarifying the issues to be addressed in the EA.

If you have any questions regarding this notice, please contact the environmental coordinator at the Federal Energy Regulatory Commission, CarLisa Linton-Peters at (202) 502–8416 or *carlisa.linton-peters@ferc.gov*.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22717 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13508–000]

Lock+™ Hydro Friends Fund XX, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 15, 2009.

On June 9, 2009, Lock+™ Hydro Friends Fund XX, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Muddy Waters Hydroelectric Project, located on the Kentucky River, in Jessamine and Madison Counties, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following:

(1) 2 lock frame modules; (2) 18 hydropower turbines; (3) flow control doors; (4) a conduit; (5) transmission line; and (6) appurtenant facilities. The proposed Muddy Waters Project would have an average annual generation of 284,018,400 kilowatt-hours.

Applicant Contact: Wayne F. Krause, Hydro Green Energy, LLC, Lock+™ Hydro Friends Fund, LLC, 5090 Richmond Avenue #390, Houston, TX 77056.

FERC Contact: Allyson Conner, (202) 502–6082.

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 the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13508) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22714 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

September 10, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–423–003.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company TRA Backhaul Errata Filing.
Filed Date: 09/01/2009.
Accession Number: 20090901–5168.
Comment Date: 5 p.m. Eastern Time on Monday, September 14, 2009.

Docket Numbers: RP96–320–115.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits an amendment to a negotiated rate letter agreement executed by Gulf South and one of its customers in relation to the East Texas to Mississippi Expansion Project.
Filed Date: 09/01/2009.
Accession Number: 20090902–0161.
Comment Date: 5 p.m. Eastern Time on Monday, September 14, 2009.

Docket Numbers: RP06–200–062.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits Twelfth Revised Sheet No. 9 *et al* to FERC Gas Tariff, Second Revised Volume No. 1.
Filed Date: 09/03/2009.
Accession Number: 20090904–0055.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 15, 2009.

Docket Numbers: RP09–371–002.
Applicants: Crossroads Pipeline Company.
Description: Crossroads Pipeline Company submits Twelfth Revised Sheet 6 to FERC Gas Tariff, First Revised Volume 1.
Filed Date: 09/03/2009.
Accession Number: 20090903–0201.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 15, 2009.

Docket Numbers: RP09–845–001.
Applicants: TransColorado Gas Transmission Company L.
Description: TransColorado Gas Transmission Company LLC submits Sub. First Revised Sheet 248 to FERC Gas Tariff, Second Revised Volume 2.
Filed Date: 09/03/2009.
Accession Number: 20090904–0061.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 15, 2009.

Docket Numbers: RP09–872–001.
Applicants: Arlington Storage Company, LLC.
Description: Arlington Storage Co, LLC submits Sub Original Sheet No. 2 *et al* to FERC Gas Tariff, Original Volume No. 1.
Filed Date: 09/03/2009.
Accession Number: 20090904–0056.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 15, 2009.

Docket Numbers: RP00–425–008.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Southern Star Central Gas Pipeline, Inc submits Second Revised Sheet 17 to FERC Gas Tariff, First Revised Volume 1.
Filed Date: 09/08/2009.
Accession Number: 20090908–0061.
Comment Date: 5 p.m. Eastern Time on Monday, September 21, 2009.

Docket Numbers: RP09–932–001.
Applicants: Monroe Gas Storage Company, LLC.
Description: Monroe Gas Storage Company, LLC submits Substitute First Revised Sheet No 182 *et al* to FERC Gas Tariff, Original Volume No 1.
Filed Date: 09/08/2009.
Accession Number: 20090909–0158.
Comment Date: 5 p.m. Eastern Time on Monday, September 21, 2009.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu

of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–22726 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

September 11, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–1032–000.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits Gas Transportation Agreements with MGI Supply, Ltd, Second Revised Sheet 413B *et al.* to FERC Gas Tariff, Fifth Revised Volume 1, to be effective 10/1/09.
Filed Date: 09/03/2009.
Accession Number: 20090903–0203.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 15, 2009.

Docket Numbers: RP09–1033–000.
Applicants: Texas Eastern Transmission, L.P.
Description: Texas Eastern Transmission, LP submits Second Revised Sheet 3 *et al.* to FERC Gas Tariff, Seventh Revised Volume 1 *et al.*
Filed Date: 09/03/2009.
Accession Number: 20090903–0202.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 15, 2009.

Docket Numbers: RP09–1034–000.
Applicants: Enbridge Pipelines (Midla) L.L.C.
Description: Enbridge Pipelines (Midla) LLC submits First Revised Sheet No. 5 to FERC Gas Tariff, Fifth Revised Volume No. 1, to be effective 9/4/09.
Filed Date: 09/03/2009.
Accession Number: 20090904–0057.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 15, 2009.

Docket Numbers: RP09–1038–000.
Applicants: Viking Gas Transmission Company.
Description: Viking Gas Transmission Company submits nonconforming firm Transportation Agreement, a service agreement entered into with Northern States Power Company, a Minnesota corporation under RP09–1038.
Filed Date: 09/09/2009.
Accession Number: 20090910–0456.
Comment Date: 5 p.m. Eastern Time on Monday, September 21, 2009.

Docket Numbers: RP09–1039–000.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company submits petition for limited waivers of sections 19.5(g) *et al.* of the General Terms and Conditions of Columbia Gulf's FERC Gas Tariff, Second Revised Volume 1 under RP09–1039.
Filed Date: 09/09/2009.
Accession Number: 20090910–0454.
Comment Date: 5 p.m. Eastern Time on Monday, September 21, 2009.

Docket Numbers: RP09–1040–000.
Applicants: Ozark Gas Transmission, L.L.C.
Description: Ozark Gas Transmission, LLC submits First Revised Sheet 1 *et al.* to FERC Gas Tariff, First Revised Volume 1 to be effective 11/16/09 under RP09–1040. 1 of 2.
Filed Date: 09/09/2009.
Accession Number: 20090910–0452.
Comment Date: 5 p.m. Eastern Time on Monday, September 21, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–22725 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 14, 2009.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC09–108–000.
Applicants: ALLETE, Inc.
Description: Allete submits Application for Authorization to Acquire Transmission Facilities.
Filed Date: 09/04/2009.
Accession Number: 20090909–0146.
Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER06–1367–005; ER06–745–004; ER07–239–004; ER99–1714–008.
Applicants: BG Dighton Power, LLC, BG Energy Merchants, LLC, MASSPOWER, Lake Road Generating Company, L.P.

Description: BG Dighton Power, LLC, *et al.* Notice of Non-Material Change in Status.
Filed Date: 09/09/2009.
Accession Number: 20090909–5053.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 30, 2009.

Docket Numbers: ER09–1505–001.
Applicants: Stony Creek Wind Farm, LLC.
Description: Stony Creek submits supplement to its MBR application in response to requests from FERC.
Filed Date: 09/10/2009.
Accession Number: 20090911–0056.
Comment Date: 5 p.m. Eastern Time on Thursday, October 1, 2009.

Docket Numbers: ER09–1684–000.
Applicants: Mississippi Power Company.
Description: Application of Mississippi Power Company Update Its Depreciation Rates for the calculation of charges for service provided.
Filed Date: 09/09/2009.
Accession Number: 20090909–5014.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 30, 2009.

Docket Numbers: ER09–1689–000.
Applicants: Backyard Farms Energy LLC.
Description: Backyard Farms Energy, LLC submits application for authorization to make wholesale sales of energy and capacity at negotiated, market based rates.
Filed Date: 09/11/2009.
Accession Number: 20090911–0054.
Comment Date: 5 p.m. Eastern Time on Friday, October 2, 2009.

Docket Numbers: ER09–1690–000.
Applicants: Xcel Energy Services Inc.
Description: Southwestern Public Service Company submits Notice of Termination of Experimental Sales Rider Agreements.
Filed Date: 09/09/2009.
Accession Number: 20090910–0390.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 30, 2009.

Docket Numbers: ER09–1691–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits Notice of Termination of PG&E Rate Schedule FERC 235, *et al.*
Filed Date: 09/10/2009.
Accession Number: 20090911–0058.
Comment Date: 5 p.m. Eastern Time on Thursday, October 1, 2009.

Docket Numbers: ER09–1692–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Co. submits revised rate sheets to the Barre Peaker Project Large Generator Interconnection Agreement *et al.*
Filed Date: 09/10/2009.
Accession Number: 20090911–0057.
Comment Date: 5 p.m. Eastern Time on Thursday, October 1, 2009.

Docket Numbers: ER09–1693–000.
Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation, Green Power Energy, LLC.
Description: New York Independent System Operator, Inc submits Original Sheet 1 *et al* to FERC Electric Tariff, Original Volume 1, Service Agreement 1483.
Filed Date: 09/10/2009.
Accession Number: 20090911–0052.
Comment Date: 5 p.m. Eastern Time on Thursday, October 1, 2009.

Docket Numbers: ER09–1694–000.
Applicants: PacifiCorp.
Description: PacifiCorp submits for filing Original Sheet 1 *et al* to FERC Electric Tariff, 7th Revised Volume 11, First Revised Service Agreement 347.
Filed Date: 09/10/2009.
Accession Number: 20090911–0053.
Comment Date: 5 p.m. Eastern Time on Thursday, October 1, 2009.

Docket Numbers: ER09–1696–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits executed Amended and Restated Large Generator Interconnection Agreement dated 9/3/09 among Midwest ISO, *et al.*
Filed Date: 09/11/2009.
Accession Number: 20090911–0102.
Comment Date: 5 p.m. Eastern Time on Friday, October 2, 2009.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES09–52–000.
Applicants: Louisville Gas & Electric Company.
Description: Application of Louisville Gas and Electric Company for Authority to Issue Short-Term Debt Securities.
Filed Date: 09/10/2009.
Accession Number: 20090910–5109.
Comment Date: 5 p.m. Eastern Time on Thursday, October 1, 2009.

Docket Numbers: ES09–53–000.
Applicants: Kentucky Utilities Company.
Description: Application of Kentucky Utilities Company for Authority to Issue Short-Term Debt Securities.
Filed Date: 09/10/2009.
Accession Number: 20090910–5110.
Comment Date: 5 p.m. Eastern Time on Thursday, October 1, 2009.

Docket Numbers: ES09–54–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Application of the Midwest Independent Transmission System Operator, Inc. Under Section 204 of the Federal Power Act to Issue Securities.
Filed Date: 09/14/2009.
Accession Number: 20090914–5060.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA07–58–005.
Applicants: NorthWestern Corporation.
Description: Compliance Filing of NorthWestern Corporation.
Filed Date: 09/14/2009.
Accession Number: 20090914–5033.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Docket Numbers: OA08–23–002; OA08–28–003; OA08–31–003; OA08–40–002; OA08–45–003; OA08–54–005; OA08–55–005; OA08–56–005; OA08–57–005; OA08–118–002.
Applicants: Idaho Power Company, Deseret Generation & Transmission Co-op., Portland General Electric Company, NorthWestern Corporation, PacifiCorp.
Description: Compliance Filing of Idaho Power Company, *et al.*
Filed Date: 09/14/2009.
Accession Number: 20090914–5082.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Docket Numbers: OA08–30–002.
Applicants: El Paso Electric Company.
Description: Attachment K Compliance Filing of El Paso Electric Company.
Filed Date: 09/11/2009.
Accession Number: 20090911–5100.
Comment Date: 5 p.m. Eastern Time on Friday, October 2, 2009.

Docket Numbers: OA08–38–004.
Applicants: Sierra Pacific Resources Operating Company.
Description: Compliance Filing of Sierra Pacific Resources Operating Companies for the OATT Attachment K—Transmission Planning Process.
Filed Date: 09/14/2009.
Accession Number: 20090914–5165.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a

compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–22723 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 15, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER98–1643–014.
Applicants: Portland General Electric Company.
Description: Application of Portland General Electric Company—Notice of Change in Status Eratta Appendix B.
Filed Date: 09/14/2009.
Accession Number: 20090914–5203.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Docket Numbers: ER01–1822–006.
Applicants: Indigo Generation LLC, Larkspur Energy LLC, Wildflower Energy LP.
Description: Indigo Generation, LLC *et al.* submits supplement to the August 12 Notice containing a request for waiver of the requirement that the Wildflower Entities file the 2007 Triennial Update *et al.*
Filed Date: 09/11/2009.
Accession Number: 20090915–0025.
Comment Date: 5 p.m. Eastern Time on Friday, October 2, 2009.

Docket Numbers: ER00–1372–005; ER07–496–002.
Applicants: Alcoa Power Generating Inc., Alcoa Power Marketing LLC.
Description: Alcoa Power Marketing LLC and Alcoa Power Generating Inc. submit Updated Market Power Analysis for Continued Market-Based Rate Authority in Compliance with Order No. 697.
Filed Date: 09/14/2009.
Accession Number: 20090914–5200.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Docket Numbers: ER09–1473–001.
Applicants: NorthWestern Corporation.
Description: NorthWestern Corporation submits supplement to the executed Large Generator Interconnection Agreement between NorthWestern and NaturEner Glacier Wind Energy 2, LLC.
Filed Date: 09/11/2009.
Accession Number: 20090914–0074.
Comment Date: 5 p.m. Eastern Time on Friday, October 2, 2009.

Docket Numbers: ER09–1574–001.
Applicants: MidAmerican Energy Company.
Description: MidAmerican Energy Company submits Substitute First Revised Rate Schedule No 42 *et al.*
Filed Date: 09/14/2009.
Accession Number: 20090914–0077.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Docket Numbers: ER09–1697–000.
Applicants: Ameren Services Company.
Description: Ameren Services Company submits revised executed service agreement for Wholesale Distribution Service with the Hannibal Board of Public Works.
Filed Date: 09/11/2009.
Accession Number: 20090914–0075.
Comment Date: 5 p.m. Eastern Time on Friday, October 2, 2009.

Docket Numbers: ER09–1698–000.
Applicants: Prime Power Sales I, LLC.
Description: Prime Power Sales I, LLC submits notice of cancellation of its FERC Electric Tariff, Original Rate Schedule FERC No 1.
Filed Date: 09/11/2009.
Accession Number: 20090914–0076.
Comment Date: 5 p.m. Eastern Time on Friday, October 2, 2009.

Docket Numbers: ER09–1700–000; ER09–1701–000; ER09–1702–000; ER09–1703–000; ER09–1704–000; ER09–1705–000.
Applicants: Deseret Generation & Transmission Co-op.; Idaho Power Company; NorthWestern Corporation; PacifiCorp; Portland General Electric Company; Black Hills Power, Inc.
Description: Deseret Generation & Transmission Co-operative, Inc *et al.* submits a revised Attachment K to simplify the process of stakeholders to join the Northern Tier Transmission Group Planning Committee.
Filed Date: 09/14/2009.
Accession Number: 20090915–0059.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08–25–003.
Applicants: Avista Corporation.
Description: Attachment K Compliance Filing of Avista Corporation.
Filed Date: 09/14/2009.
Accession Number: 20090914–5198.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Docket Numbers: OA08–26–003.
Applicants: Puget Sound Energy, Inc.
Description: Attachment K Compliance Filing of Puget Sound Energy, Inc.
Filed Date: 09/14/2009.
Accession Number: 20090914–5199.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Docket Numbers: OA08–33–002.
Applicants: Arizona Public Service Company.
Description: Compliance Filing of Arizona Public Service Company.
Filed Date: 09/14/2009.
Accession Number: 20090914–5201.
Comment Date: 5 p.m. Eastern Time on Monday, October 5, 2009.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR09–9–000; RR08–6–004; RR07–14–004.
Applicants: North American Electric Reliability Corp.

Description: North American Electric Reliability Corporation (Attachment 15) in Support of its Request for Acceptance of its 2010 Business Plan and Budget and the 2010 Business Plans and Budgets of Regional Entities.

Filed Date: 09/14/2009.

Accession Number: 20090914–5166.

Comment Date: 5 p.m. Eastern Time on Monday, September 21, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–22721 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

September 10, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–1035–000.

Applicants: Wyoming Interstate Company, Ltd.

Description: Wyoming Interstate Company, Ltd submits Seventh Revised Sheet 4D to its FERC Gas Tariff, Second Revised Volume 12.

Filed Date: 09/04/2009.

Accession Number: 20090908–0098.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 16, 2009.

Docket Numbers: RP09–1036–000.

Applicants: National Fuel Gas Supply Corporation.

Description: National Fuel Gas Supply Corporation submits Seventeenth Revised Sheet 478, to be effective 10/4/09.

Filed Date: 09/04/2009.

Accession Number: 20090908–0097.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 16, 2009.

Docket Numbers: RP09–1037–000.

Applicants: Questar Pipeline Company.

Description: Questar Pipeline Company submits certain transportation service agreement containing potential material deviations from the form of service agreement found in its FERC Gas Tariff, First Revised Volume 1 w/Eighth Revised Sheet 8.

Filed Date: 09/08/2009.

Accession Number: 20090908–0100.

Comment Date: 5 p.m. Eastern Time on Monday, September 21, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–22727 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Filings

September 9, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER05–717–012, ER05–721–012, ER04–374–013, ER06–230–009, ER07–810–007, ER08–237–007, ER08–1172–006, ER09–430–003, ER09–429–003, ER99–2341–015, ER06–1334–009, ER07–277–008, ER09–946–002.

Applicants: Spring Canyon Energy LLC, Judith Gap Energy LLC; Invenergy TN LLC; Wolverine Creek Energy LLC; Grays Harbor Energy LLC; Forward Energy LLC; Grand Ridge Energy LLC; Willow Creek Energy LLC; Sheldon Energy LLC; Hardee Power Partners Limited; Spindle Hill Energy LLC; Invenergy Cannon Falls LLC; Beech Ridge Energy LLC.

Description: Spring Canyon Energy, LLC *et al.* submits notification of change in facts under market-based rate authority.

Filed Date: 09/04/2009.

Accession Number: 20090908–0074.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Docket Numbers: ER06–215–002; ER06–686–002; ER06–222–002; ER06–225–002; ER06–223–002; ER06–221–002; ER06–224–002; ER06–220–002.

Applicants: DeGreeffpa, LLC; DeGreeff DP, LLC; Groen Wind, LLC: Hillcrest Wind, LLC; Larswind, LLC; Sierra Wind, LLC; TAIR Windfarm, LLC; Bendwind, LLC.

Description: Bendwind, LLC, *et al.* Supplement to June 30, 2009 Notice of Category 1 Seller Status and Compliance Filing, *et al.*

Filed Date: 08/28/2009.

Accession Number: 20090828–5083.

Comment Date: 5 p.m. Eastern Time on Friday, September 18, 2009.

Docket Numbers: ER07–509–002.

Applicants: California Power Holdings, LLC.

Description: California Power Holdings submits amendment to market-based rate tariff.

Filed Date: 09/04/2009.

Accession Number: 20090904–0153.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Docket Numbers: ER09–1141–004.

Applicants: J.P. Morgan Commodities Canada Corporation.

Description: JP Morgan Commodities Canada Corporation submits revised tariff sheets accepting JPMCCC's petition for acceptance of initial tariff, waivers and blanket authority.

Filed Date: 09/04/2009.

Accession Number: 20090904–0155.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Docket Numbers: ER09–1307–001.

Applicants: EnergyConnect, Inc.

Description: EnergyConnect, Inc submits additional information that constitutes as an amendment to its 6/16/09 application.

Filed Date: 09/08/2009.

Accession Number: 20090908–0063.

Comment Date: 5 p.m. Eastern Time on Tuesday, September 29, 2009.

Docket Numbers: ER09–1541–001.

Applicants: MidAmerican Energy Company.

Description: MidAmerican Energy Company submits a replacement Affected System Engineering and Procurement Agreement.

Filed Date: 09/04/2009.

Accession Number: 20090904–0158.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Docket Numbers: ER09–1678–000.

Applicants: KCP&L Greater Missouri Operations Company.

Description: KCP&L Greater Missouri Operations Company submits proposed amendments to OATT to consolidate transmission service offerings under a single tariff *et al.*

Filed Date: 09/04/2009.

Accession Number: 20090904–0154.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Docket Numbers: ER09–1679–000.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corporation submits Electric Interconnection Services Agreement between NorthWestern Corporation and Vigilante Electric Cooperative.

Filed Date: 09/04/2009.

Accession Number: 20090904–0156.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Docket Numbers: ER09–1680–000.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corporation submits electric Interconnection Services Agreement between NorthWestern Corporation and Southern Electric Generation and Transmission Cooperative.

Filed Date: 09/04/2009.

Accession Number: 20090904–0157.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Docket Numbers: ER09–1681–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits amendment to the ISO tariff to reduce the maximum unsecured credit limit for market participants.

Filed Date: 09/04/2009.

Accession Number: 20090908–0075.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Docket Numbers: ER09–1682–000.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits filing requesting authority to prospectively apply new mitigation rules to three specifically identified generators, etc.

Filed Date: 09/04/2009.

Accession Number: 20090908–0076.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Docket Numbers: ER09–1683–000.

Applicants: Ameren Services Company.

Description: Ameren Services Company submits Transmission Upgrade Agreement between AmerenCIPS, Ameren Energy Marketing Company, Dynegy Midwest Generation, Inc.

Filed Date: 09/08/2009.

Accession Number: 20090908–0060.

Comment Date: 5 p.m. Eastern Time on Tuesday, September 29, 2009.

Docket Numbers: ER98–1643–014.

Applicants: Portland General Electric Company.

Description: Notification of change in status of Portland General Electric Company.

Filed Date: 09/04/2009.

Accession Number: 20090904–5105.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–22724 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Filings

September 11, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER01–1099–000; ER02–1406–014; ER99–2928–020.

Applicants: Cleco Power LLC; Acadia Power Partners, LLC; Cleco Evangeline LLC.

Description: Cleco Companies submit supplemental affidavit of Paul Raab.

Filed Date: 09/04/2009.

Accession Number: 20090909–0151.

Comment Date: 5 p.m. Eastern Time on Friday, September 25, 2009.

Docket Numbers: ER09–411–003.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest ISO submits accepted provisions as incorporated into the Open Access Transmission and Energy Markets Tariff revised to reflect an effective date of 12/31/08, *et al.*

Filed Date: 09/08/2009.

Accession Number: 20090909–0159.

Comment Date: 5 p.m. Eastern Time on Tuesday, September 29, 2009.

Docket Numbers: ER09–1685–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits Engineering and Procurement Agreement dated 8/25/09 between PacifiCorp and Ridgeline Alternative Energy, LLC.

Filed Date: 09/08/2009.

Accession Number: 20090909–0160.

Comment Date: 5 p.m. Eastern Time on Tuesday, September 29, 2009.

Docket Numbers: ER09–1686–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC submits Fifth Revised Sheet No. 523I.02 to FERC Electric Tariff, Sixth Revised Volume No. 1.

Filed Date: 09/09/2009.

Accession Number: 20090910–0061.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 30, 2009.

Docket Numbers: ER09–1687–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Co submits revised rate sheets to the Mira Loma Peaker Project Large Generator Interconnection Agreement etc.

Filed Date: 09/09/2009.

Accession Number: 20090910–0062.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 30, 2009.

Docket Numbers: ER09–1688–000.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corp submits an executed Large Generator Interconnection Agreement with Martinsdale Wind Farm, LLC under.

Filed Date: 09/09/2009.

Accession Number: 20090910–0060.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 30, 2009.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES09–51–000.

Applicants: Georgia Power Company.

Description: Application of Georgia Power Company for Authorization of Issuance of Securities under section 204 of the FPA under ES09–51.

Filed Date: 09/09/2009.

Accession Number: 20090909–5094.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 30, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–22722 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03–75–006; CP05–361–004]

Freeport LNG Development, L.P.; Notice of Intent To Prepare an Environmental Assessment for the Proposed NGL Extraction Project and Request for Comments on Environmental Issues

September 15, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the NGL Extraction Project involving construction and operation of facilities by Freeport LNG Development, L.P. (Freeport LNG) on Quintana Island near Freeport, Texas. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process we will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period will close on October 15, 2009.

This notice is being sent to affected landowners; federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. State and local government representatives are asked to notify their constituents of this planned project and encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*http://www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

Freeport LNG is seeking authorization to construct an NGL extraction system that would integrate with and complement existing authorized facilities at the Quintana Island terminal. Through completion of the NGL Extraction Project, Freeport LNG would be able to meet composition specifications of the downstream pipelines for natural gas delivered through the terminal's send out pipeline and maintain potential diversity in LNG sources.

Freeport LNG is proposing to:

- Install two modular trains (Trains 1 and 2) which each would include one expander/compressor, one reflux heat exchanger, and two gas heat exchangers;
- Install two non-modular NGL recovery columns (Demethanizers) with side and bottom heat exchangers;
- Install one non-modular fractionator column (Depropanizer) with ancillary condensing and reboiling equipment;
- Install 540 feet of aboveground 8-inch-diameter plant pipeline; and
- Install 540 feet of aboveground 12-inch-diameter plant pipeline.

The general location of the project facilities is shown in Appendix 1.[1]

If approved, Freeport LNG proposes to commence construction of the proposed facilities on or about July 1, 2010.

Land Requirements for Construction

Construction of the NGL Extraction Project would be located wholly within the existing authorized footprint of the terminal site. Approximately 0.74 acres would be impacted where 0.38 acres would be used for temporary workspaces and 0.36 acres would be the permanent footprint for new facilities.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission staff requests public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

In the EA we[2] will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils,
- Land use,
- Water resources, fisheries, and wetlands,
- Cultural resources,
- Vegetation and wildlife,
- Air quality and noise,
- Endangered and threatened species, and
- Public safety.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

With this NOI, we are asking federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Additional agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this NOI.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Freeport LNG. This preliminary list of issues may be changed based on your comments and our analysis.

- Potential impacts may occur to waterbodies.

Public Participation

You can make a difference by providing us with your specific comments or concerns about NGL Extraction Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in Washington, DC on or before October 15, 2009.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number CP03–75–006 and CP05–361–004 with your submission. The docket number can be found on the

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices are available on the Commission's Web site at the ''eLibrary'' link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[2] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

front of this notice. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the Quick Comment feature, which is located on the Commission's internet Web site at *http://www.ferc.gov* under the link to Documents and Filings. A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's internet Web site at *http://www.ferc.gov* under the link to Documents and Filings. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on ''Sign up'' or ''eRegister.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing;'' or

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

Label one copy of the comments for the attention of Gas Branch 2, PJ11.2.

Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (Appendix 2). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor,'' which is an official party to the proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in a Commission proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22720 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9202–160—Colorado]

Upper Yampa Water Conservancy District; Notice of Availability of Environmental Assessment

September 15, 2009.

In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Energy Regulatory Commission's (Commission) regulations (18 CFR part 380), the Office of Energy Projects has prepared an environmental assessment (EA) regarding Upper Yampa Water Conservancy District's (District) request for a non-capacity license amendment for the Stagecoach Project (FERC No. 9202) located on the Yampa River in Routt County, Colorado. The District requests Commission approval to amend the project's license to (1) Increase the height of the project dam spillway's crest elevation by 4 feet, and (2) increase the maximum operating storage elevation of Stagecoach Reservoir by 4 feet. This would increase the maximum storage capacity in Stagecoach Reservoir from 33,275 acre-feet to 36,460 acre-feet, and increase the project's potential for increasing downstream water supply. This EA concludes that the proposed license amendment, with staff's recommended mitigation measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

Any comments should be filed within 30 days from the date of this notice and should be addressed to Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Copies of the EA are available for review in the Commission's Public Reference Room. The EA also may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–9202) in the docket number field to access the document. For assistance, please contact *ferconlinesupport@ferc.gov* or call toll-free at (866) 208–3676. For TTY, contact (202) 502–8659.

For further information regarding this notice, please contact B. Peter Yarrington at (202) 502–6129, or via e-mail at *peter.yarrington@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22718 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2232–561–NC]

Catawba-Wateree Project; Notice of Availability of Environmental Assessment

September 15, 2009.

In accordance with the National Environmental Policy Act of 1969 and Federal Energy Regulatory Commission regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed Duke Energy

Carolina, LLC's application for non-project use of project lands and waters to lease 2.39 acres of land within the project boundary to C. Stafford, LLC to expand an existing marina at the Catawba-Wateree Project, and has prepared an Environmental Assessment (EA). The proposal is located on Lake Hickory in Alexander County, North Carolina.

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–2232) excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

Any comments on the EA should be filed by October 15, 2009 and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1–A, Washington, DC 20426. Please reference the project name and project number (P–2232–561) on all comments. Comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''eFiling'' link. For further information, contact Rebecca Martin at (202) 502–6012.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22716 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–408–000]

PacifiCorp; Notice of Filing

September 15, 2009.

Take notice that on September 4, 2009, PacifiCorp filed a request that the Commission reinstitute the deferred section 205 proceeding referenced above.

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 September 25, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22709 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1329–000]

NaturEner Power Watch, LLC; Notice of Filing

September 15, 2009.

Take notice that, on September 11, 2009, NaturEner Power Watch, LLC filed to supplement its filing in the above captioned docket with information required under the Commission's regulations. Such filing served to reset the filing date in this proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 2, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22705 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1314–000]

NorthWestern Corporation; Notice of Filing

September 15, 2009.

Take notice that, on September 11, 2009, NorthWestern Corporation filed to supplement its filing in the above captioned docket with information required under the Commission's regulations. Such filing served to reset the filing date in this proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 2, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22704 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1689–000]

Backyard Farms Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

September 15, 2009.

This is a supplemental notice in the above-referenced proceeding of Backyard Farms Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 5, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22708 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1656–000]

Ashtabula Wind II, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

September 15, 2009.

This is a supplemental notice in the above-referenced proceeding of Ashtabula Wind II, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is October 5, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any

FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22707 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1655–000]

Fowler Ridge II Wind Farm, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

September 10, 2009.

This is a supplemental notice in the above-referenced proceeding of Fowler Ridge II Wind Farm, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is September 29, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–22729 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1677–000]

Big Sky Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

September 10, 2009.

This is a supplemental notice in the above-referenced proceeding of Big Sky Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is September 29, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–22728 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–1645–000]

Devonshire Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

September 15, 2009.

This is a supplemental notice in the above-referenced proceeding of Devonshire Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of

future issuances of securities and assumptions of liability, is October 5, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22706 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. QF82–207–006; EL09–76–000]

Central Power & Lime LLC; Notice of Petition for Temporary Waiver of Operating Standard for Qualifying Cogeneration Facility

September 15, 2009.

Take notice that on September 2, 2009, Central Power & Lime LLC (''CP&L'') filed with the Federal Energy Regulatory Commission (''Commission'') a petition for a temporary waiver of the operating standard set forth in 18 CFR 292.205(a)(1) with respect to its cogeneration facility located in Brooksville, FL for calendar years 2009 and 2010, as described more fully in CP&L's filing.

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. E9–22700 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR09–11–002]

Crosstex Mississippi Pipeline, L.P.; Notice of Refund Report

September 15, 2009.

Take notice that on August 28, 2009, Crosstex Mississippi Pipeline, L.P. filed its Refund Report pursuant to its Stipulation and Agreement of Settlement, dated June 12, 2009 as approved by delegated letter order, dated July 1, 2009.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 23, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22719 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER06–615–011; ER06–615–012; ER07–1257–000]

California Independent System Operator Corporation; Notice Seeking Comment on Need for Technical Conference

September 15, 2009.

On September 26, 2007, Commission staff convened a technical conference to discuss provisions in the California Independent System Operator Corporation's (CAISO) Business Practice Manuals (BPMs) which, in parties' view, should be included in the CAISO's Market Redesign and Technology Upgrade (MRTU) tariff.[1] As a result of the technical conference, on November 15, 2007, the CAISO proposed to revise the MRTU tariff to include additional provisions that had originally been included in the BPMs.[2]

In an order issued on March 24, 2008, the Commission accepted and rejected various proposed tariff revisions submitted by the CAISO and ordered a further compliance filing.[3] In the March 2008 Order, the Commission also directed staff to convene a technical conference ''approximately six months after MRTU implementation [to] provide all parties with a final opportunity to identify any details in new or revised [BPM] language developed after November 15, 2007, which commenters believe should be included in the MRTU tariff.'' [4]

To address the directive of the March 2008 Order, the Commission is seeking comments from parties in the above-referenced proceedings, as set forth in the Commission's Rules of Practice and Procedure,[5] on the need for Commission staff to convene a technical conference for the purposes of ''provid[ing] all parties with a final opportunity to identify any details in *new or revised [BPM] language developed after November 15, 2007,* which commenters believe should be included in the MRTU tariff.'' [6] Parties may file written comments on or before September 22, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22703 Filed 9–21–09; 8:45 am]

BILLING CODE 6717–01–P

[1] Notice of Technical Conference, Docket Nos. ER06–615–012 and ER07–1257–000 (Sept. 11, 2007).

[2] *See* CAISO Post-Technical Conference Response, Docket Nos. ER06–615–012 and ER07–1257–000, at 7 (filed Nov. 15, 2007).

[3] *Cal Indep. Sys. Operator Corp.,* 122 FERC ¶ 61,271 (2008) (March 2008 Order).

[4] *Id.* P 122.

[5] 18 CFR 385.102(c).

[6] *Id.* (emphasis added).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2009–0318, FRL–8959–8]

Agency Information Collection Activities; Proposed Collection; Comment Request; Land Disposal Restrictions 'No-Migration' Variances, EPA ICR Number 1353.09, OMB Control Number 2050–0062

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on January 31, 2010. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before November 23, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–RCRA–2009–0318, by one of the following methods:

- *http://www.regulations.gov*; Follow the on-line instructions for submitting comments.
- *E-mail: rcra-docket@epa.gov.*
- *Fax:* 202–566–9744.
- *Mail:* RCRA Docket (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.
- *Hand Delivery:* 1301 Constitution Ave., NW, Room 3334, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–RCRA–2009–0318. 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 information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, Office of Resource Conservation and Recovery (mailcode 5303P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–308–5477; fax number: 703–308–8433; e-mail address: *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–RCRA–2009–0318, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for RCRA Docket is (202) 566–0270.

Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public

comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

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

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under DATES.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are business or other for-profit.

Title: Land Disposal Restrictions 'No-Migration' Variances.

ICR numbers: EPA ICR No. 1353.09, OMB Control No. 2050–0062.

ICR status: This ICR is currently scheduled to expire on January 31, 2010. 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: To receive a variance from the hazardous waste land disposal prohibitions, owner/operators of hazardous waste storage or disposal facilities may petition the Environmental Protection Agency to allow land disposal of a specific restricted waste at a specific site. The EPA Regional Offices will review the petitions and determine if they successfully demonstrate ''no migration.'' The applicant must demonstrate that hazardous wastes can be managed safely in a particular land disposal unit, so that ''no migration'' of any hazardous constituents occurs from the unit for as long as the waste remains hazardous. If EPA grants the variance, the waste is no longer prohibited from land disposal in that particular unit. If the owner/operator fails to make this demonstration, or chooses not to petition for the variance, best demonstrated available technology (BDAT) requirements of 40 CFR 268.40 must be met before the hazardous wastes are placed in a land disposal unit. This ICR will be merged with ICR No. 1442.19, the Land Disposal Restrictions ICR, when it is renewed next year.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 3,168 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 1.

Frequency of response: once.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 3,168 hours.

Estimated total annual costs: $0. This includes an estimated burden cost of $0 and an estimated cost of $0 for capital investment or maintenance and operational costs.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: September 11, 2009.

Matt Hale,

Director, Office of Resource Conservation and Recovery.

[FR Doc. E9–22804 Filed 9–21–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2006–0278; FRL–8960–2]

Agency Information Collection Activities; Proposed Collection; Comment Request; MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Interagency Agreements (Renewal); EPA ICR No. 2212.03, OMB Control No. 2090–0025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on October 31, 2009. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before November 23, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OA–2006–0278, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: oei.docket@epa.gov.*
- *Mail:* Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OA–2006–0278. 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 information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Kimberly Patrick, Office of Small and Disadvantaged Business Utilization, Mail Code 1230T, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–566–2605; fax number: 202–566–0548; e-mail address: *patrick.kimberly@epa.gov.*

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OA–2006–0278, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Office of Environmental Information 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 Office of Environmental Information Docket is 202–566–1752.

Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

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

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are all recipients of EPA financial assistance agreements, and any entities receiving identified loans under a financial assistance agreement capitalizing a revolving loan fund.

Title: MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Interagency Agreements (Renewal)

ICR numbers: EPA ICR No. 2212.03, OMB Control No. 2090–0025.

ICR status: This ICR is currently scheduled to expire on October 31, 2009. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: All EPA financial assistance agreement recipients are required to make good faith efforts to assure that small, minority and women owned businesses are used, when possible, as sources of construction, services, equipment, and supplies. The completion and submission of EPA Form 5700–52A is mandatory. The information collected by EPA Form 5700–52A is used to compile data concerning the utilization of minority and women owned businesses as contractors under procurements funded by EPA financial assistance agreements pursuant to Executive Orders 11625, 12138, and 12432, and Public Laws 101–507 and 102–389. The effectiveness of EPA's MBE/WBE Program is measured through this reporting requirement.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average one (1) hour per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 3600

Frequency of response: Depending on the type of financial assistance received, respondents either report on an annual, semiannual, or quarterly basis.

Estimated total average number of responses for each respondent: 3600.

Estimated total annual burden hours: 3600 (one burden hour per respondent).

Estimated total annual costs: $146,916. This includes an estimated burden cost of $146,916, and an estimated cost of $0 for capital investment or maintenance and operational costs.

Are There Changes in the Estimates From the Last Approval?

There is no change in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: September 16, 2009.

Kimberly Y. Patrick,

Deputy Director, Office of Small Business Programs.

[FR Doc. E9–22812 Filed 9–21–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–FRL–8960–3]

Environmental Laboratory Advisory Board; Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Charter Renewal.

SUMMARY: The Charter for the Environmental Protection Agency's (EPA) Environmental Laboratory Advisory Board (ELAB) will be renewed for an additional two-year period, as a necessary committee which is in the public interest, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The purpose of ELAB is to provide advice and recommendations to the Administrator of EPA, the EPA Science Advisor, and/or the Forum on Laboratory Accreditation (FEM) on issues associated with the enhancement of EPA's measurement programs and national accreditation for environmental laboratories.

It is determined that ELAB is in the public interest in connection with the performance of duties imposed on the Agency by law.

Inquiries may be directed to Lara P. Autry, Senior Advisor, U.S. Environmental Protection Agency, Office of the Science Advisor, 109 T W Alexander Drive (E243–05), Research Triangle Park, NC 27709 or by e-mail: *autry.lara@epa.gov*.

Dated: August 10, 2009.

Kevin Teichman,

EPA Acting Science Advisor.

[FR Doc. E9–22816 Filed 9–21–09; 8:45 am]

BILLING CODE P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget, Comments Requested

September 14, 2009.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control

number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 22, 2009. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B. Herman@fcc.gov*, Federal Communications Commission, and an e-mail to *PRA@fcc.gov*. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review'', (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1031.

Title: Commission's Initiative to Implement Enhanced 911 (E911) Emergency Services.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 858 respondents; 1,992 responses.

Estimated Time per Response: 2–4 hours (average).

Frequency of Response: On occasion and one time reporting requirements, recordkeeping requirement, and third party disclosure requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in 47 U.S.C. sections 154, 160, 201, 251–254, 303, and 332.

Total Annual Burden: 10,168 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission does not believe that any confidential information will need to be disclosed in order to comply with the certification and notification requirements and the corresponding PSAP response provisions, covered carriers or PSAPs are free to request that materials or information submitted to the Commission be withheld from public inspection and from the E911 Web site. *See* 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection (IC) to the OMB as an extension during this comment period to obtain the full three-year clearance from them. There is no change in the reporting, recordkeeping and/or third party disclosure requirements. There is an adjustment change in the Commission's burden estimates. The Commission is reporting 834 more responses; and a 3,592 hour increase in the total annual burden hours. Under the Commission's E911 rules, a wireless carrier must provide E911 service to a particular Public Safety Answering Point (PSAP) within six months only if that PSAP makes a request for the service and is capable of receiving and utilizing the information provided. In the City of Richardson, TX Order, the Commission adopted rules clarifying what constitutes a valid PSAP request so as to trigger a wireless carrier's obligation to provide service to a PSAP within six months.

The Order contains the following information collection requirements:

(A) The Commission established a procedure whereby wireless carriers that have completed all necessary steps toward E911 implementation that are not dependent on PSAP readiness may have their compliance obligation temporarily tolled, if the PSAP is not ready to receive the information at the end of the six-month period, and the carrier files a certification to that effect to the Commission;

(B) As part of the certification and notification process (third party disclosure requirements), a carrier must notify the PSAP of its intent to file a certification with the Commission that the PSAP is not ready to receive and use the information. The PSAP is permitted to send a response to the carriers' notification to affirm that it is not ready to receive E911 information or to challenge the carrier's characterization of its state of readiness. Carriers are required to include any response they receive from the PSAP in their certification filing to the Commission; and

(C) The Commission clarified that nothing in its rules prevented wireless carriers and PSAPs from mutually agreeing to an E911 deployment schedule at variance with the schedule contained in the Commission's rules. Carriers and PSAPs may choose to participate in the certification and private negotiation process. The Commission does not require participation.

The Commission will use the certification filings from wireless carriers to determine each carrier's compliance with its E911 obligations. The Commission will review carriers certifications to ensure that carriers have sufficiently explained the basis for their conclusions that a particular PSAP will not be ready and have identified all of the specific steps the PSAP has taken to provide the requested service. The Commission retains the discretion to investigate a carrier's certification and take enforcement action if appropriate.

The requirement that carriers notify affected PSAPs, in writing, of their challenge, including a copy of the certification, will afford PSAPs an opportunity to review proposed certifications and present their respective views about their readiness to receive and use E911 information to the carriers and the Commission. The Commission will review PSAP responses to determine whether there are any PSAP obligations to particular certification filings.

The clarification regarding mutually agreed upon alternative implementation schedules necessarily entails a third-party contact information burden. However, the affected entities will receive the benefit of being able to adopt an E911 implementation schedule best suited to their specific circumstances.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–22824 Filed 9–21–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 16, 2009.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. Pratt Community Bancshares, Inc., Pratt, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of, and thereby merge with First Pratt Bancshares, Inc., and indirectly acquire voting shares of First National Bank in Pratt, both in Pratt, Kansas.

Board of Governors of the Federal Reserve System, September 17, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–22803 Filed 9–21–09; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute for Occupational Safety and Health

Decision To Evaluate a Petition To Designate a Class of Employees for the Weldon Spring Plant, Weldon Spring, MO, To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice as required by 42 CFR 83.12(e) of a decision to evaluate a petition to designate a class of employees for the Weldon Spring Plant, Weldon Spring, Missouri, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000. The initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Weldon Spring Plant.

Location: Weldon Spring, Missouri.

Job Titles and/or Job Duties: All employees of DOE, DOE contractors, or subcontractors who worked in any area.

Period of Employment: January 1, 1957 through December 31, 1966.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV*.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. E9–22745 Filed 9–21–09; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget (OMB), in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: HRSA National Environmental Policy Act (NEPA) Environmental Information and Documentation (EID) (OMB No. 0915–0324)—Extension

HRSA is requesting extension of the approval for the Environmental Information and Documentation (EID) checklist which consists of information that the agency is required to obtain to comply with the National Environmental Policy Act of 1969 (NEPA). NEPA establishes the Federal government's national policy for protection of the environment. HRSA has developed the EID for applicants of funding that would potentially impact the environment and to ensure that their decision-making processes are consistent with NEPA. Applicants must provide information and assurance of compliance with NEPA on the EID checklist. The estimated annual burden is as follows:

Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
NEPA EID Checklist	2,734	1	2,734	1	2,734
Total	2,734		2,734		2,734

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to the desk officer for HRSA, either by e-mail to *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974. Please direct all correspondence to the ''attention of the desk officer for HRSA.''

Dated: September 15, 2009.

Alexandra Huttinger,

Director, Division of Policy Review and Coordination.

[FR Doc. E9–22813 Filed 9–21–09; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Drug Pricing Program Reporting Requirements (OMB No. 0915–0176)—[Extension]

Section 602 of Public Law 102–585, the Veterans Health Care Act of 1992, enacted section 340B of the Public Health Service Act (PHS Act) ''Limitation on Prices of Drugs Purchased by Covered Entities.'' Section 340B provides that a manufacturer who sells covered outpatient drugs to eligible entities must sign a pharmaceutical pricing agreement with the Secretary of Health and Human Services in which the manufacturer agrees to charge a price for covered outpatient drugs that will not exceed an amount determined under a statutory formula. Covered entities which choose to participate in the section 340B drug discount program must comply with the requirements of 340B(a)(5) of the PHS Act. Section 340B(a)(5)(A) prohibits a covered entity from accepting a discount for a drug that would also generate a Medicaid rebate. Further, section 340B(a)(5)(B) prohibits a covered entity from reselling or otherwise transferring a discounted drug to a person who is not a patient of the entity.

In response to the statutory mandate of section 340B(a)(5)(C) to develop audit guidelines and because of the potential for disputes involving covered entities and participating drug manufacturers, the HRSA Office of Pharmacy Affairs (OPA) developed a dispute resolution process for manufacturers and covered entities as well as manufacturer guidelines for audit of covered entities.

The annual estimate of burden is as follows:

Instrument	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Audits					
Audit Notification of Entity	2	1	2	4	8
Audit Work Plan	1	1	1	8	8
Audit Report	1	1	1	1	1
Entity Response	0	0	0	0	0
Dispute Resolution					
Dispute Resolution Request	2	4	8	10	80
Rebuttal	2	1	2	16	32
Recordkeeping Requirement					
Dispute Records	10	1	10	.5	5
Total Recordkeeping	10				5

E-mail comments to *paperwork@hrsa.gov* or mail the HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: September 15, 2009.

Alexandra Huttinger,

Director, Division of Policy Review and Coordination.

[FR Doc. E9–22811 Filed 9–21–09; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Oncology 1–Basic Translational Integrated Review Group, Cancer Etiology Study Section.
Date: October 12–13, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.
Contact Person: Cathleen L. Cooper, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7812, Bethesda, MD 20892, 301–443–4512, *cooperc@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Molecular Neuropharmacology and Signaling Study Section.
Date: October 12–13, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Deborah L. Lewis, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7850, Bethesda, MD 20892, 301–435–1224, *lewisdeb@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences, Integrated Review Group, Skeletal Biology Development and Disease Study Section.
Date: October 12–13, 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: Priscilla B. Chen, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787, *chenp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Pilot Clinical Applications Urology and Nephrology.
Date: October 12–13, 2009.
Time: 8 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)
Contact Person: Ryan G. Morris, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4205, MSC 7814, Bethesda, MD 20892, 301–435–1501, *morrisr@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences, Integrated Review Group, Molecular and Cellular Endocrinology Study Section.
Date: October 12, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.
Contact Person: David Weinberg, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, Bethesda, MD 20892, 301–435–1044, *David.Weinberg@nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes, Integrated Review Group, Language and Communication Study Section.
Date: October 12, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.
Contact Person: Weijia Ni, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–1507. *niw@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Academic-Industry Partnership in Cancer Imaging.
Date: October 12, 2009.
Time: 12 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Antonio Sastre, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892, 301–435–2592, *sastrea@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems, Integrated Review Group, Gastrointestinal Mucosal Pathobiology Study Section.
Date: October 13–14, 2009.
Time: 8 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Peter J. Perrin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, (301) 435–0682, *perrinp@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior, Integrated Review Group, Risk, Prevention and Intervention for Addictions Study Section.
Date: October 13–14, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.
Contact Person: Gabriel B. Fosu, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rocklege Drive, Room 3108 MSC 7808, Bethesda, MD 20892, (301) 435–3562, *fosug@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems, Integrated Review Group, Cellular and Molecular Biology of the Kidney Study Section.
Date: October 13, 2009.
Time: 8 a.m. to 7 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Bonnie L. Burgess-Beusse, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–435–1783, *beusseb@mail.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience, Integrated Review Group, Sensorimotor Integration Study Section.
Date: October 13, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, NW., Washington, DC 20037.
Contact Person: John Bishop, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892. (301) 435–1250. *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Gene Therapy Member Conflict.
Date: October 13, 2009.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Syed M. Quadri, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301–435–1211, *quadris@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences, Integrated Review Group, Electrical Signaling, Ion Transport, and Arrhythmias Study Section.
Date: October 13–14, 2009.
Time: 5 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.
Contact Person: Rajiv Kumar, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4122, MSC 7802, Bethesda, MD 20892. 301–435–1212. *kumarra@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Oncology 1—Basic and Translational, Special Emphasis Panel.
Date: October 13, 2009.
Time: 12 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: AngeI Y. Ng, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6200, MSC 7804, (For courier delivery, use MD 20817) Bethesda, MD 20892, 301–435–1715, *nga@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, NOT–OD–09–058 (CE): Enabling RPGs to Leverage, NCRR Center Programs.
Date: October 13, 2009.
Time: 12 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.
Contact Person: Cathleen L. Cooper, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7812, Bethesda, MD 20892, 301–443–4512, *cooperc@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics, Integrated Review Group, Macromolecular Structure and Function E Study Section.
Date: October 14, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.
Contact Person: Nitsa Rosenzweig, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1102, MSC 7760, Bethesda, MD 20892, (301) 435–1747, *rosenzweign@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Genomics, Computational Biology and Technology Study Section.
Date: October 14–15, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.
Contact Person: Barbara J. Thomas, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2218, MSC 7890, Bethesda, MD 20892, 301–435–0603, *bthomas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Program Project: Cell Biology.
Date: October 14–15, 2009.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting).
Contact Person: Steven Nothwehr, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5183, MSC 7840, Bethesda, MD 20892, 301–435–2492, *nothwehrs@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Electromagnetic Devices.
Date: October 14, 2009.
Time: 12 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Antonio Sastre, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892, 301–435–2592, *sastrea@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics, Integrated Review Group, Biochemistry and Biophysics of Membranes Study Section.
Date: October 15–16, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Nuria E. Assa-Munt, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Topics in Virology.
Date: October 15–16, 2009.
Time: 8 a.m. to 9 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)
Contact Person: John C. Pugh, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience, Integrated Review Group, Neurogenesis and Cell Fate Study Section.
Date: October 15–16, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.
Contact Person: Lawrence Baizer, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7850, Bethesda, MD 20892, (301) 435–1257, *baizerl@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Cellular Signaling and Regulatory Systems Study Section.
Date: October 15–16, 2009.
Time: 8 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Elena Smirnova, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5187, MSC 7840, Bethesda, MD 20892, 301–435–1236, *smirnove@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies, Integrated Review Group, Biodata Management and Analysis Study Section.
Date: October 15–16, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.
Contact Person: George W. Chacko, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7806,Bethesda, MD 20892, 301–435–1245, *chackoge@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences, Integrated Review Group, Clinical and Integrative Cardiovascular Sciences Study Section.
Date: October 15–16, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.
Contact Person: Russell T. Dowell, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, MSC 7814, Bethesda, MD 20892, (301) 435–1850, *dowellr@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences, Integrated Review Group, Cardiovascular Differentiation and Development Study Section.
Date: October 15, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Maqsood A. Wani, PhD, DVM, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7814, Bethesda, MD 20892, 301–435–2270, *wanimaqs@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences, Integrated Review Group, Musculoskeletal Tissue Engineering Study Section.
Date: October 15–16, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jean D. Sipe, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, 301/435–1743, *sipej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Topics in Bacterial Pathogenesis.

Date: October 15–16, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

Contact Person: RoIf Menzel, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, MSC 7808, Bethesda, MD 20892, 301–435–0952, *menzelro@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology, Integrated Review Group, Pathogenic Eukaryotes Study Section.

Date: October 15–16, 2009.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Contact Person: Tera Bounds, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, 301 435–2306, *boundst@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group, Atherosclerosis and Inflammation of the Cardiovascular System Study Section.

Date: October 15–16, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Madison Hotel, 1177 15th Street, NW., Washington, DC 20001.

Contact Person: Larry Pinkus, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems, Integrated Review Group, Pathobiology of Kidney Disease Study Section.

Date: October 15, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mushtaq A. Khan, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2176, MSC 7818, Bethesda, MD 20892, 301–435–1778, *khanm@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences, Integrated Review Group, Skeletal Muscle and Exercise Physiology Study Section.

Date: October 15–16, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Daniel F. McDonald, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group, Erythrocyte and Leukocyte Biology Study Section.

Date: October 15, 2009.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Delia Tang, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, 301–435–2506, *tangd@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group, Hemostasis and Thrombosis Study Section.

Date: October 15, 2009.

Time: 8 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike Maddison, Rockville, MD 20852.

Contact Person: Bukhtiar H. Shah, PhD, DVM, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, (301) 435–1233, *shahb@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience, Integrated Review Group, Neurotransporters, Receptors, and Calcium Signaling Study Section.

Date: October 15–16, 2009.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Palomar Hotel, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Peter B. Guthrie, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group, Cellular and Molecular Immunology—B Study Section.

Date: October 15–16, 2009.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Betty Hayden, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301–435–1223, *haydenb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Chemical and Bioanalytical Sciences Fellowship Panel.

Date: October 15, 2009.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Denise Beusen, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7806, Bethesda, MD 20892, (301) 435–1267, *beusend@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Genetic Variation and Evolution Study Section.

Date: October 15–16, 2009.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: David J. Remondini, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2210, MSC 7890, Bethesda, MD 20892, 301–435–1038, *remondid@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts in Biological Chemistry and Macromolecular Biophysics.

Date: October 15–16, 2009.

Time: 11 a.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Donald L. Schneider, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5160, MSC 7842, Bethesda, MD 20892, (301) 435–1727, *schneidd@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology, Integrated Review Group, Neurological, Aging and Musculoskeletal Epidemiology Study Section.

Date: October 15–16, 2009.

Time: 8:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, Washington, DC, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

Contact Person: Heidi B. Friedman, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, 301–435–1721, *hfriedman@csr.nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel, Bioengineering Research Partnerships and Imaging Member Conflicts.

Date: October 16, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Grand Hyatt Seattle, 721 Pine Street, Seattle, WA 98101.

Contact Person: John Firrell, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213,

MSC 7854, Bethesda, MD 20892, 301–435–2598, *firrellj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Topics on Control of Fungal Infections.

Date: October 16, 2009.

Time: 8 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Contact Person: Tera Bounds, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–435–2306, *boundst@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Fellowships: Biomedical Imaging and Bioengineering.

Date: October 16, 2009.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Dharam S. Dhindsa, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5110, MSC 7854, Bethesda, MD 20892, (301) 435–1174, *dhindsad@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 14, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22592 Filed 9–21–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Pulmonary-Allergy Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Pulmonary-Allergy Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 19, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC/Silver Spring, The Ballrooms, 8727 Colesville Rd., Silver Spring, MD. The hotel phone number is 301–589–5200.

Contact Person: Kristine T. Khuc, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *Kristine.Khuc@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512545. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss the efficacy supplement for new drug application (sNDA) 21–395, for the approved product Spiriva HandiHaler (tiotropium inhalation powder), manufactured by Boehringer Ingelheim, for the reduction in exacerbations (worsening of symptoms) in patients with chronic obstructive pulmonary disease (COPD).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 4, 2009. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 27, 2009. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 28, 2009.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kristine Khuc at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 17, 2009.

David Horowitz,

Assistant Commissioner for Policy.

[FR Doc. E9–22820 Filed 9–21–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Anesthesiology and Respiratory Therapy Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Anesthesiology and Respiratory Therapy Devices Panel

of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 28, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, Salons A, B, & C, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Neel J. Patel, Center for Devices and Radiological Health (Bldg. 66, rm. 2532), Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–5580, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512624. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On October 28, 2009, the committee will discuss, make recommendations, and vote on a premarket approval application for the Alair Bronchial Thermoplasty System sponsored by Asthmatx, Inc. The device is indicated for the treatment of severe persistent asthma in adults.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available on the FDA Internet under the appropriate date at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before October 22, 2009. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 15, 2009. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 16, 2009.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact AnnMarie Williams, Conference Management Staff, at 301–796–5966, at least 7 days in advance of the meeting.

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Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 17, 2009.

David Horowitz,

Assistant Commissioner for Policy.

[FR Doc. E9–22819 Filed 9–21–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Public Health Service Act, Section 330A(f)

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of Non-competitive Replacement Award to White River Rural Health Center, Arkansas.

SUMMARY: HRSA has issued a non-competitive replacement award under the Rural Health Network Development Program to White River Rural Health Center, Inc. (WRRHC). The original grantee, Siloam Springs Memorial Hospital, is no longer eligible to serve as the lead entity for this network of rural health care providers serving a five county area in Arkansas and Oklahoma. This replacement award will ensure that the medically underserved residents of western Benton and Washington counties in Arkansas and Adair, Cherokee, and Delaware counties in Oklahoma continue receiving necessary medical care and services without disruption.

SUPPLEMENTARY INFORMATION: *Intended Recipient of the Award:* White River Rural Health Center, Inc. in Augusta, Arkansas.

Amount of the Fiscal Year 2009 Award: $179,995.

Anticipated Amount of Fiscal Year 2010 Award: $179,995.

Original Project Period: May 1, 2008, through April 30, 2011.

Project Period for Replacement Award: August 1, 2009; end date April 30, 2011.

Authority: The Rural Health Network Development Program is authorized under the Public Health Service Act, section 330A(f), 42 U.S.C. 254c(f). The authority for the exception to competition is HHS Grants Policy Directive 2.04, Awarding Grants.

Catalogue of Federal Domestic Assistance Number: 93.912.

Justification for Transfer of Funds: The network of service providers funded under the original grant award are currently engaged in activities designed to increase access to health care and improve the quality of life for the poverty-stricken residents in the five county service area in Arkansas and Oklahoma, while further decreasing inefficiencies in the health care system, reducing inappropriate emergency room use, helping businesses keep insurance premiums under control, and improving the system for managing patients' long-term health, especially those with conditions like diabetes and heart disease. The service area under this grant award has a limited number of health care providers and a combined population of over 111,131. Of this population, 23,000 (21 percent) lack health insurance, and over 18,000 (16.5 percent) have incomes less than 100 percent of the poverty rate. It is critical that HRSA funding for this network of service providers continues with minimal disruption of services.

Siloam Springs Memorial Hospital is no longer able to serve as the lead entity for this network of rural health care providers in Arkansas and Oklahoma, nor were the other network participants able to assume the lead fiduciary role.

WRRHC is a successful community health center that provides services to 10 counties within Arkansas and has over 22 years of experience in managing State and federally funded programs, including three previous Rural Health Services Outreach grants. The comprehensive services that WRRHC provides and their ability to expand their service area will enable WRRHC to maintain the current scope of service and activities as originally awarded under the grant to Siloam Springs Memorial Hospital. This replacement award will help ensure the continued improvement of health care systems in the targeted service area. WRRHC has a demonstrated record of sound stewardship of Federal funds and can effectively serve as the network lead for the remainder period of support in a manner which minimizes any disruption of services provided by the network. Consequently, White River Rural Health Center has been designated the replacement award recipient.

HRSA is unaware of any other entity that both meets the statutory eligibility requirements and has the ability to carry out these activities.

FOR FURTHER INFORMATION CONTACT: Tom Morris, Associate Administrator, Office of Rural Health Policy, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, MD 20857; phone 301–443–0835; *tmorris@hrsa.hhs.gov*.

Dated: September 16, 2009.

Mary K. Wakefield,

Administrator.

[FR Doc. E9–22815 Filed 9–21–09; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of Biotechnology Activities; Recombinant DNA Research: Actions Under the NIH Guidelines for Research Involving Recombinant DNA Molecules (NIH Guidelines)

AGENCY: National Institutes of Health (NIH), Department of Health and Human Services (HHS).

ACTION: Notice of changes to the NIH Guidelines.

SUMMARY: Concerns about the emergence of a pandemic influenza virus have spurred research on influenza viruses that have either caused pandemics or are believed to have the potential to cause a pandemic. These viruses include human H2N2 virus, which circulated from 1957–1968, the 1918–1919 H1N1, which caused the deadliest pandemic in the past century, and the Highly Pathogenic Avian Influenza (HPAI) H5N1 virus that is thought to have pandemic potential. The public health benefits of this research include developing a better understanding of the pathogenicity of pandemic influenza viruses, their virulence mechanisms, mechanisms of host adaptation, and ultimately the development of vaccines and antiviral drugs. These benefits are balanced against the potential risks that might include the inadvertent release of a highly transmissible and potentially virulent influenza virus. Consequently, explicit and uniform biosafety containment practices are critical to the safe conduct of research with these agents. The *NIH Guidelines* provide a framework for assessing the risks of such research. However, after extensive consultation with the NIH Recombinant DNA Advisory Committee (RAC), experts in biosafety and influenza, the Centers for Disease Control and Prevention (CDC), and the U.S. Department of Agriculture (USDA), the NIH Office of Biotechnology Activities (OBA) concluded that more specific guidance in the *NIH Guidelines* is warranted to promote uniform biosafety practices for recombinant research with these viruses.

The resulting amendments are ''Minor Actions'' under Section IV–C–1–(b)–2 of the *NIH Guidelines* and, therefore, will be implemented immediately upon publication in the **Federal Register.** While a Minor Action only requires consultation with the RAC chair and one or more RAC members, as necessary, as noted above, these changes were developed after extensive consultation with the full RAC and other experts and were discussed at three public RAC meetings. The RAC voted on March 4, 2009 to recommend these changes. They are being published to inform the scientific and biosafety communities, as well as to solicit continued scientific input should further revisions be needed.

The *NIH Guidelines* are being changed to provide the following biosafety guidance for research with potentially pandemic influenza viruses:

- Designation of human H2N2 viruses that circulated from 1957–1968 (human H2N2 (1957–1968)), the fully reconstructed 1918–1919 H1N1 influenza virus (1918 H1N1), and Highly Pathogenic Avian Influenza (HPAI) H5N1 within the Goose/Guangdong/96-like H5 lineage (HPAI H5N1) as Risk Group 3 agents. Risk Group 3 agents have the potential to cause serious or lethal disease in humans for which preventative and therapeutic measures may be available. Up until this revision, all influenza viruses (Orthomyxoviruses) were Risk Group 2 agents, which are agents that are associated with human disease that is rarely serious and for which preventative and therapeutic agents are often available.
- Requirement for enhanced biosafety practices, including the use of powered air purifying respirators (PAPRs) and other personal protective equipment to prevent laboratory worker exposure and minimize the risk of spread outside of the laboratory.
- Guidance on the containment for research with influenza viruses generated by recombinant methods (*e.g.,* generation by reverse genetics of chimeric viruses with reassorted segments, introduction of specific mutations) containing one or more genes and/or segments from human H2N2 (1957–1968), 1918 H1N1 or HPAI H5N1. For 1918 H1N1, the *NIH Guidelines* will require Biosafety Level 3 enhanced containment for all influenza viruses that contain one of more genes and/or segments from 1918 H1N1 because of the uncertainty about the virulence factors for this agent.
- Guidance on occupational health practices, including policies regarding the use of prophylactic antiviral agents and isolation of laboratory workers who are exposed to one of these viruses.

DATES: The public is encouraged to submit written comments on this action. Comments may be submitted to OBA in paper or electronic form at the OBA mailing, fax, and e-mail addresses shown below under the heading **FOR FURTHER INFORMATION CONTACT**. All comments should be submitted by September 22, 2010. All written comments received in response to this notice will be available for public inspection in the NIH OBA office, 6705 Rockledge Drive, Suite 750, MSC 7985, Bethesda, MD 20892–7985, weekdays between the hours of 8:30 a.m. and 5 p.m. and may be posted to OBA's Web site.

FOR FURTHER INFORMATION: If you have questions, or require additional information about these changes, please contact OBA by e-mail at *oba@od.nih.gov,* or telephone at 301–496–9838. Comments may be submitted to the same e-mail address or by fax at 301–496–9839 or by mail to the Office of Biotechnology Activities, National Institutes of Health, 6705 Rockledge Drive, Suite 750, MSC 7985, Bethesda, Maryland 20892–7985. Background information may be obtained by

contacting NIH OBA by e-mail at *oba@od.nih.gov.*

SUPPLEMENTARY INFORMATION:

Background

Recently, NIH support for research with influenza viruses involving recombinant DNA technology has significantly increased. The development of new laboratory methods, such as reverse genetics, has allowed for easier and more rapid generation of infectious influenza viruses from DNA plasmids, *e.g.* reassortant viruses. An increasing proportion of such research has focused on pandemic or potentially pandemic viruses. These include previously pandemic viruses that are not currently circulating in the human population, such as the human H2N2 virus that caused a pandemic resulting in approximately 66,000 excess deaths in the U.S. in 1957 and the 1918 H1N1 virus, which caused 20–40 million excess deaths worldwide. Another focus of research is currently circulating highly pathogenic avian influenza viruses (HPAI) that may have potential to cause a human pandemic if efficient human-to-human transmission were to develop. Over 400 cases worldwide of human infection with the HPAI H5N1 virus have been reported to date with approximately 60% mortality rate; however, evidence of human-to-human transmission has been limited to small, familial clusters.

The public health benefits of research on potentially pandemic influenza viruses include identification of viral proteins that contribute to host adaptation and virulence to increase understanding of the pathogenicity of influenza viruses during pandemics, development of vaccine candidates, and identification of targets for antiviral drugs. While research into influenza viral virulence mechanisms and the development of vaccines and antiviral drugs are public health priorities, it is equally important that the research be performed under appropriate biocontainment to protect the health of laboratory researchers and the public.

There are currently other biosafety requirements for certain types of research with these viruses. The CDC/NIH *Biosafety in Microbiological and Biomedical Laboratories* (5th edition) (BMBL) recommends Biosafety Level 3 with additional personal protection equipment designed to minimize the risk of laboratory acquired infection for research with the reconstructed replication competent forms of 1918 H1N1 (i.e. Biosafety Level 3 enhanced). Reconstructed replication competent forms of 1918 pandemic influenza virus H1N1 were designated HHS/CDC Select Agents in 2005 (70 FR 61047). The BMBL also recommends Biosafety Level 3 containment level for research with the full human H2N2 virus (1957–1968) with enhancements designed to prevent laboratory acquired respiratory infection.

HPAI H5N1 influenza viruses are USDA Select Agents (9 CFR 121.3(b)). The USDA's Animal and Plant Health Inspection Service (APHIS) regulates as a Select Agent avian influenza viruses (and constructs thereof pursuant to 9 CFR 121.3(c)(3)) that demonstrate a high pathogenicity index in chickens, contain a specific poly-basic amino acid motif at the hemagglutinin (HA) gene cleavage site (or have an amino acid sequence at the cleavage site of the HA gene that is compatible with other highly pathogenic avian influenza viruses) and show growth characteristics of influenza virus in the presence and absence of trypsin. Avian influenza viruses that demonstrate evidence of attenuation in poultry can be excluded pursuant to 9 CFR 121.3(e). The biosafety containment level recommended for most Select Agent research with these viruses is a minimum of Biosafety Level 3 enhanced or Animal Biosafety Level 3 (ABSL3) enhanced. Influenza viruses containing genes from highly pathogenic avian influenza virus that are not classified as Select Agents by USDA are still regulated by that agency through ''permitting'' regulations (9 CFR 122), which govern imports and interstate movements of the viruses.

The current (April 2002) *NIH Guidelines* classify influenza viruses A, B, and C as Risk Group 2 agents in Appendix B. No distinction is made between potentially pandemic strains of influenza and other lower risk influenza viruses. According to the *NIH Guidelines,* an initial risk assessment is based on the Risk Group (RG) of the parent agent; however, appropriate containment is set following consideration of the specific agent and how it is to be manipulated. The *NIH Guidelines* emphasize that containment levels for recombinant research may be raised or lowered relative to the RG classification of the parent agent after a comprehensive risk assessment.

Up until today, the *NIH Guidelines* had not been amended to address specifically recombinant influenza viruses that contain genes and/or segments from human H2N2 (1957–1968), 1918 H1N1 and HPAI H5N1 viruses. Therefore, to clarify and augment the current biosafety guidance in the *NIH Guidelines* for research with potentially pandemic influenza viruses, and to harmonize with the BMBL and other regulatory policies, NIH/OBA in consultation with the RAC and outside experts, including the CDC and USDA, reviewed and revised the Risk Group designations for potentially pandemic influenza viruses human H2N2 (1957–1968), 1918 H1N1, and HPAI H5N1 and developed additional containment and occupational health guidance for research involving recombinant influenza viruses containing genes from these influenza viruses.

In determining the Risk Group (RG) classification for human H2N2 (1957–1968), 1918 H1N1 and HPAI H5N1, the RAC considered the definition of risk groups in Appendix B. Risk Group 3 agents are those ''that are associated with serious or lethal disease for which preventative or therapeutic interventions may be available (high individual risk but low community risk).'' Each strain was considered to be a risk for serious or lethal disease, although it was recognized that the case fatality rate for HPAI H5N1 is very high, over 50 percent, whereas the case fatality rate for 1918 H1N1 is considerably lower in the range of 1–2 percent. Human H2N2 caused a much milder pandemic compared to 1918 H1N1, but because it has not circulated for over forty years, a large population will likely not have immunity to the virus and therefore is at risk of serious disease. ''Preventative or therapeutic interventions may be available'' for infection with each of these viruses as there is evidence that the antiviral agents used against seasonal influenza are effective for prophylactic and therapeutic use for each virus and antibiotics are available for secondary bacterial pneumonias should they develop. Virus specific vaccines are not currently available to prevent infection. However, they are being developed and stockpiled for HPAI H5N1, and sources exist for the possible development of 1918 H1N1 or human H2N2 (1957–1968) vaccines for laboratory workers who might be exposed or in the unlikely event of a release of the virus into the general population. In the case of human H2N2 (1957–1968), some pre-existing immunity is likely in the population that was exposed to human H2N2 while these viruses circulated from 1957–1968 or from cross-reactivity with N2 in the currently circulating H3N2 strain. For 1918 H1N1, partial immunoprotection may exist from previous exposure or vaccination with recently circulating H1N1 strains, but definitive data are lacking. An important additional consideration for

HPAI H5N1 RG classification was that, while the individual risk of serious or lethal disease is quite high, the community risk is currently considered low, as there is only limited evidence for human-to-human transmission. Based on these considerations, influenza viruses 1918 H1N1, human H2N2 (1957–1968), and highly pathogenic avian influenza H5N1 viruses within the Goose/Guangdong/96-like H5 lineage will be classified as Risk Group 3 agents in Appendix B–III–D. All viruses within HPAI H5N1 lineages that have been associated with human disease, whether it is mild or severe and fatal, will be classified as RG3 agents. Thus BL3 enhanced containment will apply to a virus evolving from the current lineages that causes milder disease in humans, which could indicate adaptation to the human host.

Because the generation of influenza viruses by reassorting RNA segments by recombinant techniques (*i.e.,* reverse genetics) does not take place in a single host-vector system, OBA has received questions about which sections of the *NIH Guidelines* apply to such research with influenza viruses. Sections III–D–1 or III–D–2 (research that falls under Section III–D requires Institutional Biosafety Committee approval before initiation) refer to specific host-vector systems and, therefore, do not specifically address this research. To clarify this, an additional section has been added: Section III–D–7–Experiments Involving Influenza Viruses. This section will apply to recombinant research with influenza viruses (*e.g.,* chimeric viruses with reassorted segments generated by reverse genetics, viruses in which specific mutations are introduced).

Additional biosafety guidance for research with 1918 H1N1, HPAI H5N1 within the Goose/Guangdong/96-like H5 lineage and human H2N2 (1957–1968) has been included in Appendix G–II–C–5. Biosafety Level 3 Enhanced for Research Involving Risk Group 3 Influenza Viruses. In addition to the standard BL3 containment and practices, the RAC recommended specific enhancements for research with these viruses including personal protective equipment (*e.g.,* powered air-purifying respirators, protective suits), practices and procedures (*e.g.,* clothing changes, showers when appropriate). In addition, the RAC made specific recommendations on training for these enhanced practices. Guidance is also provided for avoidance of inadvertent cross-contamination during research. To address the potential public health risks of a laboratory exposure, this section also includes recommendations for development of a detailed occupational health plan for research with each virus, including how to respond to known laboratory exposures or development of an influenza-like illness in laboratory workers. The community risk from an inadvertent laboratory release of a virus with human H2N2 (1957–1968) or 1918 H1N1 is expected to be higher than for HPAI H5N1. Consequently, the occupational health recommendations for the response to a known laboratory exposure differ depending on whether the exposure was to HPAI H5N1, a virus that currently does not efficiently transmit human-to-human, or to either human H2N2 (1957–1968) or 1918 H1N1, both of which have previously caused pandemics, therefore demonstrating efficient human-to-human transmission. These recommendations regarding occupational health are also included in Appendix G–II–C–5.

During development of the occupational health recommendations, the RAC discussed the use of pre-exposure prophylaxis with antiviral agents (*e.g.,* oseltamivir) for research with 1918 H1N1. Initially, the RAC had proposed recommending a practice that is in place at the CDC (the first lab to work with 1918 H1N1), namely that researchers working with 1918 H1N1 take pre-exposure prophylaxis with the antiviral oseltamivir for their protection, and to further limit the risk to the public. In addition, the Intragovernmental Select Agents and Toxins Technical Advisory Committee (ISATTAC), an advisory body to the USDA and CDC Select Agent Programs, recommended that the CDC Select Agent Program require pre-exposure prophylaxis for research with 1918 H1N1 at BL3 enhanced but not at BL4 containment. This recommendation was adopted by the CDC Select Agent Program. However, as research on 1918 H1N1 progressed and more was learned about the virus, other influenza researchers expressed concerns that the risks of long-term use of antiviral drugs would not be balanced by potential benefit to the investigator or the public.

To address this issue, the RAC and ISATTAC convened a Safety Symposium on Public Health and Biosafety Practices for Research with 1918 H1N1 Influenza Virus on December 2, 2008 (a Webcast of the meeting is available at *http://oba.od.nih.gov/rdna_rac/rac_past_meetings_2000.html*). The discussion at the safety symposium focused on the scientific data regarding the efficacy of prophylactic administration and use of oseltamivir for extended periods of time, as well as public health and ethical issues. The RAC concluded that while prophylaxis can reduce the likelihood of an individual laboratory worker developing symptoms or complications should they become infected, it will not eliminate the risk of transmission to the community. Further, although the medications are generally safe, there are risks, and data on long-term use (beyond 6 weeks) are limited. Therefore, the RAC concluded that the data do not support mandating pre-exposure prophylaxis. Instead, the RAC recommended that the use of antiviral agents as pre-exposure prophylaxis be discussed with laboratory workers and used on a case-by-case basis, after a risk assessment and appropriate counseling of the laboratory worker about the risks and potential benefits. Antiviral agents are recommended for post-exposure prophylaxis after medical evaluation.

While most research with these viruses will be conducted at BL3 with specific enhanced practices, the RAC also considered whether certain research could be safely conducted at lower containment. After consulting with experts in influenza virology, the RAC concluded that due to the multigenic determinants of virulence observed in influenza viruses, it is difficult to predict the phenotype of recombinant influenza viruses created by reassorting segments from multiple strains of influenza viruses. As the current data are insufficient to generate a predictive framework upon which to base the risk assessment, a case-by-case evaluation is more appropriate.

Section III–D–7 will specify when an IBC may determine containment for certain research (*e.g.,* research with H2 HA in cold-adapted, live attenuated vaccine strains, or research with chimeric influenza viruses containing a minority of genes and/or segments from HPAI H5N1) and when requests to lower containment must be considered by the NIH (*e.g.,* research with recombinant viruses containing any gene and/or segment from 1918 H1N1).

Because the revisions outlined herein are considered Minor Actions as defined in Section IV–C–1–b–(2) of the *NIH Guidelines,* public and Federal Agency comment is not required and the changes are to be implemented immediately. However, in order to promote transparency and to gather ongoing input from scientific community, OBA is publishing these changes in the **Federal Register** with opportunity for public comment. The *NIH Guidelines* are intended to be an evolving document that may be modified to address new developments

in research. As the influenza virology field advances, new data will emerge to inform risk assessments for research with these viruses. The public is encouraged to submit written comments, in particular on the following question regarding containment for 1918 H1N1:

• What data can be used to confidently predict an influenza virus containing one or more genes from the 1918 H1N1 virus can be worked with safely at biosafety containment level lower than Biosafety level 3 enhanced? Are there animal models of infection that are consistent and predictive of attenuation or loss of virulence in humans? What data should be used to assess attenuation in animal model(s)? What criteria should be used to evaluate a request for reduction of containment?

When data are available to answer these questions, or new data emerges regarding other aspects of these changes, the framework will be reevaluated.

Amendments to the *NIH Guidelines*

In order to ensure that biosafety considerations for research with human H2N2 (1957–1968), 1918 H1N1 and HPAI H5N1 are addressed appropriately, the NIH/OBA has made the following changes to the *NIH Guidelines:*

Section III–D–7. Experiments Involving Influenza Viruses

This section will apply to recombinant experiments with influenza viruses that contain genes and/or segments from human H2N2 (1957–1968), HPAI H5N1, and 1918 H1N1 (*e.g.,* chimeric viruses with reassorted segments generated by reverse genetics, viruses in which specific mutations are introduced). Because the generation of viruses by reassortment of RNA segments does not involve a single host-vector system, such experiments do not fit neatly into Sections III–D–1 or III–D–2. The new Section III–D–7 states: ''Experiments with influenza viruses generated by recombinant methods (*e.g.,* generation by reverse genetics of chimeric viruses with reassorted segments, introduction of specific mutations) shall be conducted at the biosafety level containment corresponding to the risk group of the virus that was the source of the majority of segments in the recombinant virus (*e.g.,* experiments with viruses containing a majority of segments from a RG3 virus shall be conducted at BL3). Experiments with influenza viruses containing genes or segments from 1918–1919 H1N1 (1918 H1N1), human H2N2 (1957–1968) and highly pathogenic avian influenza H5N1 strains within the Goose/Guangdong/96-like H5 lineage (HPAI H5N1) shall be conducted at BL3 enhanced containment (see Appendix G–II–C–5, Biosafety Level 3 Enhanced for Research Involving Risk Group 3 Influenza Viruses) unless indicated below.''

Section III–D–7–a. Human H2N2 (1957–1968). Experiments with influenza viruses containing the H2 hemagglutinin (HA) segment shall be conducted at BL3 enhanced (see Appendix G–II–C–5, Biosafety Level 3 Enhanced for Research Involving Risk Group 3 Influenza Viruses). Experiments with the H2 HA gene in cold-adapted, live attenuated vaccine strains (*e.g.,* A/Ann Arbor/6/60 H2N2) may be conducted at BL2 containment provided segments with mutations conferring temperature sensitivity and attenuation are not altered in the recombinant virus. Experiments with Risk Group 2 influenza viruses containing genes from human H2N2 (1957–1968) other than the HA gene can be worked on at BL2.

Section III–D–7–b. Highly Pathogenic Avian Influenza H5N1 strains within the Goose/Guangdong/96-like H5 lineage (HPAI H5N1). Experiments involving influenza viruses containing a majority of genes and/or segments from a HPAI H5N1 influenza virus shall be conducted at BL3 enhanced containment, (see Appendix G–II–C–5, Biosafety Level 3 Enhanced for Research Involving Risk Group 3 Influenza Viruses). Experiments involving influenza viruses containing a minority of genes and/or segments from a HPAI H5N1 influenza virus shall be conducted at BL3 enhanced unless a risk assessment performed by the IBC determines that they can be conducted safely at biosafety level 2 and after they have been excluded pursuant to 9 CFR 121.3(e). OBA is available to IBCs to provide consultation with the RAC and influenza virus experts when risk assessments are being made to determine the appropriate biocontainment for experiments with influenza viruses containing a minority of gene/segments from HPAI H5N1. Such experiments may be performed at BL3 enhanced containment or containment may be lowered to biosafety level 2, the level of containment for most research with other influenza viruses. (USDA/APHIS regulations and decisions on lowering containment also apply.) In deciding to lower containment, the IBC should consider whether, in at least two animal models (*e.g.,* ferret, mouse, Syrian golden hamster, cotton rat, non-human primates), there is evidence that the resulting influenza virus shows reduced replication and virulence compared to the parental RG3 virus at relevant doses. This should be determined by measuring biological indices appropriate for the specific animal model (*e.g.,* severe weight loss, elevated temperature, mortality or neurological symptoms).

Section III–D–7–c. 1918 H1N1. Experiments involving influenza viruses containing any gene or segment from 1918 H1N1 shall be conducted at BL3 enhanced containment (see Appendix G–II–C–5, Biosafety Level 3 Enhanced for Research Involving Risk Group 3 Influenza Viruses).

Section III–D–7-d. Antiviral Susceptibility and Containment. The availability of antiviral drugs as preventive and therapeutic measures is an important safeguard for experiments with 1918 H1N1, HPAI H5N1, and human H2N2 (1957–1968). If an influenza virus containing genes from one of these viruses is resistant to both classes of current antiviral agents, adamantanes and neuraminidase inhibitors, higher containment may be required based on the risk assessment considering transmissibility to humans, virulence, pandemic potential, alternative antiviral agents if available, etc. Experiments with 1918 H1N1, human H2N2 (1957–1968) or HPAI H5N1 that are designed to create resistance to neuraminidase inhibitors or other effective antiviral agents (including investigational antiviral agents being developed for influenza) would be subject to Section III–A–1 (Major Actions) and require RAC review and NIH Director approval. As per Section I–A–1 of the *NIH Guidelines,* if the agent is a Select Agent, the NIH will defer to the appropriate Federal agency (HHS or USDA Select Agent Divisions) on such experiments.

Appendix B. Classification of Human Etiologic Agents on the Basis of Hazard

Currently all influenza viruses types A, B, and C are classified as Risk Group 2 agents. Appendix B–II–D currently states:

Appendix B–II–D. Risk Group 2 (RG2)—Viruses

Orthomyxoviruses

—Influenza viruses types A, B, and C.

—Other, tick-borne orthomyxoviruses as listed in the reference source (*see Section V–C, Footnotes and Reference of Sections I through IV*).

The revised Appendix B–II–D states:

Orthomyxoviruses

—Influenza viruses types A, B, and C (except those listed in Appendix B–III–D (RG3)).
—Tick-borne orthomyxoviruses.

The phrase ''as listed in the reference source (see Section V–C, *Footnotes and References of Sections I through IV*)'' will be deleted from the revised Appendix B–II–D due to the fact that tick-borne orthomyxoviruses are not listed in the current version of the reference source.

The following is added to Appendix B–III–D. Risk Group 3 (RG3)—Viruses and Prions

Orthomyxoviruses

—Influenza viruses 1918–1919 H1N1 (1918 H1N1), human H2N2 (1957–1968), and highly pathogenic avian influenza H5N1 strains within the Goose/Guangdong/96-like H5 lineage (HPAI H5N1).

Appendix G–II–C–5. Biosafety Level 3 Enhanced for Research Involving Risk Group 3 Influenza Viruses

Appendix G–II–C–5 provides additional and specific biosafety guidance for research with 1918 H1N1, human H2N2 (1957–1968), and HPAI H5N1 viruses and is intended to supplement the guidance provided in Appendix G. Physical Containment and Appendix Q. Physical and Biological Containment for Recombinant DNA Research Involving Animals, which applies to large research animals. Any enhancements to standard BL3 facilities, practices, and procedures that are described in Appendix G–II–C–5–a shall be considered specific for research with the Risk Group 3 influenza viruses. Risk assessments for research with other agents may also determine that enhancements to standard containment are necessary, but such enhancements must be determined for the specific agents and experiments being proposed.

Influenza viruses that contain the hemagglutinin gene from a HPAI avian influenza are Select Agents and research with such viruses is regulated by the USDA. The fully reconstructed 1918 H1N1 virus is a Select Agent regulated by the HHS/CDC and certain experiments with genes and/or segments from 1918 may be regulated by HHS/CDC. Therefore, additional containment practices may apply and OBA will defer to the regulatory decisions of these agencies. Research with reassortant influenza viruses containing segments or genes from HPAI H5N1 will also require a permit from USDA/APHIS specifying containment and may require additional practices beyond those described in the *NIH Guidelines.*

Appendix G–II–C–5–a. Containment, Practices, and Training for Research with Risk Group 3 Influenza Viruses (BL3 Enhanced)

Appendix G–II–C–5–a–(1). In addition to standard BL3 practices, the following additional personal protective equipment and practices shall be used:

(1) Powered Air-purifying Respirators (PAPR) are worn.

(2) Street clothes are changed to protective suit (*e.g.,* wrap-back disposable gown, olefin protective suit).

(3) Double gloves are worn.

(4) Appropriate shoe coverings are worn (*e.g.,* double disposable shoe coverings, single disposable shoe coverings if worn with footwear dedicated to BL3 enhanced laboratory use, or impervious boots or shoes of rubber or other suitable material that can be decontaminated).

(5) Showers prior to exiting the laboratory should be considered depending on risk assessment of research activities.

Appendix G–II–C–5–a–(2). As proper training of laboratory workers is an essential component of biosafety, retraining and periodic reassessments (at least annually) in BL3 enhanced practices, especially the proper use of respiratory equipment, such as PAPRs, and clothing changes is required.

Appendix G–II–C–5–a–(3). Reporting of all spills and accidents, even if relatively minor, is required as described in Appendix G–II–C–2–q.

Appendix G–II–C–5–a–(4). To avoid inadvertent cross contamination of 1918 H1N1, HPAI H5N1 or human H2N2 (1957–1968):

(1) Containment facilities and practices appropriate for highest risk group virus shall be used at all times with lower risk group viruses, when studied in the same laboratory room.

(2) Tissue cultures with these viruses shall be conducted at separate times (temporal spacing) in the same room.

(3) Separate reagents shall be used to minimize risk of cross contamination.

(4) A laboratory worker shall not perform concurrent influenza virus experiments that carry the risk of unintended reassortment among 1918 H1N1, human H2N2 (1957–1968), HPAI H5N1 and other human influenza viruses.

(5) Two or more laboratory workers shall not perform within the same work area simultaneous influenza virus experiments that carry the risk of unintended segment reassortment between 1918 H1N1, or HPAI H5N1, or human H2N2 (1957–1968) and other human influenza viruses.

(6) Between experiments good biosafety decontamination practices (e.g., surface and biosafety cabinet surface decontamination according to standard BL3 procedures) shall be used and there shall be a thirty minute wait period after decontamination before equipment is used for experiments with any other influenza A viruses.

(7) Between experiments, in addition to decontamination of the work area, clothing changes and PAPR disinfection shall be performed prior to handling a different influenza virus in the same work area. (Shower-out capability may be required by USDA/APHIS for certain experiments with HPAI H5N1.)

Appendix G–II–C–5–a–(5). Continued susceptibility of the reassortant influenza viruses containing genes and/or segments from 1918 H1N1, HPAI H5N1, and human H2N2 (1957–1968) to antiviral agents shall be established by sequence analysis or suitable biological assays. After manipulation of genes that influence sensitivity to antiviral agents, susceptibility to these agents shall be reconfirmed.

Appendix G–II–C–5–b. Containment for Animal Research

Guidance provided in Appendix G–II–C and Appendix Q–II–C is applicable with the following emphasis on standard BL3 or BL3–N containment or additional enhancements.

Appendix G–II–C–5–b–(1). Research with small animals shall be conducted in a class II biosafety cabinet. Small animals such as rodents (e.g. mice, hamsters, rats, guinea pigs) can be housed within a negative pressure BL3 animal suite using high-density individually vented caging (IVC) systems that independently supply HEPA-filtered and directional air circulation. Other animals (e.g. rabbits, ferrets) that are of a size or have growth or caging requirements that preclude the use of high-density IVC systems are to be housed in negative pressure bioisolators.

Appendix G–II–C–5–b–(2). Large animals such as non-human primates shall be housed in primary barrier environments according to BL3–N containment requirements (see Section Q–II–c).

Appendix G–II–C–5–b–(3). Specialized training and proven competency in all assigned practices and procedures shall be required for laboratory staff, including staff involved in animal care.

Appendix G–II–C–5–b–(4). For HPAI H5N1 research, the *NIH Guidelines* defer to USDA/APHIS recommendations

for biocontainment practices for loose housed animals.

Appendix G–II–C–5–c. Occupational Health

A detailed occupational health plan shall be developed in advance of working with these agents in consultation, as needed, with individuals with the appropriate clinical expertise. In addition, the appropriate public health authority shall be consulted (*e.g.* local public health officials) on the plan and a mock drill of this plan shall be undertaken periodically. The plan should include an incident reporting system and laboratory workers shall report all incidents.

Appendix G–II–C–5–c–(1). Laboratory workers shall be provided with medical cards which include, at a minimum, the following information: characterization of the influenza virus to which they have been potentially exposed, and 24-hour contact numbers for the principal investigator and institution's occupational health care provider(s).

Appendix G–II–C–5–c–(2). A detailed occupational health plan shall include:

(1) Unless there is a medical contraindication to vaccination (*e.g.* severe egg allergy) annual seasonal influenza vaccination as prerequisite for research to reduce risk of influenza like illness requiring isolation and tests to rule out infection with experimental virus and possible co-infection with circulating influenza strains.

(2) Virus specific vaccination, if available, should be offered;

(3) Reporting of all respiratory symptoms and/or fever (*i.e.* influenza like illnesses); and

(4) 24-hour access to a medical facility that is prepared to implement appropriate respiratory isolation to prevent transmission and is able to provide appropriate antiviral agents. Real-time reverse transcription-polymerase chain reaction (RT–PCR) procedures should be used to discriminate these viruses from currently circulating human influenza viruses. For exposures to viruses containing genes from 1918 H1N1 or the HA gene from human H2N2 (1957–1968), specimens shall be sent to the CDC for testing (RT–PCR and confirmatory sequencing).

Appendix G–II–C–5–c–(3). In preparing to perform research with 1918 H1N1, human H2N2 (1957–1968), or HPAI H5N1, principal investigators should develop a clear plan specifying who will be contacted in the event of a potential exposure (during and after work hours) to conduct a risk assessment and make decisions as to the required response, including the need for and extent of isolation of the exposed worker. After any kind of potential exposure, a rapid risk assessment shall be performed by the principal investigator, health and biosafety officials and subsequent actions should depend on the appraised level of risk of respiratory infection for the individual and potential for transmission to others. A laboratory worker performing research with either an influenza virus containing the HA gene from human H2N2 or an influenza virus containing genes and/or segments from 1918 H1N1, shall be informed in advance that, in the case of a *known* laboratory exposure with a high risk for infection, *e.g.,* involving the upper or lower respiratory tract or mucous membranes, the laboratory worker will need to be isolated in a predetermined facility, rather than home isolation, until infection can be ruled out by testing (*e.g.,* negative RT–PCR for 1918 H1N1 or human H2N2 (1957–1968)) of appropriately timed specimens. Laboratory workers shall be informed in advance that in the case of a known laboratory exposure to highly pathogenic avian influenza H5N1 strains within the Goose/Guangdong/96-like H5 lineage with high risk for infection, they should be prepared to self isolate (for example at home) until infection can be ruled out by testing (*e.g.,* negative RT–PCR for HPAI H5N1) of appropriately timed specimens. The action taken for other types of exposures should be based on the risk assessment. In addition, based on the risk assessment: (1) Treatment with appropriate antiviral agents shall be initiated, and (2) the appropriate public health authorities shall be notified.

Appendix G–II–C–5–c–(4). Influenza-like illness. If a laboratory worker, who had recent exposure (within ten days) to influenza viruses containing the human H2N2 HA gene or any gene from the 1918 H1N1 or HPAI H5N1 viruses, or to animals exposed to such viruses, demonstrates symptoms and/or signs of influenza infection (*e.g.,* fever/chills, cough, myalgias, headache), then the lab worker shall report by phone to the supervisor/principal investigator and other individuals identified in the occupational health plan. The laboratory worker shall be transported to a healthcare facility that can provide adequate respiratory isolation, appropriate medical therapy, and testing to determine whether the infection is due to a recombinant influenza virus. The appropriate public health authorities shall be informed whenever a suspected case is isolated.

Appendix G–II–C–5–c–(5). For 1918 H1N1 research, the use of antiviral agents (*e.g.,* oseltamivir) for pre-exposure prophylaxis shall be discussed with laboratory workers in advance including a discussion of the data on the safety of long term exposure to these agents and their ability to reduce the risk of clinical disease and the limits of the data regarding protection of close contacts and the community.

Appendix G–II–C–5–c–(6). Antiviral agents for post-exposure prophylaxis shall be provided only after medical evaluation. Home supplies shall not be provided in advance for research with 1918 H1N1 or influenza viruses containing the HA gene from human H2N2.

Dated: September 15, 2009.

Jacqueline Corrigan-Curay,

Acting Director, Office of Biotechnology Activities, National Institutes of Health.

[FR Doc. E9–22693 Filed 9–21–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Application To Establish a Centralized Examination Station

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; Extension of an existing collection of information: 1651–0061.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application to Establish a Centralized Examination Station (CES). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before November 23, 2009, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Office of Regulations and Rulings, 799 9th Street, NW., 7th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Office of Regulations and Rulings, 799

9th Street, NW., 7th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Application to Establish Centralized Examination Station.

OMB Number: 1651–0061.

Form Number: None.

Abstract: If a port director decides his or her port needs a Centralized Examination Station (CES), the port director announces this need to the public and solicits applications to operate a CES. The information contained in the application will be used to determine the suitability of the applicant's facility, the fairness of his fee structure, his knowledge of cargo handling operations and his knowledge of CBP procedures.

Current Actions: There are no changes to the information collection. This submission is being made to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 50.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 100.

Dated: September 16, 2009.

Tracey Denning,

Agency Clearance Officer, Customs and Border Protection.

[FR Doc. E9–22740 Filed 9–21–09; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Agency Information Collection Activities: Comment Request

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of an extension of an information collection (1028–0051).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we will submit to OMB an information collection request (ICR) to renew approval of the paperwork requirements for respondents to submit proposals to support research in earthquake hazard assessments and earthquake occurrence under the Earthquake Hazards Reduction Act of 1977, as amended, Public Law 95–124, 42 U.S.C. 7701 *et seq.* To submit a proposal three standard OMB forms and a project narrative must be completed and submitted via Grants.gov. This notice provides the public an opportunity to comment on the paperwork burden of these forms.

DATES: You must submit comments on or before November 23, 2009.

ADDRESSES: Send your comments on this information collection directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior via OMB e-mail: (*OIRA_DOCKET@omb.eop.gov*); or by fax (202) 395–6566; and identify your submission with Information Collection Number 1028–0051 in the subject line. Please submit a copy of your comments to Phadrea Ponds, Information Collections, U.S. Geological Survey, 2150–C Center Avenue, Fort Collins, CO 80525 (mail); (970) 226–9230 (fax); or FAX: *pponds@usgs.gov* (e-mail). Use Information Collection Number 1028–0051 in the subject line.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, Elizabeth Lemersal, Earthquake Hazards Program, (703) 648–6716.

SUPPLEMENTARY INFORMATION:

Title: Earthquake Hazards Program Research and Monitoring.

OMB Control Number: 1028–0051.

Type of Request: Extension of a currently approved collection.

Abstract: Research and monitoring findings are essential to fulfilling USGS's responsibility under the Earthquake Hazards Reduction Act to develop earthquake hazard assessments and recording and reporting earthquake activity nationwide. Residents, emergency responders, and engineers rely on the USGS for this accurate and scientifically sound information. Respondents to Program Announcements submit proposals to support research and monitoring related to earthquake hazard assessments, earthquake causes and effects, and earthquake monitoring. This information is used as the basis for selection and award of projects meeting the USGS's Earthquake Hazards Program objectives. Final reports of research and monitoring findings are required for each funded proposal; annual progress reports are required for awards of a two- to five-year duration. Final reports are made available to the public at the Web site *http://earthquake.usgs.gov/research/external/.*

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and implementing regulations (43 CFR Part 2), and under regulations at 30 CFR 250.197, ''Data and information to be made available to the public or for limited inspection.'' Responses are voluntary. No questions of a ''sensitive'' nature are asked.

Affected Public: Research scientists, engineers, and the general public.

Respondent Obligation: Voluntary; necessary to receive benefits.

Frequency of Collection: Annually and once every three to five years.

Estimated Annual Number of and Description of Respondents: 250 Educational institutions, and profit and non-profit organizations.

Estimated Annual Number of Responses: 370 (250 applications and narratives and 120 annual and final report).

Estimated Completion Time: 45 hours per application response and 9 hours per final report.

Estimated Annual Burden Hours: 12,330 (11,250 hours per application and 1,080 hours per annual and final report).

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: We estimate the public reporting burden will average 45 hours per application response. This includes time to develop project goals, write the statement of work, perform internal proposal reviews, and submit the proposal through grants.gov. We estimate the public reporting burden will average 9 hours per final or annual report

response. This includes summarizing accomplishments for the past year's funded efforts. The currently approved ''hour'' burden for this collection is 12,300 hours. We do not expect the total burden for this process to change as a result of this request.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have not identified any ''non-hour cost'' burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: We are soliciting comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. 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 OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done. To comply with the public process, we publish this **Federal Register** notice announcing that we will submit this ICR to OMB for approval. The notice provided the required 60 day public comment period.

USGS Information Collection Clearance Officer: Phadrea Ponds 970–226–9445.

Dated: September 16, 2009.

William S. Leith,

Associate Program Coordinator.

[FR Doc. E9–22689 Filed 9–21–09; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection for Energy and Mineral Development Program Grants; Comment Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed information collection.

SUMMARY: As required by the Paperwork Reduction Act, the Office of Indian Energy and Economic Development (IEED), in the Office of the Assistant Secretary—Indian Affairs, is seeking comments on a proposed information collection related to grants provided under the Energy and Mineral Development Program (EMDP). Indian tribes whose lands are held in trust or restricted status may be considered for grants for energy and mineral development projects under the EMDP if they provide certain information as part of an application. Once an application is accepted, the Indian tribe must then submit reports regarding the progress of their project. This notice requests comments on the information collection associated with the application and progress reports.

DATES: Submit comments on or before November 23, 2009.

ADDRESSES: Mail or hand-carry comments to Darryl Francois, Department of the Interior, Office of Indian Energy and Economic Development, Room 20—South Interior Building, 1951 Constitution Avenue, NW., Washington, DC 20245, fax (202) 208–4564; e-mail: *Darryl.Francois@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Darryl Francois, Department of the Interior, Office of Indian Energy and Economic Development. Telephone (202) 219–0740.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Energy Policy Act of 2005 authorizes the Secretary of the Interior to provide grants to Indian tribes for energy development. *See* 25 U.S.C. 3502. IEED administers and manages the EMDP. Congress appropriates funds to EMDP on a year-to-year basis. When funding is available, IEED may solicit proposals for energy and mineral development projects from Indian tribes whose lands are held in trust or restricted fee by the Federal government. Tribes may use the contracting mechanism established by the Indian Self-Determination Act or may receive the grant money through adjustments to their funding from the Office of Self-Governance. *See* 25 U.S.C. 450 *et seq.* The projects may be in the areas of exploration, assessment, development, feasibility, or market studies. Indian tribes that would like to apply for an EMDP grant must submit an application that includes certain information, and must assist IEED by providing information in support of any National Environmental Policy Act (NEPA) analyses. A complete application must contain the following elements.

- A current, signed tribal resolution that: (1) Authorizes the energy and mineral development project for the appropriate fiscal year; (2) describes the commodity or commodities to be studied; (3) states that the tribe is willing to consider developing any potential energy or mineral resources discovered; (4) describes how the tribe prefers to have the energy or mineral program conducted (*i.e.,* through the sole utilization of IEED in-house professional staff, in conjunction with professional tribal staff, through private contractors, or through other appropriate means); and (5) states that the tribe will consider public release of information obtained from the energy and mineral development study upon request from IEED.
- A proposal describing the planned activities and deliverable products that will be accomplished within the fiscal year for which funding is requested, including:
  - Overview, including the elements of the proposed study, reasons why the proposed study is needed, total requested funding, responsible parties for technical exaction and administration, and tribal point of contact for the project;
  - Technical summary of the project, including whether the request will begin a new study or continue a study and the duration of the study, a description of any known energy and/or mineral deposit, reference to any existing mineral exploration information, and a description of any environmental or cultural sensitive areas;
  - Project objective, goals and scope of work;
  - Deliverable products, such as technical data and maps; and
  - Resumes of key personnel.
- A detailed budget estimate, including contracted personnel costs, travel estimates, data collection and analysis costs, and other expenses.

IEED requires this information to ensure that it provides funding only to those projects that meet the goals of the

EMDP and the purposes for which Congress provides the appropriations.

Once a tribe has been accepted into the EMDP, the tribe must also submit quarterly reports, which are one- or two-page documents summarizing events, accomplishments, problems and/or results in executing the project. Each report is due two weeks after the end of the fiscal quarter.

The Paperwork Reduction Act of 1995 provides an opportunity for interested parties to comment on proposed information collection requests. IEED is proceeding with this public comment period as the first step in obtaining an information collection clearance from the Office of Management and Budget (OMB). Each clearance request contains (1) Type of review, (2) title, (3) summary of the collection, (4) respondents, (5) frequency of collection, (6) reporting and record keeping requirements.

II. Request for Comments

IEED requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or request, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, e-mail address or other personally identifiable information, be advised that your entire comment—including your personally identifiable information—may be made public at any time. While you may request that we withhold your personally identifiable information, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0XXX.

Type of Review: New.

Title: Energy and Mineral Development Program Grant Solicitation.

Brief Description of Collection: Indian tribes that would like to apply for an EMDP grant must submit an application that includes certain information. A complete application must contain a current, signed tribal resolution that provides sufficient information to authorize the project and comply with the terms of the grant; a proposal describing the planned activities and deliverable products; and a detailed budget estimate. IEED requires this information to ensure that it provides funding only to those projects that meet the goals of the EMDP and purposes for which Congress provides the appropriation. Upon acceptance of an application, a tribe must then submit one- to two-page quarterly progress reports summarizing events, accomplishments, problems and/or results in executing the project. Approximately 55 tribes apply each year, but IEED accepts approximately 18 of those applications each year.

Respondents: Indian tribes with trust or restricted land.

Number of Respondents: 55 applicants per year; 18 project participants each year.

Estimated Time per Response: 40 hours per application; 1.5 hours per progress report.

Frequency of Response: Once per year for applications; 4 times per year for progress reports.

Total Annual Burden to Respondents: 2,308 hours (2,200 for applications and 108 for progress reports).

Dated: September 16, 2009.

Alvin Foster,

Acting Chief Information Officer—Indian Affairs.

[FR Doc. E9–22782 Filed 9–21–09; 8:45 am]

BILLING CODE 4310–4M–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Agency Information Collection Activities: Comment Request for the USGS Mine, Development, and Mineral Exploration Supplement

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of an extension of an information collection (1028–0060).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to the Office of Management and Budget (OMB) an information collection request (ICR) for the extension of the currently approved paperwork requirements for the USGS *Mine, Development, and Mineral Exploration Supplement.* This collection consists of one form and this notice provides the public an opportunity to comment on the paperwork burden of this form. We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: You must submit comments on or before October 22, 2009.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior via e-mail to *OIRA_DOCKET@omb.eop.gov* or fax at 202–395–5806; and identify your submission as 1028–1060. Please also submit a copy of your written comments to Phadrea Ponds, USGS Information Collection Clearance Officer, 2150–C Centre Avenue, Fort Collins, CO 80526–8118 (mail); 970–226–9230 (fax); or *pponds@usgs.gov* (e-mail). Use OMB Control Number 1028–0060 in the subject line.

FOR FURTHER INFORMATION CONTACT: Shonta E. Osborne at 703–648–7960 or by mail at U.S. Geological Survey, 985 National Center, 12201 Sunrise Valley Drive, Reston, VA 20192.

I. Supplementary Information

Abstract: Respondents supply the U.S. Geological Survey with domestic production, exploration, and mine development data for nonfuel mineral commodities. The data obtained from this canvass are used by Government agencies, Congressional offices, educational institutions, research organizations, financial institutions, consulting firms, industry, and the public. They provide essential mining, exploration, and development information to make domestic ore resource analyses. Tabulations of volumetric data concerning domestic mining operations' use of land can be used to compare the total volume of earth disturbed with the actual crude ore mined and the resulting marketable product. These data are an indicator of the future mining outlook. This information will be published as an Annual Report for use by Government agencies, industry, academia, and the general public.

II. Data

OMB Control Number: 1028–0060.

Title: Mine, Development, and Mineral Exploration Supplement.

Type of Request: Extension of a currently approved collection.

Respondent Obligation: Voluntary.

Frequency of Collection: Annually.

Affected Public: Businesses that explore for and produce nonfuel minerals.

Estimated Number of Annual Responses: 719.

Annual Burden Hours: 539 hours. We expect to receive 719 annual responses. We estimate an average of 45 minutes per response. This includes the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have not identified any ''non-hour cost'' burdens associated with this collection of information.

III. Request for Comments

On May 27, 2009, we published a **Federal Register** notice (74 FR 25273) announcing that we would submit this ICR to OMB for approval and solicit comments. The comment period closed on July 27, 2009. We did not receive any comments in response to that notice.

We again invite comments concerning this ICR on: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) ways to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. 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 anytime. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

USGS Information Collection Clearance Officer: Phadrea Ponds 970–226–9445.

Dated: September 16, 2009.

John H. DeYoung, Jr.,

Chief Scientist, Minerals Information Team.

[FR Doc. E9–22741 Filed 9–21–09; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2009–N0096; 10120–1113–0000–C2]

Endangered and Threatened Wildlife and Plants; Revised Recovery Plan for the Laysan Duck (Anas laysanensis)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability; revised recovery plan.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the Revised Recovery Plan for the Laysan Duck (*Anas laysanensis*). This species, found only on Laysan Island and Midway Atoll in the northwestern Hawaiian Islands, was federally listed as endangered in 1967.

ADDRESSES: An electronic copy of the recovery plan is available at *http://endangered.fws.gov/recovery/index.html#plans.* The recovery plan is also available by request from the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, HI 96850 (phone: 808/792–9400).

FOR FURTHER INFORMATION CONTACT: Holly Freifeld, Fish and Wildlife Biologist, at the above Pacific Islands Fish and Wildlife Office address and phone number.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants is a primary goal of the Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*) and our endangered species program. Recovery means improvement of the status of listed species to the point at which listing is no longer required under the criteria in section 4(a)(1) of the Act.

The Act requires the development of recovery plans for endangered or threatened species unless such a plan would not promote the conservation of the species. Recovery plans help guide the recovery effort by describing actions considered necessary for the conservation of the species, and estimating time and cost for implementing the measures needed for recovery. We originally completed a recovery plan for the Laysan duck in 1982, but the recommendations contained in that plan are outdated given the species' current status.

Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. In fulfillment of this requirement, we made the Draft Revised Recovery Plan for the Laysan Duck (*Anas laysanensis*) available for public comment from November 4, 2004, to January 3, 2005 (69 FR 64317; November 4, 2004). Information provided during the public comment period was considered in our preparation of this recovery plan, and is summarized in an appendix to the plan. We welcome continuing public comment on this recovery plan, and we will consider all substantive comments on an ongoing basis to inform the implementation of recovery activities and future updates to the recovery plan.

The Laysan duck is endemic to the Hawaiian Islands, where subfossil remains of the species have been found throughout the archipelago. This species has been listed as an endangered species by the United States since the first Federal listing of endangered species in 1967 (32 FR 4001; March 11, 1967). It is also listed as endangered by the State of Hawaii. Currently, the Laysan duck occurs in only two locations: the single remaining natural population on Laysan Island; and at Midway Atoll, where a population has become established through two translocations conducted in 2004 and 2005. Laysan and Midway both are part of the National Wildlife Refuge System and the Papahanaumokuakea Marine National Monument.

The Laysan duck was extirpated from the main Hawaiian Islands in prehistory, likely because of a combination of predation by introduced mammals and habitat loss and degradation. In recorded history, the Laysan duck occurred naturally on Laysan Island and on neighboring Lisianski. The species was lost from Lisianski during the 19th century, following the accidental introduction of mice and near-devegetation of the island. Similar habitat destruction took place on Laysan in the early 20th century, when rabbits were introduced to that island. The Laysan duck population dwindled to as few as a dozen individuals, and several other bird species endemic to the island became extinct. Although the duck population on Laysan eventually recovered to several hundred individuals, and the island is now substantially vegetated, the loss of some freshwater seeps and the slow infilling of the hypersaline lake in the island's interior are enduring consequences of the island's devegetation a century ago and continued erosion today.

Forty-two fledged juvenile Laysan ducks were translocated to Midway Atoll during 2004 and 2005, following

intensive habitat restoration and wetland creation in the atoll. Subsequently, the duck population at Midway Atoll has grown rapidly and currently comprises 200 to 300 individuals despite mortality from an outbreak of avian botulism in 2008.

This revised recovery plan replaces the original recovery plan for the Laysan duck, which was published in 1982. The strategy presented in this revised recovery plan includes (1) management to address threats to the species where it occurs now (Laysan Island and Midway Atoll) and (2) improvement of the species' distribution and total population size through protection and enhancement of suitable habitat in the Northwestern and Main Hawaiian Islands and reduction or elimination of threats to allow reestablishment of additional wild populations. The recovery actions are designed to assess and address threats to the Laysan duck; create, monitor, and manage new self-sustaining populations; and fill critical gaps in our scientific knowledge of the species. The recovery goal is to downlist the Laysan duck to threatened status and eventually delist the species (remove it from the List of Endangered and Threatened Wildlife and Plants).

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 7, 2009.

David J. Wesley,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. E9–22829 Filed 9–21–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2009–N159; 20124–1112–0000–F2]

Environmental Impact Statement and Habitat Conservation Plan; Oncor Electric Delivery Company; Routine Maintenance and Repair of Facilities and Installation and Operation of New Facilities

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a draft environmental impact statement and draft habitat conservation plan; announcement of meetings; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), advise the public that we intend to prepare a draft Environmental Impact Statement (EIS) to evaluate the impacts of, and alternatives to, the proposed issuance of an Endangered Species Act permit to Oncor Electric Delivery Company (Oncor; Applicant) for incidental take of 10 federally listed species from activities associated with maintenance and repair of existing facilities and installation and operation of new facilities within Oncor's service area. We also announce plans for a series of public scoping meetings located throughout Oncor's service area and a public comment period.

DATES: Written comments on alternatives and issues to be addressed in the draft EIS must be received by close of business on December 1, 2009. Public scoping meetings will be held at nine locations throughout Oncor's proposed 103-county permit area. Public meetings will be held between September 28, 2009, and October 28, 2009. Exact meeting locations and times will be noticed in local newspapers and at the Austin Ecological Services Office Web site, *http://www.fws.gov/southwest/es/AustinTexas/*, at least 2 weeks prior to each event.

ADDRESSES: Send written comments or requests for information by mail to the Field Supervisor, Austin Ecological Services Field Office, 10711 Burnett Road, Suite 200, Austin, TX 78758–4460; telephone 512/490–0057; facsimile 512/490–0974; or e-mail *luela_roberts@fws.gov*. Note that your information request or comments concern the Oncor draft EIS/HCP.

SUPPLEMENTARY INFORMATION: This notice is published in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and its implementing regulations (40 CFR 1506.6), and section 10(c) of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). The Service intends to gather the information necessary to determine impacts and alternatives to support a decision regarding the potential issuance of an incidental take permit to the Applicant, and the implementation of the supporting draft HCP.

The Service intends to prepare a draft EIS to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit under the Act to the Applicant. The Applicant proposes to apply for an incidental take permit through development and implementation of an HCP. The proposed HCP will include measures necessary to minimize and mitigate the impacts to the maximum extent practicable of potential proposed taking of federally listed species and the habitats upon which they depend during routine maintenance and repair of existing Oncor facilities and installation and operation of new Oncor facilities within Oncor's service area.

Background

Section 9 of the Act prohibits ''taking'' of fish and wildlife species listed as endangered or threatened under section 4 of the Act. Under the Act, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. The term ''harm'' is defined in the regulations as significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term ''harass'' is defined in the regulations as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). However, the Service may, under specified circumstances, issue permits that allow the take of federally listed species, provided that the take incidental to, but not the purpose of, otherwise lawful activity. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively.

Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met: (1) The taking will be incidental; (2) The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; (3) The applicant will develop a draft HCP and ensure that adequate funding for the plan will be provided; (4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) The applicant will carry out any other measures that we may require as being necessary or appropriate for the purposes of the habitat conservation plan.

Thus, the purpose of issuing a permit is to allow Oncor to maintain the efficiency of its projects and operations, while preserving protected species and their habitat. Adoption of a multispecies habitat conservation approach, rather than a species-by-species/project-by-project approach, will reduce the costs of implementing species minimization and mitigation measures, and eliminate cost and time-consuming efforts associated with processing individual incidental take permits for each project

within Oncor's 106-county service area. In addition, the multispecies habitat conservation plan approach provides a program of minimization, including avoidance, and mitigation for each species that is coordinated on a landscape level and provides increased benefits to the covered species. The Service expects that the Applicant will request permit coverage for a period of 30 years.

Scoping Meetings

The purpose of the scoping meetings is to provide the public with a general understanding of the background of the proposed HCP and activities that would be covered by the draft HCP, alternative proposals under consideration for the draft EIS, and the Service's role and steps to be taken to develop the draft EIS for the draft HCP. The meeting format will consist of a 1-hour open house prior to the formal scoping meeting that will provide an opportunity to learn about the proposed action, permit area, and species covered. The open house will be followed by a formal presentation of the proposed action, summary of the NEPA process, and presentation of oral comments from meeting participants. A court reporter will be present at each meeting and an interpreter will be present when deemed necessary. The primary purpose of these meetings and public comment period is to solicit suggestions and information on the scope of issues and alternatives to consider when drafting the EIS. Oral and written comments will be accepted at the meetings. Comments can also be submitted to persons listed in the **ADDRESSES** section. Once the draft EIS and draft HCP are completed and noticed for review, there will be additional opportunity for public comment on the content of these documents through an additional public hearing and comment period.

Alternatives

The proposed action presented in the draft EIS will be compared to the No-Action alternative. The No-Action alternative represents estimated future conditions to which the proposed action's estimated future conditions can be compared.

No-Action Alternative

Because the proposed covered activities (operation and maintenance of existing lines and construction and operation of new lines) are vital in providing services to accommodate future population growth and energy demand, these activities would continue regardless of whether a 10(a)(1)(B) permit is sought or issued. The Applicant would continue to avoid and minimize impacts to protected species habitat. Where potential impacts could not be avoided, and where a Federal nexus exists, they would be minimized and mitigated for through individual formal or informal consultation with the Service. Thus, the Applicant would potentially need an individual section 10(a)(1)(B) incidental take permit on a project-by-project basis if activities might result in the incidental take of a federally protected species within the proposed permit area. Although future activities by the Applicant would be similar to those covered by the HCP, not all activities would necessitate an incidental take permit or even informal consultation with the Service. Thus, under this alternative, numerous individual section 10(a)(1)(B) permit applications would likely be filed over the 30-year project period. This project-by-project approach would be more time-consuming, less efficient, and could result in an isolated independent mitigation approach.

Proposed Alternative

The proposed action is the issuance of an incidental take permit for the covered species during construction, operation, and/or maintenance of the Applicant's transmission and distribution electrical facilities within the proposed permit area for a period of 30 years. The proposed HCP, which must meet the requirements in section 10(a)(2)(A) of the Act by providing measures to minimize and mitigate the effects of the potential incidental take of covered species to the maximum extent practicable, would be developed and implemented by the Applicant. This alternative could allow for a comprehensive mitigation approach for unavoidable impacts and reduce the permit processing effort for the Service.

Actions covered under the requested incidental take permit may include general activities associated with new construction, maintenance, and emergency response and restoration, including stormwater discharges from construction sites, equipment access, and surveying. Construction activities covered for new facilities would include new overhead transmission and distribution lines, new support facilities such as substations and switching stations, adding a second circuit on an existing structure, and underground electric installation. Typical maintenance activities would include vegetation management within a right-of-way, expansion of existing support facilities, line upgrades, insulator replacement, and maintenance of underground electric facilities.

The Applicant expects to apply for an incidental take permit for ten species listed as endangered or threatened within the Oncor service area. These species include four plants (large-fruited sand verbena, Texas poppy-mallow, Navasota ladies'-tresses, and Pecos sunflower), one invertebrate (American burying beetle), one amphibian (Houston toad), three birds (golden-cheeked warbler, black-capped vireo, and red-cockaded woodpecker), and one mammal (Louisiana black bear).

Counties included in the proposed permit area are those counties within the 105-county Oncor service area, excluding Travis and Williamson counties. These two counties are excluded because species in them are covered under the Balcones Canyonland Plan and the Williamson County Regional HCP.

Species not covered by the proposed incidental take permit will also be addressed in the draft HCP. These species include candidate species and federally listed species not likely to be affected by the covered activities. The purpose of addressing the additional species is to explain why the Applicant believes these species will not be impacted by the covered activities.

Other alternatives considered will also be addressed in the draft EIS, including impacts associated with each alternative evaluated will be discussed in the draft EIS.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that the entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Environmental Review

The Service will conduct an environmental review to analyze the proposed action, as well as other alternatives evaluated and the associated impacts of each. The draft EIS will be the basis for the impact evaluation for each species covered and the range of alternatives to be addressed. The draft EIS is expected to provide biological descriptions of the affected species and habitats, as well as the effects of the alternatives on other resources such as vegetation, wetlands,

wildlife, geology and soils, air quality, water resources, water quality, cultural resources, land use, recreation, water use, local economy, and environmental justice.

Following completion of the environmental review, the Service will publish a notice of availability and a request for comment on the draft EIS and the Applicant's permit application, which will include the draft HCP. The draft EIS and draft HCP are expected to be completed and available to the public in early 2010.

Thomas L. Bauer,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. E9–22742 Filed 9–21–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item: Paul H. Karshner Memorial Museum, Puyallup, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item in the possession of the Paul H. Karshner Memorial Museum, Puyallup, WA, that meets the definition of ''sacred object'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural item. The National Park Service is not responsible for the determinations in this notice.

Prior to 1935, one cultural item was removed from Lummi Island, Whatcom County, WA. It was purchased from Charles L. Judd by Dr. Warner Karshner, who donated the cultural item to the Paul H. Karshner Memorial Museum in 1935 (Accession #1935.01). Museum records describe the object as a ''spirit stick'' (Catalog #1–453). The object has been identified by Lummi Tribal representatives as a *sqwedilic* board. The object is used in ceremonial dances to invoke ''tamanus'' or ''healing power.'' The board is made of unpainted wood that has been carved in a circular shape with two handles. The shape is consistent with photographs of other *sqwedilic* boards collected in the early 1900s (Suttles and Lane 1990:498, fig. 10).

Published ethnographic documentation indicates that *sqwedilic* boards were used in winter ceremonies among some Central and Southern Coast Salish groups (Suttles and Lane 1990:498). *Sqwedilic* was translated by one source to mean ''guarding power'' (Collins 1949). *Sqwedilic* boards are used for purification and finding lost articles (Suttles and Lane 1990:498).

The museum consulted with the Lummi Tribe of the Lummi Reservation, Washington; Samish Indian Tribe, Washington; and Swinomish Indians of the Swinomish Reservation, Washington. During consultation with the Lummi Tribe, tribal representatives stated that Lummi Island is considered to be within their traditional territory. During consultation with the Samish Indian Tribe, representatives stated they did not consider Lummi Island to be within the exclusive territory of the Samish and did not consider the board to be affiliated with the Samish Indian Tribe. During consultation with the Swinomish Indians, representatives did not include Lummi Island within their list of traditional places. Based on provenience, consultation evidence and ethnographic evidence, the *sqwedilic* board is reasonably believed to be a sacred object that is culturally affiliated to the Lummi Tribe of the Lummi Reservation, Washington.

Officials of the Paul H. Karshner Memorial Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Paul H. Karshner Memorial Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the Lummi Tribe of the Lummi Reservation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the sacred object should contact Dr. Jay Reifel, Assistant Superintendent, telephone (253) 840–8971 or Ms. Beth Bestrom, Museum Curator, Paul H. Karshner Memorial Museum, 309 4th St. NE, Puyallup, WA 98372, telephone (253) 841–8748, before October 22, 2009. Repatriation of the sacred object to the Lummi Tribe of the Lummi Reservation, Washington may proceed after that date if no additional claimants come forward.

The Paul H. Karshner Memorial Museum is responsible for notifying the Lummi Tribe of the Lummi Reservation, Washington; Samish Indian Tribe, Washington; and Swinomish Indians of the Swinomish Reservation, Washington that this notice has been published.

Dated: September 8, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22751 Filed 9–21–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item: Illinois State Museum, Springfield, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item in the possession of the Illinois State Museum, Springfield, IL, that meets the definition of a ''sacred object'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determination in this notice is the sole responsibility of the museum, institution, or Federal agency that has control of the cultural item. The National Park Service is not responsible for the determination in this notice.

In 1955, the Logan Museum of Anthropology, Beloit College, Beloit, WI, acquired a large collection of objects from the estate of Albert Green Heath (1888–1953). In 1956, the Illinois State Museum purchased some cultural objects, including a wooden bowl, from the Heath Collection at the Logan Museum. Heath had lived in Chicago, but also had a second home in Harbor Springs, Emmett County, MI, near the Odawa community of Cross Village. Heath was well-known to members of the Odawa community, and he purchased a number of objects from various members of the Odawa community in the early 20th century.

The wooden bowl (ISM catalog number 1956–0001–804982) is round and relatively shallow, with a flattened base, rounded sides, and a flat rim or lip. It measures 20.2 cm in diameter, 5.5 cm high, and its rim is 8 mm thick. The base, rim, and inner walls are smooth, but the outer walls are marked with numerous vertical grooved lines that extend from the rim to the base. These

lines appear to be either decorations or residual tool marks from shaping the outer surface of the bowl. A series of shallow, parallel grooves evident on the bowl's base and inner walls may represent lathe marks, but this has not been confirmed. Use-wear on the inner floor of the bowl consists of numerous randomly oriented incised grooves formed by metal knives. Presumably these markings were incidental to cutting food or other soft material. The natural grain of the wood is somewhat obscured by age discoloration, but experienced woodworkers have concluded that it was made from a maple burl.

Heath's collection records state that the wooden bowl is Ottawa (Odawa) and was assigned a catalog number (No. 785). According to Heath, the bowl was purchased from Amos Assineway in Emmet County, MI, in 1915. Heath described the bowl as being ''rare,'' ''very old,'' and ''in fine condition.'' Amos Assineway's name has not been found in early 20th century census records for Emmet County, but the Assineway or Assinaway family name is well-represented in the Odawa community.

Historic and geographic evidence indicates that the Odawa Indians have occupied the area of Emmet County, MI, since the 18th century. The Little Traverse Bay Bands of Odawa Indians, Michigan still reside in the area today. The Odawa traditionally had three types of wooden bowls: personal bowls, community bowls, and ceremonial bowls. Ceremonial/sacred bowls were used for special ceremonies (e.g., Feast for the Dead) and are believed by the Odawa to contain *manidok* (spirits) that are members of the community and help the Odawa maintain their cultural beliefs and traditions. Consultation with tribal representatives led to the Odawa identification of the bowl as a sacred object that is needed by traditional religious leaders for ongoing ceremonies.

Officials of the Illinois State Museum reasonably believe that, pursuant to 25 U.S.C. 3001 (3)(B), the cultural item described above is needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Illinois State Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the Little Traverse Bay Bands of Odawa Indians, Michigan.

Representatives of any other Indian tribe that believe their tribe is culturally affiliated with the sacred object should contact Robert Warren, NAGPRA Coordinator, Illinois State Museum, 1011 East Ash St., Springfield, IL 62703–3500, telephone (217) 524–7903, before October 22, 2009. Repatriation of the sacred object to the Little Traverse Bay Bands of Odawa Indians, Michigan may proceed after that date if no additional claimants come forward.

The Illinois State Museum is responsible for notifying the Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; and Ottawa Tribe of Oklahoma, that this notice has been published.

Dated: September 1, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22781 Filed 9–21–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Syracuse University, Syracuse, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of Syracuse University, Syracuse, NY. The human remains were removed from Onondaga County, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Syracuse University professional staff in consultation with representatives of the Onondaga Nation of New York.

In 1987, human remains representing a minimum of two individuals were removed from the Bloody Hill II Site also known as the Weston Site located on Gates Road in the Town of Pompey, Onondaga County, NY, during archeological excavations designed to mitigate development of the property on Gates Road. The excavation was conducted by Dr. Thomas Newman acting as an independent contractor under a contract carried out by the State University of New York (SUNY) College of Environmental Science and Forestry at Syracuse. In 1989, Dr. Newman mailed two boxes to Dr. Mark Fleishman at Syracuse University. In 2002, the boxes were found unopened in a lab by Dr. Douglas Armstrong. Shortly after discovery, the boxes were taken to the Onondaga Nation where they were opened jointly by Dr. Armstrong and the Onondaga Nation Chief Paul Waterman. Each box contained fragmentary human remains in a soil matrix. No known individuals were identified. No associated funerary objects are present.

The Bloody Hill II Site is a known historic site with direct historical links to the Onondaga Nation. The site dates to the period A.D. 1663–1682 (as reported by James Tuck and James Bradley). Based on bioarcheological analysis, these individuals have been determined to be two Native American females. The human remains are incomplete and fragmentary and include the clay matrix in which the individuals were found. Both individuals are from the definitively Onondaga cultural context from the Weston (Bloody Hill II) site. Present-day descendants of the Onondaga are represented by the Onondaga Nation of New York.

Officials of Syracuse University have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of two individuals of Native American ancestry. Officials of Syracuse University also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Onondaga Nation of New York.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Douglas Armstrong, Archaeological Collections Facility, Anthropology Department, 209 Maxwell Hall, Syracuse University, Syracuse, NY 13244, telephone (315) 443–2405, before October 22, 2009. Repatriation of the human remains to the Onondaga Nation of New York may proceed after that date if no additional claimants come forward.

The Syracuse University is responsible for notifying the Onondaga Nation of New York that this notice has been published.

Dated: September 8, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22778 Filed 9–21–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: New York University College of Dentistry, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the New York University College of Dentistry, New York, NY. The human remains were removed from Hempstead County, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by New York University College of Dentistry professional staff in consultation with representatives of the Caddo Nation of Oklahoma and Osage Nation, Oklahoma.

In 1916, human remains representing a minimum of two individuals were removed from the Ozan 5 Site (3HE59), Hempstead County, AR, by Mark Harrington, as part of a Museum of the American Indian, Heye Foundation expedition. In 1956, the human remains were transferred to Dr. Theodore Kazamiroff, New York University College of Dentistry. No known individuals were identified. No associated funerary objects are present.

Museum of the American Indian records list the locality of origin as the Ozan 5 Site, AR, and provide specific skeleton numbers, 13 and 17, for the human remains. These human remains were excavated from the ''Main Cemetery'' of the Ozan 5 site. The morphology of the human remains is consistent with Native American ancestry and the cranial remodeling exhibited by one individual is consistent with Caddoan cultural practices. Pottery types and burial styles suggest that the cemetery dates to sometime between A.D. 1400 and 1700.

In 1916, human remains representing a minimum of three individuals were removed from the Washington Site (3HE35), Hempstead County, AR, by Mark Harrington, as part of a Museum of the American Indian, Heye Foundation expedition. In 1956, the human remains were transferred to Dr. Theodore Kazamiroff, New York University College of Dentistry. No known individuals were identified. No associated funerary objects are present.

Museum of the American Indian records list the locality of origin as the Washington Site, AR. All three sets of remains were removed from Mound 10, with one individual removed from burial 90 and the remaining two individuals removed from burial 93. The morphology of the human remains is consistent with Native American ancestry and the cranial remodeling exhibited by two individuals is consistent with Caddoan mortuary practices. Pottery types and burial styles suggest that the cemetery dates to sometime between A.D. 1400 and 1600.

Hempstead County is part of the Texarkana or Big Bend archeological region. Caddoan traditions identify the Texarkana region as part of the Caddo homelands and locate the point of origin of the Caddo people near the Red River or Hot Springs, in the Big Bend region. Late Prehistoric and Protohistoric phases for this area include the Belcher and Texarkana phases. These phases are associated with Caddoan-speaking people who became known as the Kadohadacho. The first historic records of the Kadohadocho villages in the Big Bend region of the Red River are from DeSoto's travels in 1542. The Kadohadacho remained in the region until the late 18th century. In 1835, the Kadohadacho ceded their land and united with other Caddoan groups in Texas. In 1859, the Caddo relocated to Oklahoma. In 1938, the Caddo organized as the Caddo Nation under the Indian Reorganization Act. Support for the cultural relationship between historic Kadohadacho and pre-Contact sites in the Big Bend region can be seen in the continuity of mortuary practices. During consultations, Caddo representatives identified the burials from these sites as Caddo and provided oral tradition, ethnographic, and archeological evidence to support this identification.

Officials of New York University College of Dentistry have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of five individuals of Native American ancestry. Officials of New York University College of Dentistry also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Caddo Nation of Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Louis Terracio, New York University College of Dentistry, 345 East 24th St., New York, NY 10010, telephone (212) 998–9917, before October 22, 2009. Repatriation of the human remains to the Caddo Nation of Oklahoma may proceed after that date if no additional claimants come forward.

The New York University College of Dentistry is responsible for notifying the Caddo Nation of Oklahoma and Osage Tribe, Oklahoma that this notice has been published.

Dated: September 8, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22780 Filed 9–21–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Syracuse University, Syracuse, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of Syracuse University, Syracuse, NY. The human remains and associated funerary objects were removed from the Strato's Grove site, Onondaga County, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Syracuse University professional staff in consultation with representatives of the Onondaga Nation of New York.

In 1967, human remains representing a minimum of two individuals were removed from Strato's Grove site (also known as Strato's Grave site), Onondaga County, NY, during excavations by James Tuck. Tuck published results from the excavation in his book, *Onondaga Iroquois Prehistory* (Tuck 1971). The 19 associated funerary objects are 1 lot of bird bone tube beads; 1 lot of copper fragments, shell, and wood; 1 gun flint; 1 spent lead shot; 1 lot of charcoal; 1 copper pan; 2 copper hawks bells; 1 lot of wood; 1 lot of copper; 1 lot of wooden ''cradle board fragments''; 1 animal bone bead; 1 iron cutlery knife; 1 string with copper; 1 lot of raspberry seeds; 1 iron; 1 nail; 1 lot of ''kettle contents''; and 1 lot of iron and copper fragments (surface finds).

In 2002, an examination of the collections found two finger bones in a bag labeled ''metal ring.'' The human remains were determined to be from a historic period Onondaga burial site. These human remains represent small fragments and do not correspond with the specific burials discussed in James Tuck's book (1971:190). The human remains and associated funerary objects are determined to be affiliated with the present-day descendants of the Onondaga represented by the Onondaga Nation of New York.

Officials of Syracuse University have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of two individuals of Native American ancestry. Officials of Syracuse University also have determined that, pursuant to 25 U.S.C. 3001 (2), the 19 objects and lots of objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of Syracuse University have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Onondaga Nation of New York.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Douglas Armstrong, Archaeological Collections Facility, Anthropology Department, 209 Maxwell Hall, Syracuse University, Syracuse, NY 13244, telephone (315) 443–2405, before October 22, 2009. Repatriation of the human remains to the Onondaga Nation of New York may proceed after that date if no additional claimants come forward.

The Syracuse University is responsible for notifying the Onondaga Nation of New York that this notice has been published.

Dated: September 8, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22779 Filed 9–21–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Warren Anatomical Museum, Harvard University, Boston, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession and control of the Warren Anatomical Museum, Harvard University, Boston, MA. The human remains were removed from an unknown location.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Peabody Museum of Archaeology and Ethnology and Warren Anatomical Museum professional staff in consultation with representatives of the Cayuga Nation of New York; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Onondaga Nation of New York; Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Saint Regis Mohawk Tribe, New York; Tonawanda Band of Seneca Indians of New York; and Tuscarora Nation of New York.

On an unknown date, human remains representing a minimum of one individual were removed from an unknown location. In 1847, the human remains were removed from a public institution in the Boston area by John Collins Warren, MD, and donated to the Warren Anatomical Museum that same year. No known individual was identified. No associated funerary objects are present.

Museum documentation identifies the individual as ''an Indian, one of the Six Nations,'' suggesting that this individual is Iroquois. Osteological information suggests that this individual most likely dates from the Protohistoric to early Historic Periods. Based on museum records and osteological information, the human remains are determined to be Native American, and most likely removed from an area that was inhabited by at least one of the tribes of the Iroquois. The preponderance of evidence supports the cultural affiliation to Iroquois people, which are represented by the Cayuga Nation of New York; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Onondaga Nation of New York; Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Saint Regis Mohawk Tribe, New York; Tonawanda Band of Seneca Indians of New York; and Tuscarora Nation of New York.

Officials of the Peabody Museum of Archaeology and Ethnology and Warren Anatomical Museum have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology and Warren Anatomical Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Cayuga Nation of New York; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Onondaga Nation of New York; Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Saint Regis Mohawk Tribe, New York; Tonawanda Band of Seneca Indians of New York; and Tuscarora Nation of New York.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Patricia Capone, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Ave., Cambridge, MA 02138, telephone: (617) 496–2047, before October 22, 2009. Repatriation of the human remains to the Cayuga Nation of New York; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Onondaga Nation of New York; Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Saint Regis Mohawk Tribe, New York; Tonawanda Band of Seneca Indians of New York; and Tuscarora Nation of New York may proceed after that date if no additional claimants come forward.

The Peabody Museum of Archaeology and Ethnology, Harvard University is

responsible for notifying the Cayuga Nation of New York; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Onondaga Nation of New York; Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Saint Regis Mohawk Tribe, New York; Tonawanda Band of Seneca Indians of New York; and Tuscarora Nation of New York that this notice has been published.

Dated: September 1, 2009.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22777 Filed 9–21–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: New York University College of Dentistry, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the New York University College of Dentistry, New York, NY. The human remains were removed from the Ely Site, Monroe County, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by New York University College of Dentistry professional staff in consultation with representatives of the Seneca Nation of New York, Seneca-Cayuga Tribe of Oklahoma, and Tonawanda Band of Seneca Indians of New York.

Around 1940, human remains representing a minimum of one individual were removed from the Burgett or Ely Site (RMSC HNE 124), Monroe County, NY, by Robert Hill. In 1941, the remains were accessioned by the Department of Physical Anthropology at the Museum of the American Indian, Heye Foundation. In 1956, the remains were transferred to Dr. Theodore Kazamiroff, New York University College of Dentistry. No known individual was identified. No associated funerary objects are present.

Museum of the American Indian records list the locality of origin of the human remains as the ''Burgett Site, West Rush, N.Y.'' Labels with the remains repeat this information and specify that they were removed from burial 12 or 13. Cranial morphology and tooth shape is consistent with an individual of Native American ancestry. New York State Historic Preservation Office site files identify the Burgett site as the Ely Site, RMSC HNE 124. Archeologists have interpreted the Ely Site as a protohistoric Seneca site based on the ceramic types, pipe styles, lithics, and European materials present at the site and found in association with the burials. Consultations with the Seneca Nation of New York, Seneca-Cayuga Tribe of Oklahoma, and Tonawanda Band of Seneca Indians of New York confirm the identification of the Ely Site as a Seneca site.

After European contact, the Seneca were divided geopolitically into two groups, the Eastern Seneca and the Western Seneca. The Eastern Seneca remained in New York, while the Western Seneca moved to Ohio and then Oklahoma. The Eastern Seneca are represented today by two Federally-recognized tribes, the Seneca Nation of New York and Tonawanda Band of Seneca of New York. The Western Seneca are represented by the Seneca-Cayuga Tribe of Oklahoma.

Officials of New York University College of Dentistry have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of New York University College of Dentistry also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Seneca Nation of New York, Seneca-Cayuga Tribe of Oklahoma, and Tonawanda Band of Seneca Indians of New York.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Louis Terracio, New York University College of Dentistry, 345 East 24th St., New York, NY 10010, telephone (212) 998–9917, before October 22, 2009. Repatriation of the human remains to the Seneca Nation of New York, Seneca-Cayuga Tribe of Oklahoma, and Tonawanda Band of Seneca Indians of New York may proceed after that date if no additional claimants come forward.

The New York University College of Dentistry is responsible for notifying the Seneca Nation of New York, Seneca-Cayuga Tribe of Oklahoma, and Tonawanda Band of Seneca Indians of New York that this notice has been published.

Dated: September 2, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22771 Filed 9–21–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Warren Anatomical Museum, Harvard University, Boston, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession and control of the Warren Anatomical Museum, Harvard University, Boston, MA. The human remains were removed from Martha's Vineyard, Dukes County, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Peabody Museum of Archaeology and Ethnology and Warren Anatomical Museum professional staff in consultation with representatives of the Mashpee Wampanoag Tribe, Massachusetts; Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts; and Assonet Band of the Wampanoag Nation, a non-Federally recognized Indian group.

At an unknown date before 1870, human remains representing a minimum of one individual were removed probably from Martha's Vineyard, Dukes County, MA, by an unknown individual. The human remains were donated to the Warren Anatomical Museum on an unknown date before 1870, and are part of the J. Mason Warren Collection. Specimen labels describe the individual as being from ''Martha's Vineyard'' and ''From

an Indian burial place/Martha's Vineyard.'' No known individual was identified. No associated funerary objects are present.

This burial is described in museum sources as being in an ''erect posture.'' An extended or erect burial posture is characteristic of post-contact burial practices in the Martha's Vineyard area. Therefore, this interment most likely dates to the Historic/Contact Period (post 500 BP). During this period, the geographic area from which these human remains came is within the area considered to be Wampanoag aboriginal homelands according to historic documentation and Wampanoag NAGPRA representatives. Descendants of the Wampanoag are members of the Mashpee Wampanoag Tribe, Massachusetts; Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts; and Assonet Band of the Wampanoag Nation, a non-Federally recognized Indian group.

Officials of the Peabody Museum of Archaeology and Ethnology and Warren Anatomical Museum have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology and Warren Anatomical Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Mashpee Wampanoag Tribe, Massachusetts; Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts; and Assonet Band of the Wampanoag Nation, a non-Federally recognized Indian group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Patricia Capone, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Ave., Cambridge, MA 02138, telephone (617) 496–2047, before October 22, 2009. Repatriation of the human remains to the Wampanoag Confederation representing the Mashpee Wampanoag Tribe, Massachusetts; Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts; and Assonet Band of the Wampanoag Nation, a non-Federally recognized Indian group, may proceed after that date if no additional claimants come forward.

The Peabody Museum of Archaeology and Ethnology, Harvard University is responsible for notifying the Mashpee Wampanoag Tribe, Massachusetts; Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts; and Assonet Band of the Wampanoag Nation, a non-Federally recognized Indian group, that this notice has been published.

Dated: September 1, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22776 Filed 9–21–09; 8:45 am]

BILLING CODE 4312–50–S

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–469 and 731–TA–1168 (Preliminary)]

Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From China

AGENCY: United States International Trade Commission.

ACTION: Institution of countervailing duty and antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigation and commencement of preliminary phase countervailing duty investigation No. 701–TA–469 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of certain seamless carbon and alloy steel standard, line, and pressure pipe, provided for in subheadings 7304.10, 7304.19, 7304.31, 7304.39, 7304.51, and 7304.59 of the Harmonized Tariff Schedule of the United States (HTSUS), that are alleged to be subsidized by the Government of China. The Commission also hereby gives notice of the institution of investigation and commencement of preliminary phase antidumping investigation No. 731–TA–1168 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of certain seamless carbon and alloy steel standard, line, and pressure pipe from China, currently provided for in the HTSUS subheadings identified above, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 702(c)(1)(B) or 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) or 1673a(c)(1)(B)), the Commission must reach preliminary determinations in antidumping and countervailing duty investigations within 45 days, or in this case by November 2, 2009. The Commission's views are due at Commerce within five business days thereafter, or by Monday, November 9, 2009.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

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

FOR FURTHER INFORMATION CONTACT: Joanna Lo (202–205–1888), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on September 16, 2009, by U.S. Steel Corp., Pittsburgh, PA and V&M Star L.P., Houston, TX.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register.** Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission countervailing duty and antidumping investigations. The Secretary will prepare a public

service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on October 7, 2009, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC. Parties wishing to participate in the conference should contact Joanna Lo (202–205–1888) not later than October 2, 2009, to arrange for their appearance. Parties in support of the imposition of countervailing or antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission by noon on October 13, 2009, a written brief containing information and arguments pertinent to the subject matter of these investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to these investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: September 17, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. E9–22798 Filed 9–21–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0022]

Requirements for the OSHA Training Institute Education Centers Program and the OSHA Outreach Training Program; Requesting the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Request for public comment.

SUMMARY: OSHA solicits comments concerning its proposal to obtain OMB approval of the information collection requirements contained in the OSHA Training Institute Education Centers Program and the OSHA Outreach Training Program.

DATES: Comments must be submitted (postmarked, sent, or received) by November 23, 2009.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than ten (10) pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2009–0022, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number for the Information Collection Request (ICR) (OSHA–2009–0022). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov*. For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled ''**SUPPLEMENTARY INFORMATION**.''

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may contact Jim Barnes, Director, Office of Training and Educational Programs, or Kimberly Newell, Program Analyst, OSHA Training Institute Education Centers Program at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Jim Barnes, Director, Office of Training and Educational Programs, or Kimberly Newell, Program Analyst, OSHA Training Institute Education Centers Program, Directorate of Training and Education, OSHA, U.S. Department of Labor, 2020 S. Arlington Heights Rd., Arlington Heights, IL 60005–4102; Phone: (847) 297–4810.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. Consistent with the authority of Section 21 of the OSH Act, the Agency created two educational programs, the OSHA Training Institute (OTI) Education Centers Program and the OSHA Outreach Training Program (Outreach).

To be a participant in the OTI Education Centers Programs or the Outreach Training Program, an individual/organization must provide the Agency with certain information. The requested information is necessary to evaluate the applicant organization and to implement, oversee, and monitor the OTI Education Centers and Outreach Training Programs, courses and trainers. The 13 collection of information requirements are listed below.

A. Application to become an OSHA Training Institute Education Center (OTI Education Center);
B. OTI Education Centers Monthly Summary Report for the OTI Education Centers and the Outreach Training Program Activities;
C. Statement of Compliance with Outreach Training Program Requirements;
D. Outreach Training Program Report Forms (includes Construction, General Industry, Maritime, and Disaster Site);
E. Online Outreach Training Program Report;
F. Active Trainer List;
G. Collection of Outreach Trainer Misconduct/Complaints;
H. OSHA Training Institute Student Survey;
I. Attendance Documentation for OTI Education Centers;
J. Outreach Online Training Certification Statement;
K. Instructor and Staff Resumes;
L. Course Material upon Request by OSHA from OTI Education Centers; and
M. Course Schedules from OTI Education Centers.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting OMB to approve the information collection requirements contained in the OSHA Training Institute Education Centers Program and the OSHA Outreach Training Program. The burden hours for these programs is estimated to be 11,135.

The Agency will summarize comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Existing collection in use without an OMB control number.

Title: OSHA Training Institute (OTI) Education Centers Program, and OSHA Outreach Training Program Data Collection.

OMB Number: 1218–0NEW.

Affected Public: Business or other for-profits; Not-for-profit institutions; Federal government; State, local and tribal governments.

Number of Respondents: 10.

Frequency: On occasion.

Total Responses: 38,957.

Average Time per Response: Ranges from 3 minutes (.05 hour) for OTI Education Centers to provide student training rosters to OSHA to 60 hours for a not-for-profit institution to prepare and submit an application to become an OTI Education Center.

Estimated Total: Burden hours: 11,135.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2009–0022). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (*see* the section of this notice titled ''**ADDRESSES**''). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, TTY (877) 889–5627.

Comments and submissions are posted without change at *http://www.regulations.gov*. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Jordan Barab, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5–2007 (72 FR 31160).

Signed at Washington, DC, this 16th day of September 2009.

Jordan Barab,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E9–22802 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–70,048]

Symantec Corporation, Symantec Accounts Payable/Expense Reporting Team, Finance Department, Including On-Site Leased Workers From Pro Unlimited, Inc., Springfield, OR; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 21, 2009, applicable to workers of Symantec Corporation, Symantec Accounts Payable/Expense Reporting Team, Finance Department, Springfield, Oregon. The notice will be published soon in the **Federal Register**.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers provide computer software and software related services.

The company reports that on-site leased workers from Pro Unlimited, Inc. were employed on-site at the Springfield, Oregon location of Symantec Corporation, Symantec Accounts Payable/Expense Reporting Team, Finance Department. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Pro Unlimited, Inc. working on-site at the Springfield, Oregon location of Symantec Corporation, Symantec Accounts Payable/Expense Reporting Team, Finance Department.

The amended notice applicable to TA–W–70,048 is hereby issued as follows:

All workers of Symantec Corporation, Symantec Accounts Payable/Expense Reporting Team, Finance Department, including on-site leased workers from Pro Unlimited, Springfield, Oregon, who became totally or partially separated from employment on or after May 18, 2008, through July 21, 2011, and all workers in the group threatened with total or partial separation from employment on July 21, 2009 through July 21, 2011, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 25th day of August 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22767 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–71,120]

Atlas Copco Comptec LLC A Subsidiary of Atlas Copco North America LLC Voorheesville, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 13, 2009, applicable to workers of Atlas Copco Comptec LLC, a subsidiary of Atlas Copco North America LLC, including on-site leased workers of Office Team and FPI Mechanical, Voorheesville, New York. The notice will soon be published in the **Federal Register**.

At the request of company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of oil free air compressors and Airtec Cores for oil free air compressors used in industrial applications.

The company provided additional information about the company-wide reorganization that was not clearly described in the initial certification. The affected workers were not in the Gas and Process Division. Furthermore, the company official affirmed that the on-site leased workers from Office Team and FPI Mechanical have not been separated nor is there a threat of employment decline for those workers.

Based on these findings, the Department is amending this certification to exclude reference to the Gas and Process Division and on-site leased workers engaged in employment related to gas and process centrifugal compressors. The Department is also amending the certification to add workers engaged in employment related to production of oil free air compressors and Airtec Cores for oil free air compressors used in industrial applications.

The amended notice applicable to TA–W–71,120 is hereby issued as follows:

Conclusion

Workers of Atlas Copco Comptec LLC, a subsidiary of Atlas Copco North America LLC, Voorheesville, New York, engaged in employment related to the production of oil free air compressors and Airtec Cores for oil free air compressors, who became totally or partially separated from employment on or after June 3, 2008, through July 13, 2011, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 3rd day of September, 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22746 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–70,832]

American Standard Brands, Crane Plastic, A Subsidiary of AS America, Inc. Formerly Known As Crane Plumbing LLC Mansfield, OH; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 22, 2009, applicable to workers of American Standard Brands, Crane Plastic, a subsidiary of AS America, Inc., Mansfield, Ohio. The notice was published in the **Federal Register** on September 2, 2009 (74 FR 45477).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in activities related to the production of bathroom shower surround systems, tubs, and associated plastic products including ''Rope Twist'' surround walls.

Information shows that some workers separated from employment at the subject firm had their wages reported under a separated unemployment insurance (UI) tax account for Crane Plumbing LLC, the former parent firm of the subject firm.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent to the Department's certification is to include all workers of

the subject firm who were adversely affected by the shift in production of bathroom shower surround systems, tubs and associated plastic products including ''Rope Twist'' surround walls to Mexico.

The amended notice applicable to TA–W–70,832 is hereby issued as follows:

''All workers of American Standard Brands, Crane Plastic, a subsidiary of AS America, Inc., formerly known as Crane Plumbing LLC, Mansfield, Ohio, who became totally or partially separated from employment on or after June 1, 2008 through July 22, 2011, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.''

Signed at Washington, DC this 3rd day of September 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22750 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,783]

Coherent-DEOS, LLC Including Workers Whose UI Wages Are Reported to Albany Services, Inc. Including On-Site Leased Workers From ATR International, Inc., Coworx PPS, LLC, Stewart Staffing Solutions, 888 Consulting Group, and Roth Staffing Company, Bloomfield, CT; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on January 23, 2009, applicable to workers of Coherent-DEOS, LLC, Bloomfield, Connecticut. The notice was published in the **Federal Register** on February 10, 2009 (74 FR 6653).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of air-cooled carbon dioxide lasers.

New information shows that Albany Services, Inc. was contracted to provide payroll function services to independent contract employees working on-site at the Bloomfield, Connecticut location of the subject firm.

Information also shows that workers leased from ATR International, Inc., Coworx PPS, LLC, Stewart Staffing Solutions, 888 Consulting Group and Roth Staffing Company were employed on-site at the Bloomfield, Connecticut location of Coherent-DEOS, LLC. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers whose UI wages are reported to Albany Services, Inc. and to include workers leased from ATR International, Inc., Coworx PPS, LLC, Stewart Staffing Solutions, 888 Consulting Group and Roth Staffing Company working on-site at the Bloomfield, Connecticut location of Coherent-DEOS, LLC.

The amended notice applicable to TA–W–64,783 is hereby issued as follows:

''All workers of Coherent-DEOS, LLC, including workers whose UI wages are reported to Albany Services, Inc., and including on-site leased workers from ATR International, Inc., Coworx PPS, LLC, Stewart Staffing Solutions, 888 Consulting Group, and Roth Staffing Company, Bloomfield, Connecticut, who became totally or partially separated from employment on or after December 26, 2007, through January 23, 2011, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 31st day of August 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22747 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–70,587]

Bourns, Inc., Automotive Division, Including On-Site Leased Workers from Manpower and Spherion,Janesville, WI; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 24, 2009, applicable to workers of Bourns, Inc., Automotive Division, including on-site leased workers from Manpower and Spherion, Janesville, Wisconsin. The notice was published in the **Federal Register** on August 19, 2009 (74 FR 41935).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of electronic sensor assemblies.

The review shows that on January 23, 2007, a certification of eligibility to apply for adjustment assistance was issued for all workers of Bourns, Inc., formerly known as SSI Technologies, Inc., Bourns Automotive Division, Janesville, Wisconsin, separated from employment on or after December 19, 2005 through January 23, 2009. The notice was published in the **Federal Register** on February 14, 2007 (72 FR 7087).

In order to avoid an overlap in worker group coverage, the Department is amending the May 22, 2008 impact date established for TA–W–70,587, to read January 24, 2009.

The amended notice applicable to TA–W–70,587 is hereby issued as follows:

''All workers of Bourns, Inc., Automotive Division, including on-site leased workers from Manpower and Spherion, Janesville, Wisconsin, who became totally or partially separated from employment on or after January 24, 2009, through June 24, 2011, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.''

Signed in Washington, DC, this 25th day of August 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22752 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,643C; TA–W–64,643]

Chrysler LLC, Headquarters, Including On-Site Leased Workers From Aerotek, Ajilon, Argos, Bartech Group, CDI Information Services, Computer Consultants of America, Inc., Computer Engrg Services, Epitec Group, Inc., Gtech Professional Staffing, Inc., JDM Systems Consultants, Inc., Kelly Services, Inc., Preferred Solutions, Resource Technologies Corp, Spherion, Synova, and TAC Transportation, Auburn Hills, MI; Chrysler LLC, Chrysler Office Building, Including On-Site Leased Workers From Aerotek, Ajilon, Argos, Bartech Group, CDI Information Services, Computer Consultants of America, Inc., Computer Engrg Services, Epitec Group, Inc., Gtech Professional Staffing, Inc., JDM Systems Consultants, Inc., Kelly Services, Inc., Preferred Solutions, Resource Technologies Corp, Spherion, Synova, and TAC Transportation, Auburn Hills, MI; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on December 19, 2008, applicable to workers of Chrysler LLC, Headquarters, Auburn Hills, Michigan. The notice was published in the **Federal Register** on January 14, 2009 (74 FR 2136). The notice was amended on April 24, 2009 to include on-site leased workers. The notice was published in the **Federal Register** on May 18, 2009 (74 FR 23216).

At the request of the company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in activities related to the production of automotive vehicles and automotive vehicle parts. New information shows that the company official inadvertently failed to include workers at the Chrysler Office Building, an annex of the Headquarters at the Auburn Hills Complex. Information also shows that the Chrysler Office Building uses the same on-site leased workers as the Headquarters.

The Department has determined that the Chrysler Office Building workers were part of the same worker group as Chrysler LLC, Headquarters, and that the leased workers were sufficiently under the control of Chrysler LLC to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers of the Chrysler Office Building and the on-site leased workers.

The amended notice applicable to TA–W–64,643 is hereby issued as follows:

All workers of Chrysler LLC, Headquarters, Auburn Hills, Michigan, including on-site leased workers from Aerotek, Ajilon, Argos, Bartech Group, CDI Information Services, Computer Consultants of America, Inc., Computer Engrg Services, Epitec Group, Inc., Gtech Professional Staffing, Inc., JDM Systems Consultants, Inc., Kelly Services, Inc., Preferred Solutions, Resource Technologies Corp, Spherion, Synova, Inc., and TAC Transportation (TA–W–64,643), and all workers of Chrysler LLC, Chrysler Office Building, Auburn Hills, Michigan, including on-site leased workers from Aerotek, Ajilon, Argos, Bartech Group, CDI Information Services, Computer Consultants of America, Inc., Computer Engrg Services, Epitec Group, Inc., Gtech Professional Staffing, Inc., JDM Systems Consultants, Inc., Kelly Services, Inc., Preferred Solutions, Resource Technologies Corp, Spherion, Synova, Inc., and TAC Transportation (TA–W–64,643C), who became totally or partially separated from employment on or after December 2, 2007 through December 19, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 27th day of August, 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22764 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,619]

Chrysler, LLC, Twinsburg Stamping Plant, Including On-Site Leased Workers From Caravan Knight Facilities Management LLC and Wackenhut Security, Twinsburg, OH; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on February 4, 2009, applicable to workers of Chrysler, LLC, Twinsburg Stamping Plant, Twinsburg, Ohio. The notice was published in the **Federal Register** on March 3, 2009 (74 FR 9282).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of metal automotive stampings, a substantial portion of which are shipped to an affiliated plant where they are used in the assembly of automotive vehicles.

New information shows that workers leased from Caravan Knight Facilities Management LLC and Wackenhut Security were employed on-site at the Twinsburg, Ohio location of Chrysler, LLC, Twinsburg Stamping Plant. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Caravan Knight Facilities Management LLC and Wackenhut Security working on-site at the Twinsburg, Ohio location of Chrysler, LLC, Twinsburg Stamping Plant.

The amended notice applicable to TA–W–64,619 is hereby issued as follows:

''All workers of Chrysler, LLC, Twinsburg Stamping Plant, including on-site leased workers from Caravan Knight Facilities Management LLC and Wackenhut Security, Twinsburg, Ohio, who became totally or partially separated from employment on or after December 2, 2007, through February 4, 2011, are eligible to apply for adjustment assistance under Section 223 of the Trade Act

of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

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

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22763 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,158]

NCM Chassis Systems, LLC, a Subsidiary of Metaldyne Company, LLC, Including On-Site Leased Workers From Securitas and Fuch's Lubricants, Inc., New Castle, Indiana; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on October 23, 2008, applicable to workers of NCM Chassis Systems, LLC, a subsidiary of Metaldyne Company, LLC, New Castle, Indiana. The notice was published in the **Federal Register** on November 10, 2008 (73 FR 66676).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of chassis components for the automobile industry.

New information shows that workers leased from Securitas and Fuch's Lubricants, Inc., were employed on-site at the New Castle, Indiana location of NCM Chassis Systems, LLC, a subsidiary of Metaldyne Company, LLC. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Securitas and Fuch's Lubricants, Inc. working on-site at the New Castle, Indiana location of NCM Chassis Systems, LLC, a subsidiary of Metaldyne Company, LLC.

The amended notice applicable to TA–W–64,158 is hereby issued as follows:

''All workers of NCM Chassis Systems, LLC, a subsidiary of Metaldyne Company, LLC, including on-site leased workers from Securitas and Fuch's Lubricants, Inc., New Castle, Indiana, who became totally or partially separated from employment on or after October 1, 2007, through October 23, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC this 26th day of August 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22762 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–70,017]

Century Aluminum of West Virginia, Inc., Reduction Aluminum Smelter Division; Including On-Site Leased Workers From Professional Services of America (PSA) and Real Time Staffing, Ravenswood, WV; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 19. 2009, applicable to workers of Century Aluminum of West Virginia, Inc., Reduction Aluminum Smelter Division, Ravenswood, West Virginia. The notice was published in the **Federal Register** August 19, 2009 (74 FR 41935). At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of primary aluminum.

The company reports that on-site leased workers from Professional Services of America (PSA) and Real Time Staffing were employed on-site at the Ravenswood, West Virginia location of Century Aluminum of West Virginia, Inc., Reduction Aluminum Smelter Division. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Professional Services of America (PSA) and Real Time Staffing working on-site at the Ravenswood, West Virginia location of Century Aluminum of West Virginia, Inc., Reduction Aluminum Smelter Division.

The amended notice applicable to TA–W–70,017 is hereby issued as follows:

''All workers of Century Aluminum of West Virginia, Inc., Reduction Aluminum Smelter Division, including on-site leased workers from Professional Services of America and real Time Staffing, Ravenswood, West Virginia, who became totally or partially separated from employment on or after May 18, 2008, through June 19, 2011, and all workers in the group threatened with total or partial separation from employment on June 19, 2009 through June 19, 2011, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.''

Signed at Washington, DC, this 28th day of August 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22766 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,670; TA–W–64,670A]

NXP Semiconductors USA, Inc., A Subsidiary of NXP Semiconductors, Hopewell Junction, NY, Including a Leased Worker From Aviza Technology, Inc., Working Out of Roxbury, CT; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on January 23, 2009, applicable to workers of NXP Semiconductors USA, Inc., a subsidiary of NXP Semiconductors, Hopewell Junction, New York. The notice was published in the **Federal Register** on February 10, 2009 (74 FR 6653).

At the request of the State agency, the Department reviewed the certification

for workers of the subject firm. The workers are engaged in the production of semiconductor wafers.

New information shows that a worker separation has occurred involving an employee (Mr. Norm Covert) leased from Aviza Technology, Inc. in support of NXP Semiconductors USA, Inc., a subsidiary of NXP Semiconductors, Hopewell Junction, New York, working out of Roxbury, Connecticut. The Department has determined that this employee was sufficiently under the control of the subject firm to be considered a leased worker.

Based on these findings, the Department is amending this certification to include an employee leased from Aviza Technology, Inc. in support of the Hopewell Junction, New York location of the subject firm working out of Roxbury, Connecticut.

The intent of the Department's certification is to include all workers of the subject firm adversely affected by the shift in production of semiconductor wafers to Singapore and the Netherlands.

The amended notice applicable to TA–W–64,670 is hereby issued as follows:

''All workers of NXP Semiconductors USA, Inc., a subsidiary of NXP Semiconductors, Hopewell Junction, New York (TA–W–64,670), including a leased worker from Aviza Technology, Inc. in support of NXP Semiconductors USA, Inc., a subsidiary of NXP Semiconductors, Hopewell Junction, New York, working out of Roxbury, Connecticut (TA–W–64,670A), who became totally or partially separated from employment on or after December 2, 2007, through January 23, 2011, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC this 25th day of August 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22765 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of August 10 through August 21, 2009.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W–70,187; Saint-Gobain Containers, Inc., On-Site Leased Workers From Kelly Services, Waxahachie, TX. May 19, 2008.

TA–W–70,234; Hampton Lumber Mills—Washington, Inc., Darrington Lumber Mill Division, Darrington, WA. May 18, 2008.

TA–W–70,272; Mercedes-Benz United States International, Inc., On-Site Leased Workers From Talent Tree, Vance, AL. May 18, 2008.

TA–W–70,636; CTH Sherrill Occasional, People Connection, Inc., Hickory, NC. May 25, 2008.

TA–W–70,931; Castec, Inc., North Hollywood, CA. May 18, 2008.

TA–W–71,004; Radisys Corporation, On-Site Leased Workers From Employment Trends, Hillsboro, OR. June 1, 2008.

TA–W–70,024; Newpage Corporation, A Subsidiary of Cerberus Capital, Manpower, Rumford, ME. May 18, 2008.

TA–W–70,050; Tyco Electronics Corp., CIS Division, Leased Workers from Kelly Services, Jonestown, PA. May 18, 2008.

TA–W–70,132; Smead Manufacturing Company, Leased Workers from Westaff, Inc., Logan, OH. July 1, 2008.

TA–W–70,203; Bayloff Stamped Products, Kinsman, OH. May 19, 2008.

TA–W–70,236; Collis, Inc., A Subsidiary of SSW Holding Company, Inc., Clinton, IA. May 18, 2008.

TA–W–70,237; Collis, Inc., A Subsidiary of SSW Holding Company, Inc., Evansville, IN. May 18, 2008.

TA–W–70,240; American Appliance Products, Inc., Nashville Division, SSW Holding Company, Madison, TN. May 18, 2008.

TA–W–70,299; Hunt Forest Products, Inc., Natalbany, LA. May 19, 2008.

TA–W–70,342; Plum Creek Northwest Lumber, Inc., A Subsidiary of Plum Creek Timber Company, Columbia Falls, MT. May 19, 2008.

TA–W–70,357; Transform Automotive LLC, Sterling Heights Division, Sterling Heights, MI. May 19, 2008.

TA–W–70,386; Mazer Corporation, Printing Services Division, On-Leased Workers From Crown Personnel Services, Dayton, OH. May 19, 2008.

TA–W–70,409; Frontier Spinning Mills, Inc., Cheraw, SC. May 18, 2008.

TA–W–70,556; Kimball Office, Leased Workers of Manpower Temporary Services, Borden, IN. May 20, 2008.

TA–W–70,579; Sauer Danfoss US Company, Express Personnel Service, Employment Trends, Madden, Hillsboro, OR. May 21, 2008.

TA–W–70,630; Westminster Beacon LLC, A Subsidiary of Faribault Mills, Westminster, SC. May 19, 2008.

TA–W–71,417; Liberty Manufacturing Company, D/B/A Liberty Molds, Inc., Portage, MI. June 25, 2008.

TA–W–70,285; EDS, An HP Company, A Subsidiary of Hewlett-Packard Com. Leased Workers From Vision IT, Lansing, MI. May 19, 2008.

TA–W–70,286; Ferrell Manufacturing, Inc., Graham, NC. May 19, 2008.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W–70,091; Card Technology Corporation, A Subsidiary of NBS Technologies, Paramus, NJ. May 18, 2008.

TA–W–70,133; Hussmann Gloversville, Climate Control Division, Gloversville, NY. May 18, 2008.

TA–W–70,171; Inergy Automotive Systems, Leased Workers From Manpower of Adrian and Kelly Services, Adrian, MI. May 18, 2008.

TA–W–70,204; Baxter Healthcare Corporation, Renal Division, Leased Workers From Kelly Services and Apex, North Largo, FL. May 18, 2008.

TA–W–70,208; 3M Company, Electronics Solutions Division, On-Site leased Workers Volt Workforce Solution, Columbia, MO. November 23, 2008.

TA–W–70,232; Halliburton Company, Duncan Mfg. Leased Workers From Express Personnel, Clayton Personnel Service, Duncan, OK. May 19, 2008.

TA–W–70,246; Integrated Manufacturing Technologies, Inc., Elgin, TX. December 2, 2008.

TA–W–70,317; SMTC Corporation of Massachusetts, SMTC Enclosures Div. Placement PRO's, Aerotek etc., Franklin, MA. May 18, 2008.

TA–W–70,325; Tyco Electronics Corporation, Communication and Industrial Solutions, Emigsville, PA. May 18, 2008.

TA–W–70,440; Harris Products Group, Subsidiary of Lincoln Electric -, Account Temps Trak Staf, Flex, Mason, OH. May 18, 2008.

TA–W–70,468; Bristol, Inc., D/B/A Remote Automation Solutions, Emerson, Printed Circuit Board, Watertown, CT. May 20, 2008.

TA–W–70,521; TB Wood's, Inc., A Subsidiary of Altra Industrial Motion, Mt Pleasant, MI. May 21, 2008.

TA–W–70,544; Essilor Laboratories of America, Joe's Creek Processing Center, St. Petersburg, FL. May 20, 2009.

TA–W–70,561A; Spang & Company, Magnetics Division, Pittsburgh, PA. August 31, 2009.

TA–W–70,561; Spang & Company, Magnetics Division, East Butler, PA. August 31, 2009.

TA–W–70,608; Meritor Heavy Vehicle Systems, LLC, CVS Div., Pinnacle Staffing, Inc., Arden, NC. May 19, 2008.

TA–W–70,628; Ingersoll Rand, Industrial Technologies Sector, Davidson Operation Leased

Workers from Adecco, Davidson, NC. May 19, 2008.

TA–W–70,635; In-Zone Athletic Wear, Fyffe, AL. May 2, 2008.

TA–W–70,668; Cypress Semiconductor, Leased Workers From Manpower of Doherty Career Solutions and Cambridge, Boise, ID. May 27, 2008.

TA–W–70,756; Polyvision, Inc., Reno, NV. May 11, 2008.

TA–W–70,805; Honeywell International, Aerospace Avionics, Manpower, Phoenix, AZ. May 18, 2008.

TA–W–70,806; Honeywell International, ISC Engines, Manpower, Phoenix, AZ. May 18, 2008.

TA–W–70,833; Thomasville Furniture Industries, Winston- Salem NC Satellite Warehouse, Winston Salem, NC. May 29, 2008.

TA–W–70,930; Sandvik Materials Technology, Spring Production Unit, Clarks Summit, PA. May 26, 2008.

TA–W–70,935; Regal Beloit Manufacturing, On-Site Leased Workers of Penmac Agency, Lebanon, MO. May 28, 2008.

TA–W–71,044A; Weastec, Inc., Greenfield, OH. June 5, 2008.

TA–W–71,044; Weastec Inc., Hillsboro, OH. June 5, 2008.

TA–W–71,056; Stanadyne Corporation, Leased Workers of Infini-Staff and Staffing Now, Windsor, CT. June 4, 2008.

TA–W–71,069; BonaKemi USA, Inc., Monroe Production, Leased Workers of Mar-Key Specialized, Monroe, NC. June 8, 2008.

TA–W–71,203; Datex Ohmeda, Inc., dba General Electric Healthcare, Madison, WI. June 10, 2008.

TA–W–71,217; Republic Special Metals, Inc., Bay City Forge, A Subsidiary of Patriot Morgan, Erie, PA. May 25, 2008.

TA–W–71,484; Ontario Die Company of America, El Paso, TX. June 23, 2008.

TA–W–71,535; Cequent Performance Product, Trailer Div., ABR Employment Serv., Westphal Staff, Mosinee, WI. June 24, 2008.

TA–W–71,747; Qualion Corporation, Minnestor Rubber and Plastics, Watertown, SD. July 20, 2008.

TA–W–71,941A; Employment 2000 Corp., Portola Tech, International, Woonsocket, RI. August 5, 2008.

TA–W–71,941; Portola Tech International, Woonsocket, RI. February 3, 2009.

TA–W–70,183; Sony Technology Center—Pittsburg, Mt. Pleasant, PA. May 18, 2008.

TA–W–70,320; Cannondale Bicycle Corporation, Leased Workers From Ruggieri Enterprises, LLC (dbs Spherion), Bedford, PA. May 18, 2008.

TA–W–70,429; Neocork Technologies, Conover, NC. May 18, 2008.

TA–W–70,231; Bassett Furniture, Leased Workers from Ameristaff Employment & Staffing Sol., Bassett, VA. March 20, 2009.

TA–W–70,253; Fluidmaster Inc., La Vergne, TN. May 18, 2008

TA–W–70,385; Russell Brands, LLC, Spalding Division, On-Site Leased Workers From Johnson and Hill, Springfield, MA. May 19, 2008.

TA–W–70,502; Spectrum Industrial Services, Minneapolis, MN. May 18, 2008.

TA–W–70,554; ASML, Customer Support Division, Boise, ID. May 21, 2008.

TA–W–70,696; Allstate Insurance Company, Quality Assurance & Customer Communication, Northbrook, IL. May 26, 2008.

TA–W–70,786; Vishay Roederstein Electronics, Inc., Statesville, NC. May 20, 2008.

TA–W–70,197; Wallenius Wilhelmsen Logistics, Customer Care, Doc. & Finance Remx Financial, Woodcliff Lake, NJ. May 18, 2009.

The following certifications have been issued. The requirements of Section 222(b) (adversely affected workers in public agencies) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W–70,117; Fulghum Fibres, Inc., M&K, Inc., Worksource Staffing, Baileyville, ME. May 18, 2008.

TA–W–70,361; TG Fluid Systems USA Corp., A Division of Toyoda Gosei N.A., Brighton, MI. May 19, 2008.

TA–W–70,388; TimBar Packaging and Display, A Subsidiary of Timber Corporation, Oneida Division, Vernon, NY. May 19, 2008.

TA–W–70,435; ANP Dimensional Lumber, Manpower, Ogema, WI. May 19, 2008.

TA–W–70,527A; Catawissa Lumber and Specialty Co., Inc., Catawissa, PA. May 3, 2009.

TA–W–70,527; Catawissa Lumber and Specialty Co., Inc., Elysburg, PA. May 3, 2009.

TA–W–70,550; Phoenix Trim Works, Williamsport, PA. May 14, 2008.

TA–W–70,602; Connor Manufacturing Services, Personnel Source, Portland, OR. June 28, 2009.

TA–W–70,728; Excalibur Machine Co., Inc., Subsidiary of Core Manufacturing, Leased Workers From M–Ploy Temporaries, Conneaut Lake, PA. May 20, 2008.

TA–W–70,831; A.W. Pratt, Inc., Glasgow, MT. May 28, 2008.

TA–W–70,847; Intermountain Forest Technology, Corp., DBA Smith Forestry Consulting, Clancy, MT. May 27, 2008.

TA–W–70,858; Excalibur Machine Co., Inc., Subsidiary of Core Manufacturing, Leased Workers From M–Ploy Temporaries, Meadville, PA. May 20, 2008.

TA–W–70,860; Excalibur Machine Company, Inc., Subsidiary of Core Manufacturing, Leased Workers From M–Ploy Temporaries, Linesville, PA. May 20, 2008.

The following certifications have been issued. The requirements of Section 222(c) (downstream producer for a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(f) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA–W–70,419; Goodyear Dunlop Tires North America Ltd., EGW, Defendor, Materials Control, US Securities, CHD, Tonawanda, NY. May 19, 2008.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1) (employment decline or threat of separation) of section 222 has not been met.

TA–W–70,205; Springs Window Fashion, LCC, Grayling, MI.

TA–W–70,404; Century Land and Timber, Inc., Greenville, NC.

TA–W–70,633; Consuelo E. Kelly, DBA Kelly International US, Overland Park, KS.

TA–W–70,673; Anixter, Inc., Anixter Fasteners Division, Danville, IL.

TA–W–71,057; Hall Transport, Clarinda, IA.

TA–W–71,144; Pink Frog Interactive, Inc., Pittsburgh, PA.

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

None.

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W–70,080; Genmar Minnesota, Inc., A Subsidiary of Genmar Holding, Little Falls, MN.

TA–W–70,326; Ford Motor Company, Dearborn Truck Plant, Dearborn, MI.

TA–W–70,336; Brunswick Bowling and Billiards Corporation, A Subsidiary of Brunswick Corp., Muskegon, MI.

TA–W–71,115; Capital Records, LLC, EMI Music Operations, North America, Jacksonville, IL.

The investigation revealed that the criteria under paragraphs (b)(2) and (b)(3) (public agency acquisition of services from a foreign country) of section 222 have not been met.

None.

The investigation revealed that criteria of Section 222(c)(2) has not been met. The workers' firm (or subdivision) is not a Supplier to or a Downstream Producer for a firm whose workers were certified as eligible to apply for TAA.

None.

I hereby certify that the aforementioned determinations were issued during the period of August 10 through August 21, 2009. Copies of these determinations are available for inspection in Room N–5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 16, 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22760 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of *July 27 through August 7, 2009.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B)—all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a

domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W–70,413; Berkline/BenchCraft, LLC, Plant 5, Livingston, TN, May 17, 2009.

TA–W–70,414; Berkline/BenchCraft, LLC, Plants 1, 2, 3, and 6, Morristown, TN, May 19, 2008.

TA–W–70,589; Rex-Cut Products, Inc., Fall River, MA, May 22, 2008.

TA–W–71,141; Ruud Lighting, Inc., Racine, WI, May 28, 2008.

TA–W–71,153; DeRoyal Textiles, Inc., A Subsidiary of DeRoyal Industries, Leased Workers From Gallman Personnel, Camden, SC, June 13, 2009.

TA–W–71,403; Ethan Allen Operations, Inc., A Subsidiary of Ethan Allen Global, Beecher Falls, VT, June 25, 2008.

TA–W–71,404; Ethan Allen Operations, Inc., A Subsidiary of Ethan Allen Global, Orleans, VT, June 25, 2008.

TA–W–71,410; Noble Metal Processing, Indiana, Inc., Leased Workers from Pro Resources, Butler, IN, June 22, 2008.

TA–W–70,082; Fort Wayne Foundry Corporation, Fort Wayne, IN, May 18, 2008.

TA–W–70,595; Checker Motors Corporation, Kalamazoo, MI, May 21, 2008.

TA–W–70,703; Hemingway Apparel Manufacturing, Inc., Hemingway, SC, May 20, 2008.

TA–W–71,406; Weyerhaeuser NR Company, Aberdeen Forest Area Div., Cosmopolis, WA, June 12, 2008.

TA–W–71,407; Weyerhaeuser NR Company, Pe Ell Forest Area Division, Pe Ell, WA, June 12, 2008.

TA–W–70,926; BLC Consulting Service, LLC, BLCPro Division, New London, CT, May 26, 2008.

TA–W–70,567; Protexall, Inc, Galesburg, IL, May 22, 2008.

TA–W–70,798; Southwest Apparel Corp., Hohenwald, TN, May 27, 2008.

TA–W–71,736; Texas and Northern Railway, A Subsidiary of Transtar, Inc., Lone Star, TX, July 16, 2008.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W–70,066; Emerson Network Power, Embedded Computing, Leased Workers from Manpower, Tempe, AZ, May 18, 2008.

TA–W–70,085; Emerson Network Power, Embedded Computing, Leased Workers of QTI, Madison, WI, May 18, 2008.

TA–W–70,575; Visteon Corporation, Visteon Headquarters, Van Buren Township, MI, May 18, 2008.

TA–W–70,069; Emerson Network Power, Embedded Computing, Marlborough, MA, May 18, 2008.

TA–W–70,093A; Kelly Services, A Subsidiary of Cookson Group, PLC, Fisher, IL, May 18, 2008.

TA–W–70,093; Vesuvius USA, A Subsidiary of Cookson Group, PLC, Fisher, IL, May 18, 2008.

TA–W–70,120; Cyberoptics Corporation, On-Site Leased Workers From Hansohn Consulting, Golden Valley, MN, May 18, 2008.

TA–W–70,129; Bose Corporation, Manufacturing Division, Blythewood, SC, May 18, 2008.

TA–W–70,152A; La-Z–Boy Manufacturing, La-Z–Boy Tennessee Division, Dayton, TN, May 18, 2008.

TA–W–70,152B; La-Z–Boy Manufacturing, La-Z–Boy Midwest Division, Neosha, MO, May 18, 2008.

TA–W–70,152C; La-Z–Boy Manufacturing, La-Z–Boy West Division, Redlands, CA, May 18, 2008.

TA–W–70,152; La-Z–Boy Manufacturing, La-Z–Boy South Division, Newton, MS, May 18, 2008.

TA–W–70,159; Regal Beloit, Marathon Electric/Generators Division, Brownsville, TX, May 18, 2008.

TA–W–70,196; Cordis Corporation, Kelly Temp Services, Miami Lakes, FL, May 18, 2008.

TA–W–70,270; Mipox International Corporation, Hayward, CA, May 18, 2008.

TA–W–70,283; Sandvik Mining and Construction, Mansfield, TX, May 19, 2008.

TA–W–70,310; Ortho Pharmaceutical, LCC, Janssen Ortho, LLC Division, Semi Solids Business Unit, Manati, PR, May 18, 2008.

TA–W–70,362; Tokyo Electron Massachusetts, Leased Workers of Summit Technical, Beverly, MA, May 19, 2008.

TA–W–70,590; Flabeg Automotive US Corporation, A Subsidiary of Flabeg Holding GMBH, Brackenridge, PA, May 22, 2008.

TA–W–70,666; Universal Brixius, Inc., Eagle Tech, American Tech, Crown Staffing, Milwaukee, WI, May 26, 2008.

TA–W–70,684; STMicroelectronics, Inc., Carrollton, TX, August 2, 2009.

TA–W–70,724; Komatsu Reman, A Division of Komatsu America Corp., Lexington, KY, May 18, 2008.

TA–W–70,813; Sparton Electronics, Jackson, MI, May 19, 2008.

TA–W–71,117; Sapa HE Tubing, Inc., Louisville, KY, June 9, 2008.

TA–W–71,140; TBA–Leitchfield Plant, A Division of Toyota Boshoku America, Leitchfield, KY, June 10, 2008.

TA–W–71,188; Delta Faucet Company, A Subsidiary of Masco Corporation, Greensburg, IN, March 14, 2009.

TA–W–71,189; Morgan Advanced Materials and Technology, Inc., St. Marys, PA, June 11, 2008.

TA–W–71,219; Bush Industries, Inc., Mason Drive & Allen St, Ohio Security, Morris, Express, Jamestown, NY, June 10, 2008.

TA–W–71,268; Komo Machine, Inc., Sauk Rapids, MN, June 16, 2008.

TA–W–71,305; Rockwell Automation, Leased Workers From Manpower,

Aerotek, Victory Personnel, Sumner, IA, June 17, 2008.

TA–W–71,381; James Tower, Inc., North Mankato, MN, June 23, 2008.

TA–W–71,418; Thermagon Inc. dba Laird Technologies, Cleveland, OH, June 22, 2008.

TA–W–71,523; Gates Corporation, Fluid Power Division, Rockford, IL, July 1, 2008.

TA–W–71,537; SBNA Services, Leased Wkrs From Manpower Services, Kenton, OH, July 2, 2008.

TA–W–71,756; Bettcher Manufacturing LLC, Cleveland, OH, July 20, 2008.

TA–W–70,278; Footjoy, A Business Unit of Acushnet Company, Brockton, MA, May 19, 2008.

TA–W–70,374; Vanity Fair Brands, LP, Jackson Knitting Facility, Jackson, AL, May 19, 2008.

TA–W–71,068; JDS Uniphase, Commtest Division, Germantown, MD, June 8, 2008.

TA–W–71,131; Reliant Manufacturing Service LLC, Longmont, CO, June 8, 2008.

TA–W–71,157; JDS Uniphase, Commtest Division, Indianapolis, IN, June 9, 2008.

TA–W–71,528; United States Gypsum, A Subsidiary of USG Corporation, La Mirada, CA, June 29, 2008.

TA–W–71,663; Johnson Controls, North American Refrigeration, Dixon, IL, July 14, 2008.

TA–W–70,127; Coca Cola Enterprises, Inc., Global Finance, Shared Services Division, Brandon, FL, May 18, 2008.

TA–W–70,138; Freescale Semiconductor, Technical Information Center, Austin, TX, May 18, 2008.

TA–W–70,210; First Data Corporation, Global Customer Service Operations, Coral Springs, FL, May 18, 2008.

TA–W–70,340; Computer Sciences Corporation, Managed Services Sector, Zurich Financial Group—Farmers Account, Caledonia, MI, May 18, 2008.

TA–W–70,428; Flextronics, Leased Workers From Appleone, Aerotek and Tech Systems, Broomfield, CO, May 20, 2008.

TA–W–70,445; Littelfuse, Inc., Leased Workers From Innovative Staff Solutions, Arcola, IL, May 18, 2008.

The following certifications have been issued. The requirements of Section 222(b) (adversely affected workers in public agencies) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W–70,347; Mountain Skyliners, Inc., Leavenworth, WA, May 12, 2008.

TA–W–70,407; L and L Products, Inc., Romeo, MI, May 19, 2008.

TA–W–70,475A; Foamade Industries, Inc., Hillsdale, MI, May 18, 2008.

TA–W–70,475B; Foamade Industries, Inc., Verona, MS, May 18, 2008.

TA–W–70,475; Foamade Industries, Inc., Auburn Hills, MI, May 18, 2008.

TA–W–70,698; Progressive Stamping Company, Leased Workers From U.S. Quality, Royal Oak, MI, May 27, 2008.

TA–W–70,884; Glacier Line Logging, Inc., Kalispell, MT, May 29, 2008.

TA–W–71,334; Saint-Gobain Crystals, Photonics, Washougal, WA, June 19, 2008.

TA–W–71,435; Carrier Corporation, A Subsidiary of United Technologies Corp., Carrollton, TX, June 24, 2008.

TA–W–71,473; Meritor Heavy Vehicle Systems, CVS Div./Pinnacle Staffing, Forest City, NC, June 29, 2008.

TA–W–71,568; C. K. Knitting, Inc., Fort Payne, AL.

TA–W–70,318; St. Onge Logging, Inc., Kalispell, MT, May 18, 2008.

TA–W–70,686; T.B.C. Timber, Inc., Libby, MT, May 22, 2008.

TA–W–71,030; Kenco Logistic Services, LLC, Lyndhurst, VA, June 4, 2008.

The following certifications have been issued. The requirements of Section 222(c) (downstream producer for a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W–70,031; Lance Transport, Inc, Hildebran, NC, May 18, 2008.

The following certifications have been issued. The requirements of Section 222(f) (firms identified by the International Trade Commission) of the Trade Act have been met.

None.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1) (employment decline or threat of separation) of section 222 has not been met.

TA–W–70,477; Dell USA LP, Americas Business Operations Organization, Round Rock, TX.

TA–W–70,571; Bruce Fox, Inc., A Subsidiary of Fox Group, Fabrication and Welding Division, New Albany, IN.

TA–W–71,034; Farbacher Automotive, Sharpsburg, PA.

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

None.

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W–70,573; Louisiana Pacific Corporation, Siding Business Unit—Tomahawk Manufacturing Facility, Tomahawk, WI.

TA–W–70,804; Altek, Inc., Liberty Lake, WA.

TA–W–71,108; Air Way Automation, Inc., Grayling, MI.

The investigation revealed that the criteria under paragraphs (b)(2) and (b)(3) (public agency acquisition of services from a foreign country) of section 222 have not been met.

None.

The investigation revealed that criteria of Section 222(c)(2) has not been met. The workers' firm (or subdivision) is not a Supplier to or a Downstream Producer for a firm whose workers were certified as eligible to apply for TAA.

None.

I hereby certify that the aforementioned determinations were issued during the period of *July 27 through August 7, 2009.* Copies of these determinations are available for inspection in Room N–5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 16, 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22759 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a)

of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

The petitions filed in this case are available for inspection at the Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 31st day of August 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

TAA Petitions Instituted Between 8/10/09 and 8/14/09

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
71955	Felsted Products LLC (Comp)	Holmesville, OH	08/10/09	08/07/09
71956	Beck Manufacturing (Wkrs)	Aurora, OH	08/10/09	07/22/09
71957	AMETECK National Controls Corporation (Comp)	West Chicago, IL	08/10/09	08/06/09
71958	Indiana Mills and Manufacturing, Inc. (Wkrs)	Westfield, IN	08/10/09	08/07/09
71959	Alpine Biomed (Including Kelly Services) (State)	Fountain Valley, CA	08/10/09	08/07/09
71960	Hexagon Metrology, Inc. (Comp)	Fond du Lac, WI	08/10/09	08/07/09
71961	CAPR GROUP ACQUISITION, LCC (Comp)	West Chesterfield, NH	08/10/09	08/04/09
71962	ConMed Electrosurgery (Comp)	El Paso, TX	08/10/09	08/07/09
71963	MAHLE Filter Systems North America, Inc. (Comp)	Murfreesboro, TN	08/10/09	08/06/09
71964	DeLong Sportswear (State)	Atlantic, IA	08/10/09	07/09/09
71965	Pioneer Automotive technology, Inc. (Wkrs)	Springboro, OH	08/10/09	08/07/09
71966	Millat Industries Corp. (Wkrs)	Dayton, OH	08/10/09	08/03/09
71967	Williamsburg Manufacturing (Comp)	Williamsburg, IA	08/10/09	08/05/09
71968	Henniges Automotive (Comp)	Farmington Hills, MI	08/10/09	08/07/09
71969	Shaw Process Fabricators Inc. (State)	West Monroe, LA	08/10/09	08/07/09
71970	Johnson Electric (SAIA—Burgess) (Comp)	Vandalia, OH	08/11/09	08/10/09
71971	Knaack MB (Wkrs)	Crystal Lake, IL	08/11/09	08/04/09
71972	Agility Logistic Company (State)	Santa Ana, CA	08/11/09	07/13/09
71973	IDA, Inc. (Wkrs)	Heron, MT	08/11/09	08/10/09
71974	Exide Technologies Inc. (Comp)	Fort Smith, AR	08/11/09	07/30/09
71975	Parker Hannifin, Pneumatic Division (Union)	Canton, PA	08/11/09	07/27/09
71976	Minuteman-Powerboss (Wkrs)	Aberdeen, NC	08/11/09	08/10/09
71977	Parker Hanifin Corp. (Wkrs)	Forest City, NC	08/11/09	08/06/09
71978	Swanson Group/Swanson Aviation (Wkrs)	Grants Pass, OR	08/11/09	08/05/09
71979	Parts Finishing Group (Wkrs)	Kendallville, IN	08/11/09	08/10/09
71980	Montezuma Manufacturing (Wkrs)	Montezuma, IA	08/11/09	08/05/09
71981	Bailey Karit Corp. (Comp)	Fort Payne, AL	08/11/09	08/05/09
71982	Altadis U.S.A., Inc. (State)	Tampa, FL	08/11/09	08/06/09
71983	Weber Automotive Corporation (State)	Summerville, SC	08/11/09	08/04/09
71984	Seagrott Floral Company, Inc. (Comp)	Albany, NY	08/11/09	08/10/09
71985	Eaton (Wkrs)	Sumter, SC	08/11/09	08/04/09
71986	TMK/IPSCO Tubulars Kentucky Inc. (Union)	Newport, KY	08/11/09	07/31/09
71987	Columbia GasTransmission LLC (Wkrs)	Sugar Grove, OH	08/11/09	08/10/09
71988	Kenosha Leatherette & Display Company (IAMAW')	Kenosha, WI	08/11/09	07/27/09
71989	United Air Lines, Inc. (IBT)	Newark, NJ	08/11/09	08/04/09
71990	United Air Lines, Inc. (IBT)	Flushing, NY	08/11/09	08/07/09
71991	Ironwood Plastics (Wkrs)	Ironwood, MI	08/12/09	08/03/09
71992	Five-M Apparel Inc. (Comp)	Tranton, TN	08/12/09	08/10/09
71993	Matthews Bronze (Comp)	Seneca Falls, NY	08/12/09	08/11/09
71994	Hartmarx-Hart Schaffner & Marx (Union)	Rock Island, IL	08/12/09	08/11/09
71995	Honeywell Technology Solutions, Inc. (Wkrs)	Piketown, OH	08/12/09	08/11/09
71996	Mizar Motors, Inc. (Comp)	Toledo, OH	08/12/09	07/13/09
71997	Hartmarx-Hart Schaffner & Marx (Union)	Michigan City, IN	08/12/09	08/11/09
71998	Hartmarx-Hart Schaffner & Marx (Union)	Des Plaines, IL	08/12/09	08/11/09
71999	Leigh Fibers, Inc. (Comp)	Wellford, SC	08/12/09	08/11/09
72000	The Hertz Corporation at the Hertz Technology Center (Wkrs).	Oklahoma City, OK	08/12/09	08/05/09
72001	Briggs-Shaffner Acquisition Company (Comp)	Yadkinville, NC	08/12/09	08/06/09
72002	International Automotive Components North America (Wkrs).	Old Fort, NC	08/12/09	08/04/09
72003	Perry Slingsby Systems, Inc. (Comp)	Jupiter, FL	08/12/09	08/06/09
72004	Chesterfield Tool and Engineering, Inc. (Wkrs)	Daleville, IN	08/12/09	08/10/09

APPENDIX—Continued

TAA Petitions Instituted Between 8/10/09 and 8/14/09

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72005	Decca Classic (Wkrs)	High Point, NC	08/12/09	08/10/09
72006	Aerotek Engineering/EASi Engineering (Wkrs)	Troy, MI	08/12/09	08/06/09
72007	Shelby County JFS (Union)	Sidney, OH	08/12/09	07/31/09
72008	Metro One Telecommunications (Comp)	Beaverton, OR	08/12/09	08/10/09
72009	Neopost (Mailroom Technologies) (State)	Milford, CT	08/12/09	08/10/09
72010	Vesuvius USA (Comp)	Conneaut, OH	08/12/09	08/10/09
72011	GEC@f-LightingKentucky Glass Plant (IBEW)	Lexington, KY	08/13/09	07/14/09
72012	Frog Switch Manufacturing Company (Wkrs)	Carlisle, PA	08/13/09	07/18/09
72013	Anniston Sportswear (Union)	Anniston, AL	08/13/09	08/11/09
72014	Seats, Inc. (Wkrs)	Richland Center, WI	08/13/09	07/28/09
72015	Illinois Steel Service, Inc. (Wkrs)	Chicago, IL	08/13/09	08/12/09
72016	Surgrx, Inc. (Comp)	Redwood City, CA	08/13/09	08/12/09
72017	MGP Ingredients Inc. (Wkrs)	Pekin, IL	08/13/09	08/11/09
72018	Smurfit-Stone Container (State)	Portland, CT	08/13/09	08/11/09
72019	Superior Plastics, LLC (Comp)	Rochester, MI	08/13/09	08/11/09
72020	Equistar (Wkrs)	Beaumont, TX	08/13/09	08/12/09
72021	Elco Sintered Alloy's Co Inc. (Comp)	Kersey, PA	08/13/09	08/12/09
72022	Heidtman Steel Products, Inc. (Comp)	Erie, MI	08/13/09	07/13/09
72023	Micron Technology Inc. (Comp)	Boise, ID	08/13/09	08/11/09
72024	Pentair Electronic Packaging (Comp)	Schaumburg, IL	08/13/09	08/11/09
72025	Momentive Performance Materials (Wkrs)	Waterford, NY	08/13/09	08/03/09
72026	Pinnacle Airlines (Wkrs)	Evansville, IN	08/13/09	08/12/09
72027	Straightaway Fabrications, Ltd. (Comp)	Ashland, OH	08/13/09	08/12/09
72028	Rupert Dental Lab, Inc. (Wkrs)	Oklahoma City, OK	08/13/09	08/04/09
72029	ACH Saline Plant (Comp)	Saline, MI	08/14/09	08/13/09
72030	Teijin Monofilament US, Inc. (Comp)	Spartanburg, SC	08/14/09	08/10/09
72031	Anderson Truck Line, Inc. (Comp)	Hudson, NC	08/14/09	08/13/09
72032	Marshfield Door Systems (Union)	Marshfield, WI	08/14/09	08/13/09
72033	Albany International (Comp)	Portland, TN	08/14/09	08/13/09
72034	Precision Source (Comp)	Smithfield, RI	08/14/09	08/11/09
72035	MGS MFG Group, Inc. (Wkrs)	Germantown, WI	08/14/09	08/13/09
72036	Ameriprise Financial Services Corporate (Comp)	Akron, OH	08/14/09	08/13/09
72037	General Cable Corporation (Wkrs)	Lawrenceburg, KY	08/14/09	08/06/09
72038	ASM America (Wkrs)	Phoenix, AZ	08/14/09	08/13/09

[FR Doc. E9–22757 Filed 9–21–09; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

The petitions filed in this case are available for inspection at the Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 31st day of August 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 8/3/09 and 8/7/09]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
71885	Clarcor Air Filtration Products (Rep)	Rockford, IL	08/03/09	07/28/09
71886	Property Insight (Wkrs)	Towson, MD	08/03/09	07/27/09
71887	Carlonia Specialty Tools (Wkrs)	Connelly Springs, NC	08/03/09	07/27/09

APPENDIX—Continued

[TAA petitions instituted between 8/3/09 and 8/7/09]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
71888	Duffy Tool and Stamping (Comp)	Muncie, IN	08/03/09	07/29/09
71889	Marsh & McLennon Companies, Inc. (Wkrs)	Chicago, IL	08/03/09	07/30/09
71890	Camel MFG (Comp)	Jamestown, TN	08/03/09	07/29/09
71891	Schindler Elevator Corp (Comp)	Morristown, NJ	08/03/09	07/22/09
71892	DSFI (State)	Honesdale, PA	08/03/09	07/16/09
71893	Open Solutions, Inc. (Wkrs)	Murrieta, CA	08/03/09	07/03/09
71894	Kaiser Permanente (Wkrs)	Corona, CA	08/03/09	07/23/09
71895	Warn Industries (Wkrs)	Clackamas, OR	08/03/09	07/30/09
71896	Skyjack Manufacturing (Wkrs)	Emmetsburg, IA	08/03/09	07/31/09
71897	Polymer Group, Inc. (State)	North Little Rock, AR	08/03/09	07/31/09
71898	Kaiser Permanente (Wkrs)	Silver Spring, MD	08/03/09	07/31/09
71899	Warner Music Group (Wkrs)	Burbank, CA	08/03/09	07/31/09
71900	MacGregor Golf (Wkrs)	Albany, GA	08/03/09	07/31/09
71901	Neff Motivation, Inc. (Comp)	Greenville, OH	08/03/09	07/31/09
71902	Defiance Metal Products (Comp)	Tyler, TX	08/03/09	07/23/09
71903	JP Morgan Chase (Wkrs)	Chicago, IL	08/03/09	07/29/09
71904	Lu_Mac Inc. (Comp)	Ford City, PA	08/04/09	07/30/09
71905	Accenture LLP (Wkrs)	Dayton, OH	08/04/09	07/30/09
71906	Flowserve of Sulphur Springs TX (Wkrs)	Sulphur Springs, TX	08/04/09	07/27/09
71907	Allstate Insurance Co (State)	Diamond Bar, CA	08/04/09	08/03/09
71908	Kimball Office Salem (Wkrs)	Salem, IN	08/04/09	07/30/09
71909	Carolina Specialty Tools (Wkrs)	Connelly Springs, NC	08/04/09	07/27/09
71910	Pacific Steel Casting (State)	Berkeley, CA	08/04/09	07/24/09
71911	Finetex Technology (State)	Hudson, NH	08/04/09	08/03/09
71912	Philips Products, Inc. (Wkrs)	Clarksville, TX	08/04/09	07/30/09
71913	Siemens (Union)	Norwood, OH	08/04/09	08/03/09
71914	Maersk Line (Wkrs)	Charlotte, NC	08/04/09	08/03/09
71915	Plum Creek (Comp)	Sealey Lake, MT	08/04/09	07/06/09
71916	Cymer Corp. (Wkrs)	San Diego, CA	08/04/09	07/15/09
71917	Brown Shoe (Union)	Fredericktown, MO	08/04/09	07/27/09
71918	Eberty Originals Ltd. (State)	Newton, NJ	08/04/09	05/03/09
71919	Denso Mfg. of Michigan (Wkrs)	Battle Creek, MI	08/05/09	08/03/09
71920	Weyerhaeuser Albany I-level EWP (State)	Albany, OR	08/05/09	08/03/09
71921	Friedman Pipe and Steel Company (Wkrs)	Lonestar, TX	08/05/09	08/04/09
71922	Maclean Flowform, L.L.C. (Comp)	Toledo, OH	08/05/09	08/04/09
71923	Decker Logging, Inc. (Wkrs)	Libby, MT	08/05/09	07/19/09
71924	Allstate Insurance (Wkrs)	South Barrington, IL	08/05/09	07/31/09
71925	Eastman Kodak Company (Comp)	Rochester, NY	08/05/09	07/08/09
71926	Honeywell International (Comp)	Fostoria, OH	08/05/09	08/03/09
71927	Irwin Industrial Tool (State)	DeWitt, NE	08/05/09	08/04/09
71928	Broward Casting Foundry (Wkrs)	Ft. Lauderdale, FL	08/05/09	08/04/09
71929	HiRel Systems (Comp)	Hillsboro, OR	08/05/09	08/03/09
71930	International Automotive Components (Wkrs)	Old Fort, NC	08/06/09	08/04/09
71931	AMETEK (Comp)	Grand Junction, CO	08/06/09	08/05/09
71932	Greenstar NA (Comp)	Pittsburgh, PA	08/06/09	07/20/09
71933	TRW Automotive (Wkrs)	Washington TWP, MI	08/06/09	08/02/09
71934	Clarcor Air Filtration Products (Comp)	Campbellsville, KY	08/06/09	08/05/09
71935	Bank of America (Wkrs)	Concord, CA	08/06/09	08/03/09
71936	Seaboard Folding Box Company (Wkrs)	Providence, RI	08/06/09	07/20/09
71937	Huf North America (Wkrs)	Greeneville, TN	08/06/09	08/05/09
71938	GPSG (State)	Raritan, NJ	08/06/09	08/05/09
71939	City of Mansfield, Division of Fire (Union)	Mansfield, OH	08/06/09	07/18/09
71940	Con Agra Foods (Wkrs)	San Jose, CA	08/07/09	08/07/09
71941	Portola Tech International (Comp)	Woonsocket, RI	08/07/09	08/05/09
71941A	Employment 2000 Corp. (Comp)	Woonsocket, RI	08/07/09	08/05/09
71942	Alfmeier Corporation (Comp)	Greenville, SC	08/07/09	08/06/09
71943	3M Company (Wkrs)	Solon, OH	08/07/09	08/06/09
71944	St. Mary's Pressed Metals (Comp)	Ridgway, PA	08/07/09	08/03/09
71945	Rainbow Play Systems Inc (Comp)	Albert Lea, MN	08/07/09	08/06/09
71946	Loew-Cornell, Inc. (Comp)	Englewood Cliffs, NJ	08/07/09	08/06/09
71947	Luvata Franklin, Inc (Comp)	Franklin, KY	08/07/09	08/05/09
71948	Solutions Manufacturing, Inc. (State)	Rockledge, FL	08/07/09	08/06/09
71949	Oberg Industries (Wkrs)	Freeport, PA	08/07/09	08/06/09
71950	Sierra Pacific Industries, Camio Division (Union)	Camino, CA	08/07/09	07/31/09
71951	Mack Trucks (Wkrs)	Macungrie, PA	08/07/09	08/07/09
71952	GMVM Orion Assembly (Union)	Lake Orion, MI	08/07/09	08/06/09
71953	Vanguard National Trailer Corp. (Wkrs)	Monon, IN	08/07/09	07/30/09
71954	National Envelope Corporation (NY)	Long Island, NY	08/07/09	07/29/09

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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

The petitions filed in this case are available for inspection at the Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 31st day of August 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 7/27/09 and 7/31/09]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
71807	B & C Machine Company (Wkrs)	Barberton, OH	07/27/09	07/27/09
71808	Student Universe (State)	Waltham, MA	07/27/09	07/27/09
71809	Keane, Inc. (State)	Boston, MA	07/27/09	07/27/09
71810	Novell, Inc. (Wkrs)	Provo, UT	07/27/09	07/24/09
71811	Ficosa North America (Comp)	Crossville, TN	07/27/09	07/24/09
71812	Sigma Tech (Wkrs)	Hayward, CA	07/27/09	07/24/09
71813	Getrag Corporation (Wkrs)	Newton, NC	07/27/09	07/20/09
71814	Lavita, Inc. (Comp)	New York, NY	07/27/09	07/20/09
71815	Computer Sciences Corporation (Wkrs)	Falls Church, VA	07/27/09	07/17/09
71816	Chicago and Midwest Regional Joint Board (Wkrs)	Toledo, OH	07/27/09	07/24/09
71817	Dousan Bobcat (Wkrs)	Gwinner, ND	07/27/09	07/23/09
71818	Sun Trust Bank- STOLI (Other)	Miami, FL	07/27/09	07/24/09
71819	Benco Manufacturing (Comp)	Belle Plaine, IA	07/27/09	07/20/09
71820	Fulton Precision Industries (Wkrs)	McConnerllburg, PA	07/27/09	07/24/09
71821	American Keeper Corporation (Wkrs)	New Castle, IN	07/27/09	07/24/09
71822	Parker Hannifian Corporation (Comp)	Lyons, NY	07/27/09	07/23/09
71823	Schawk Minneapolis (State)	Minneapolis, MN	07/28/09	07/27/09
71824	Neenah Paper FR, LLC (Union)	Ripon, CA	07/28/09	07/27/09
71825	Transistor Devices, Inc. (State)	Hackettstown, NJ	07/28/09	07/27/09
71826	Weyerhauser Company (Comp)	Simsboro, LA	07/28/09	07/27/09
71827	Century Dodge, Inc. (Comp)	Taylor, MI	07/28/09	07/26/09
71828	Brown Shoe (Union)	Fredericktown, MO	07/28/09	07/27/09
71829	Cameron Measurement Systems (Wkrs)	Duncan, OK	07/28/09	07/27/09
71830	S & B Industry Technologies, LP (Wkrs)	Fort Worth, TX	07/28/09	07/22/09
71831	Trail King Industries, Inc. (Wkrs)	Brookville, PA	07/28/09	07/24/09
71832	Electrocraft, Rockwell Automation (Wkrs)	Gallipolis, OH	07/28/09	07/27/09
71833	E. I. Dupont (State)	Circleville, OH	07/28/09	07/17/09
71834	Ceridian Corporation (Wkrs)	Minneapolis, MN	07/28/09	07/16/09
71835	Frac Tech Services (Wkrs)	Longview, TX	07/28/09	07/20/09
71836	Interstate Lift Trucks (Wkrs)	Cleveland, OH	07/29/09	07/25/09
71837	Texturing Services (Comp)	Martinsville, VA	07/29/09	07/28/09
71838	Chickasha Manufacturing (Wkrs)	Chickasha, OK	07/29/09	07/28/09
71839	Negevtech, Inc (Wkrs)	Santa Clara, CA	07/29/09	07/02/09
71840	Tyler Pipe Company (Comp)	Tyler, TX	07/29/09	07/28/09
71841	Vital Sions-Minnesota (State)	Burnsviller, MN	07/29/09	07/29/09
71842	Honeywell Electronic Materials (Wkrs)	Sunnyvale, CA	07/29/09	07/21/09
71843	Nioxin Research Laboratories, Inc. (Comp)	Lithia Springs, GA	07/29/09	07/21/09
71844	Clarcob Air Filtration Products (Other)	Rockford, IL	07/29/09	07/28/09
71845	Lattice Semiconductor Corporation (Comp)	Hillsboro, OR	07/29/09	07/28/09
71846	ACS Consultant Company Inc. (Wkrs)	Cheshire, CT	07/29/09	07/07/09
71847	Technical Machining Services, IPC (Wkrs)	Lincoln, RI	07/29/09	07/27/09
71848	Systems Intergrators LCC (Wkrs)	Glendale, AZ	07/29/09	07/28/09
71849	Owens Illinois (Wkrs)	Perrysburg, OH	07/29/09	07/28/09
71850	Bank of America (Wkrs)	Utlca, NY	07/29/09	07/27/09
71851	Best Textile International (State)	New York, NY	07/29/09	07/28/09
71852	Wagon Automotive Inc. (Comp)	Wixam, MI	07/29/09	07/28/09
71853	Global Accessories, Inc. (Wkrs)	Fremont, OH	07/29/09	07/27/09

APPENDIX—Continued

[TAA petitions instituted between 7/27/09 and 7/31/09]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
71854	Infineon Technologies North America Corp. (Wkrs)	Allentown, PA	07/30/09	07/24/09
71855	Freescale Semiconductor (Wkrs)	Tempe, AZ	07/30/09	07/23/09
71856	SER Enterprise/DHL Logistics (Wkrs)	Webb City, MO	07/30/09	06/26/09
71857	JJ Bouchard Inc. (Wkrs)	Van Buren, ME	07/30/09	07/27/09
71858	Maritz, Inc. (State)	Fenton, MI	07/30/09	07/29/09
71859	Faribault Woolen Mill Company (State)	Faribault, MN	07/30/09	07/29/09
71860	Cenveo Colorhouse (State)	Minneapolis, MN	07/30/09	07/28/09
71861	Contour Plastics (Wkrs)	Baldwin, WI	07/30/09	07/22/09
71862	Deutsche Bank (Wkrs)	New York, NY	07/30/09	07/27/09
71863	UAW Local 1999 (Wkrs)	Oklahoma City, OK	07/30/09	07/29/09
71864	Axxion Group (Wkrs)	El Pasp, TX	07/30/09	07/28/09
71865	QMS,Inc. (Wkrs)	Glosgow, KY	07/30/09	07/29/09
71866	Mohawk, A division of Belden Inc. (Comp)	Leominster Dr., MA	07/30/09	07/29/09
71867	Fortis Plastics, LLC (Wkrs)	Booneville, MS	07/30/09	06/25/09
71868	Sundyne Electromagnetics (Wkrs)	Pleasant Prairie, WI	07/31/09	07/29/09
71869	Lane Furniture Ind., Inc (Comp)	Conover, NC	07/31/09	07/30/09
71870	Domtar (Wkrs)	Johnsonburg, PA	07/31/09	07/30/09
71871	Watts Regulator (Wkrs)	Spindale, NC	07/31/09	07/30/09
71872	Fraser Papers Limited (State)	Madawaska, ME	07/31/09	07/30/09
71873	Global Metal Products, Inc. (Comp)	St. Marys, PA	07/31/09	07/29/09
71874	Guardian Automotive Trim, Inc. (Wkrs)	Evansville, IN	07/31/09	07/30/09
71875	Kaiser Permanente Information Technology (Wkrs)	Walnut Creek, CA	07/31/09	07/29/09
71876	Direct Brands, Inc. (Wkrs)	Indianapolis, IN	07/31/09	07/29/09
71877	American Furniture Manufacturing, Inc. (Wkrs)	Ecru, MS	07/31/09	07/29/09
71878	EDS, an HP Company (Wkrs)	Plano, TX	07/31/09	07/29/09
71879	Kenco Group (State)	Webster City, IA	07/31/09	07/30/09
71880	Brooks Automation, Inc. (Wkrs)	Chelmsford, MA	07/31/09	07/30/09
71881	Ossur America (Wkrs)	Allso Viejo, CA	07/31/09	07/30/09
71882	Alcoa (formerly Reynolds Metals) (Comp)	Massena, NY	07/31/09	07/30/09
71883	Johnson Controls Interior Manufacturing (JCIM) (Wkrs)	Holland, MI	07/31/09	07/25/09
71884	Chipblaster, Inc. (Wkrs)	Meadville, PA	07/31/09	07/20/09

[FR Doc. E9–22755 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

The petitions filed in this case are available for inspection at the Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 31st day of August 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

TAA Petitions Instituted Between 8/17/09 and 8/21/09

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72039	PolyVision, Corporation (Union)	Dixonville, PA	08/17/09	08/13/09
72040	Therm-O-Disc, Inc. (Comp)	Mansfield, OH	08/17/09	08/10/09
72041	Aleris Blanking and Rim Products (Wkrs)	Terre Haute, IN	08/17/09	08/14/09
72042	Align Technology Inc. (Wkrs)	Santa Clara, CA	08/17/09	08/13/09
72043	Carmeuse Industrial Sands (Union)	Glenford, OH	08/17/09	08/13/09
72044	Kaiser Aluminum (Comp)	Tulsa, OK	08/17/09	05/26/09

APPENDIX—Continued

TAA Petitions Instituted Between 8/17/09 and 8/21/09

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
72045	Bardfield (Wkrs)	Miami, FL	08/17/09	08/13/09
72046	The Miami Herald Media Company (Wkrs)	Miami, FL	08/17/09	08/13/09
72047	Mark II Engineering, Inc. (Comp)	Medley, FL	08/17/09	08/13/09
72048	FLSmidth (Wkrs)	Bethlehem, PA	08/17/09	08/14/09
72049	Tennant Co. (State)	Maple Grove, MN	08/17/09	08/14/09
72050	Automotive Components Holdings-LLC (Comp)	Sandusky, OH	08/17/09	08/14/09
72051	Jacobs Chuck Mfg. Co (Comp)	Clemson, SC	08/17/09	08/14/09
72052	EOS Technologies, INC (Comp)	Tucson, AZ	08/18/09	08/17/09
72053	Allied Air Enterprise (Comp)	Blackville, SC	08/18/09	08/18/09
72054	Intermec Technologies (State)	Everett, WA	08/18/09	08/17/09
72055	Finisar (Comp)	Allen, TX	08/18/09	08/17/09
72056	The ESAB Group Inc. (Comp)	Florence, SC	08/18/09	08/17/09
72057	Saint-Gobain (USW)	Buckhannon, WV	08/18/09	08/17/09
72058	Gardner Denver-Thomas Products Division (IBEW)	Sheboygan, WI	08/18/09	08/13/09
72059	Quebecor World Premedia (State)	New York, NY	08/18/09	08/16/09
72060	Mahle Inc. (Wkrs)	Morristown, TN	08/18/09	08/11/09
72061	Butler Manufacturing (Wkrs)	Peoria, IL	08/18/09	08/12/09
72062	Manpower at IBM (Wkrs)	Mechanicsburg, PA	08/18/09	08/06/09
72063	Outokumpu Stainless (Union)	New Castle, IN	08/18/09	08/17/09
72064	MDL Corporation (Wkrs)	Langhome, PA	08/19/09	08/11/09
72065	Trinity Rail, Inc. (Wkrs)	Longview, TX	08/19/09	07/21/09
72066	A.S.C. Industries (Wkrs)	North Canton, OH	08/19/09	08/10/09
72067	Raven NC LLC (Wkrs)	Smithfield, NC	08/19/09	08/14/09
72068	Exotics by Bacon (Comp)	Thomasville, NC	08/19/09	08/12/09
72069	Rennoc Corporation (Comp)	Vineland, NJ	08/19/09	08/18/09
72070	American Express (Wkrs)	Phoenix, AZ	08/19/09	06/23/09
72071	Laird Technologies (Comp)	Earth City, MO	08/19/09	08/18/09
72072	Byer California (Wkrs)	San Francisco, CA	08/19/09	08/11/09
72073	Spherion Corporation (Comp)	Mechanicsburg, PA	08/19/09	08/17/09
72074	Sourcecorp (Wkrs)	Monticello, KY	08/19/09	08/12/09
72075	Assembly & Test Worldwide (Comp)	Dayton, OH	08/19/09	08/10/09
72076	Hapag-Lloyd Shipping Company (State)	Piscataway, NJ	08/19/09	08/18/09
72077	Perry Slingsby Systems, Inc. (State)	Jupiter, FL	08/19/09	08/18/09
72078	Advance Auto Parts (Wkrs)	Roanoke, VA	08/19/09	08/18/09
72079	General Motors (Comp)	Miramar, FL	08/19/09	08/06/09
72080	Day International—Flint Group, North America (Wkrs)	Arden, NC	08/19/09	08/08/09
72081	General Electric Healthcare—GE Healthcare (State)	Barrington, IL	08/19/09	08/03/09
72082	Exotics by Bacon (Wkrs)	Thomasville, NC	08/20/09	08/12/09
72083	Hutchinson Technology (Comp)	Sioux Falls, SD	08/20/09	08/19/09
72084	Plumbers Local 98 (Union)	Madison Heights, MI	08/20/09	08/11/09
72085	Eley Corp (Wkrs)	Lincoln, NE	08/20/09	08/18/09
72086	Comfil Farr (Wkrs)	Shawnee, OK	08/20/09	08/10/09
72087	Cross Country Staffing (State)	Boca Raton, FL	08/20/09	08/18/09
72088	Active USA Inc. (Wkrs)	Springfield, OH	08/20/09	08/10/09
72089	Hyde Park Foundry—Akers National Roll (Comp)	Avonmore, PA	08/20/09	08/18/09
72090	Burly Bear Inc. (Comp)	Hickory, NC	08/20/09	08/19/09
72091	CML Innovative Technologies (State)	Hackensack, NJ	08/20/09	08/19/09
72092	American Permanent Ware (Comp)	Dallas, TX	08/20/09	08/19/09
72093	Atlantic Guest (State)	Berlin, CT	08/20/09	08/19/09
72094	Schaefer Marine, Inc. (Wkrs)	New Bedford, MA	08/20/09	08/15/09
72095	Store Kraft Company (State)	Beatrice, NE	08/20/09	08/18/09
72096	Amphenol-Jaybeam (Wkrs)	Hickory, NC	08/21/09	08/14/09
72097	Smurfit-Stone Container (Comp)	Murfreesboro, TN	08/21/09	08/19/09
72098	JTEKT Automotive Virginia Inc. (Comp)	Daleville, VA	08/21/09	08/20/09
72099	Motorola, Inc/Government and Public Safety Division (Auth)	Schaumburg, IL	08/21/09	08/20/09
72100	TRG Customer Solutions (State)	Bend, OR	08/21/09	08/20/09
72101	PGI Manufacturing, LLC (Wkrs)	Rockford, IL	08/21/09	08/19/09

[FR Doc. E9–22758 Filed 9–21–09; 8:45 am]
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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

The petitions filed in this case are available for inspection at the Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 25th day of August 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

TAA petitions instituted between 7/13/09 and 7/17/09

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
71630	Sheet Metal Workers Local 292 (Wkrs)	Troy, MI	07/13/09	06/10/09
71631	Plymouth Tube Company (Wkrs)	East Troy, WI	07/13/09	07/09/09
71632	Talaris (Formerly De La Rue Cash Systems) (IAMAW)	Watertown, WI	07/13/09	07/09/09
71633	EGS Electrical Group/O–Z Gedney Company (Comp)	Pittston, PA	07/13/09	07/10/09
71634	Yale Industrial Trucks of Pittsburgh (Wkrs)	Monroeville, PA	07/13/09	07/09/09
71635	Ventra Evart, LLC (State)	Evart, MI	07/13/09	07/10/09
71636	Tri-Way Mold and Engineering (State)	Roseville, MI	07/13/09	06/29/09
71637	Stream Global Services (Wkrs)	Seargeant Bluffs, IA	07/13/09	06/15/09
71638	Manugraph DGM (Wkrs)	Elizabethville, PA	07/13/09	.....
71639	PAD Leasing Associates dba Newton Transportation (Comp)	Hudson, NC	07/13/09	07/08/09
71640	Albany International (Comp)	Tumwater, WA	07/13/09	07/10/09
71641	Rocky Mountain Poison and Drug Center (Wkrs)	Denver, CO	07/13/09	07/10/09
71642	SPS Technologies (Wkrs)	Waterford, MI	07/13/09	07/08/09
71643	Dietrich Metal Framing (Wkrs)	Pittsburgh, PA	07/13/09	07/08/09
71644	Jeld-Wen Premium Doors (Comp)	Oshkosh, WI	07/13/09	07/10/09
71645	Avery Dennison Retail Information Services, LLC (Wkrs)	Miamisburg, OH	07/13/09	07/10/09
71646	Blue Sky Oilfield Services (State)	Washington, PA	07/13/09	07/10/09
71647	Vacumet Corporation (AFLCIO)	Morristown, TN	07/13/09	07/13/09
71648	Innovion Corporation (Comp)	Chandler, AZ	07/13/09	07/08/09
71649	Erickson Air-Crane, Inc. (Wkrs)	Central Point, OR	07/13/09	07/09/09
71650	Evergreen Pulp, Inc. (AWPPW)	Somoa, CA	07/14/09	07/07/09
71651	Keystone Findings, Inc. (Wkrs)	Telford, PA	07/14/09	06/09/09
71652	Cooper Tools (Wkrs)	Hicksville, OH	07/14/09	07/13/09
71653	Minnesota Industries (State)	Chisholm, MN	07/14/09	07/13/09
71654	DeLong Sportswear (State)	Pella, IA	07/14/09	07/09/09
71655	Rosboro Springfield Operations (CICUBC)	Springfield, OR	07/14/09	07/13/09
71656	Datalogic Scanning, Inc. (Comp)	Eugene, OR	07/14/09	07/10/09
71657	Graftech International Holdings, Inc. (Comp)	Columbia, TN	07/14/09	07/13/09
71658	Cooper Tire and Rubber Company (Comp)	Moraine, OH	07/14/09	07/10/09
71659	Technicolor Home Entertainment Services (Comp)	Camarillo, CA	07/14/09	07/06/09
71660	ILevel by Weyerhaeuser Veneer Technologies (State)	Colbert, GA	07/14/09	07/09/09
71661	Apollo Chemical, LLC—subs. of Mount Vernon Mills (Comp)	Ware Shoals, SC	07/14/09	07/13/09
71662	TRW Integrated Chassis Systems, LLC (UAW)	Saginaw, MI	07/14/09	06/26/09
71663	Johnson Controls (Comp)	Dixon, IL	07/14/09	07/14/09
71664	Tate and Lyle Sucralose (AFLCIO)	McIntosh, AL	07/14/09	06/25/09
71665	Future-Visions/Micron (Wkrs)	Manassas, VA	07/14/09	07/01/09
71666	Braka Industries, Inc. (Wkrs)	Salem, OR	07/14/09	07/01/09
71667	Fort Smith Express, Inc. (DHL) (Wkrs)	Fort Smith, AR	07/14/09	07/01/09
71668	Permacel (Comp)	Pleasant Prairie, WI	07/14/09	07/14/09
71669	Delphi Corporation (Wkrs)	Auburn Hills, MI	07/14/09	07/12/09
71670	Indalex, Inc. (Comp)	Elkhart, IN	07/14/09	07/13/09
71671	Rockwell Automation (Comp)	Milwaukee, WI	07/15/09	07/08/09
71672	BBDO Detroit (Comp)	Troy, MI	07/15/09	07/14/09
71673	FLA Orthopedics, Inc. (Comp)	Huntersville, NC	07/15/09	07/13/09
71674	Timken (Comp)	Pulaski, TN	07/15/09	07/10/09
71675	Woodlawn Precision Machine, Inc. (Comp)	Woodlawn, VA	07/15/09	07/14/09
71676	Cummins Diesel Recon (Union)	Memphis, TN	07/15/09	07/10/09

APPENDIX—Continued

TAA petitions instituted between 7/13/09 and 7/17/09

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
71677	Bank of America (Wkrs)	Rio Rancho, NM	07/15/09	07/05/09
71678	Johnson Controls (Comp)	Columbia, TN	07/15/09	07/14/09
71679	Acu-Rite Companies, Inc. (Wkrs)	Jamestown, NY	07/15/09	07/10/09
71680	Kone Inc. (Wkrs)	McKinney, TX	07/15/09	07/14/09
71681	International Automotive Components (USW)	Springfield, TN	07/15/09	07/13/09
71682	Eaton Aeroquip, LLC (Comp)	Van Wert, OH	07/15/09	07/13/09
71683	Sabic Innovative Plastics (Wkrs)	Mount Vernon, IN	07/15/09	07/13/09
71684	Quality Mould, Inc. (Wkrs)	Latrobe, PA	07/15/09	07/09/09
71685	Goodyear Tire and Rubber Company (USW)	Akron, OH	07/15/09	07/09/09
71686	RM International, Inc. (dba RMI) (Comp)	Portland, OR	07/15/09	07/14/09
71687	ATMEL Corporation (Wkrs)	Colorado Springs, CO	07/15/09	07/14/09
71688	Friction Holdings, LLC (Wkrs)	Crawfordsville, IN	07/15/09	07/13/09
71689	Clopay Building Products, Inc. (Comp)	Baldwin, WI	07/16/09	07/14/09
71690	Certain Teed Corporation (Wkrs)	Claremont, NC	07/16/09	06/30/09
71691	National Material Company (USWA)	Arnold, PA	07/16/09	07/13/09
71692	Pinehurst Manufacturing, Inc. (Comp)	Albemarle, NC	07/16/09	07/14/09
71693	Ceco Building Systems (Comp)	Columbus, MS	07/16/09	07/16/07
71694	Mittal Steel Walker Wire (Comp)	Ferndale, MI	07/16/09	07/15/09
71695	Semitool, Inc. (Comp)	Kalispell, MT	07/16/09	07/13/09
71696	Health Net, Inc. (Wkrs)	Tigard, OR	07/16/09	07/15/09
71697	Federal-Mogul (Comp)	Summerton, SC	07/16/09	07/15/09
71698	Hubbell Inc. Wiring Device (State)	Bridgeport, CT	07/16/09	07/15/09
71699	Western Union Financial Services, Inc. (CWA)	St. Charles, MO	07/16/09	07/15/09
71700	Pendleton (Comp)	Portland, OR	07/16/09	07/15/09
71701	Key Gas Components (7/11/0)	Marion, NC	07/16/09	07/11/09
71702	Herman Miller, Inc. (Comp)	Spring Lake, MI	07/16/09	07/15/09
71703	Alpha Carb Enterprises (Comp)	Leechburg, PA	07/16/09	07/15/09
71704	Hart and Cooley (State)	Turners Falls, MA	07/16/09	07/12/09
71705	Arcelor Mittal, USA (USW)	Hennepin, IL	07/16/09	07/06/09
71706	Daimler Trucks North America, LLC (UAW)	Gastonia, NC	07/16/09	07/15/09
71707	Hella Lighting Corporation (Comp)	York, SC	07/16/09	07/14/09
71708	The Earnest Sewn Company (Wkrs)	New York, NY	07/16/09	07/14/09
71709	Results—Las Vegas, NM LLC (Wkrs)	Las Vegas, NM	07/16/09	06/18/09
71710	Arkema, Inc. (Wkrs)	Philadelphia, PA	07/16/09	07/10/09
71711	OSRam Sylvania (IUECWA)	St. Marys, PA	07/17/09	07/01/09
71712	Automodular Assemblies of Ohio, Inc. (Comp)	Lordstown, OH	07/17/09	07/16/09
71713	DCM Manufacturing (Comp)	Haltom City, TX	07/17/09	07/16/09
71714	Arkansas Lamp Manufacturing (Comp)	Van Buren, AR	07/17/09	07/09/09
71715	Citigroup (Wkrs)	Gray, TN	07/17/09	07/07/09
71716	Malibu-Kahlua International, a deivision of Pernod Ricard (Wkrs)	White Plains, NY	07/17/09	07/09/09
71717	Ryerson (Wkrs)	Burns Harbor, IN	07/17/09	07/06/09
71718	DSFI (Comp)	Addison, IL	07/17/09	07/16/09
71719	C & A Apparel Inc. (Wkrs)	San Francisco, CA	07/17/09	07/03/09
71720	Yanagawa of South Carolina (Wkrs)	Manning, SC	07/17/09	07/06/09
71721	Hewlett Packard (HP) (State)	Fort Collins, CO	07/17/09	07/16/09
71722	Arvin Meritor, Inc. (UAW)	Carrollton, KY	07/17/09	07/16/09
71723	United Airlines, Inc. (IBT)	Chicago, IL	07/17/09	07/09/09
71724	Contech US, LLC (Comp)	Albemarle, NC	07/17/09	07/01/09
71725	Caterpillar, Inc. (UAW)	Peoria, IL	07/17/09	07/06/09
71726	Design Systems, Inc. (Wkrs)	Farmington Hills, MI	07/17/09	07/10/09

[FR Doc. E9–22753 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address

shown below, not later than October 2, 2009.

The petitions filed in this case are available for inspection at the Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 28th day of August 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 7/20/09 and 7/24/09]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
71727	TI Automotive (Wkrs)	Ossian, IN	07/20/09	07/07/09
71728	Baxter Healthcare Corporation (Wkrs)	Deerfield, IL	07/20/09	06/25/09
71729	Beresford Box, Inc. (other)	Spartanburg, SC	07/20/09	07/17/09
71730	Carolina Technical Plastics (Wkrs)	New Bern, NC	07/20/09	07/16/09
71731	Valentine Tool & Stamping, Inc. (Comp)	Norton, MA	07/20/09	07/15/09
71732	Mills Products (Wkrs)	Athens, TN	07/20/09	07/17/09
71733	U.S. Airways (Wkrs)	El Paso, TX	07/20/09	07/16/09
71734	Morris Yachts, Inc. (Comp)	Trenton, ME	07/20/09	07/16/09
71735	IBM (Wkrs)	Chicago, IL	07/20/09	07/01/09
71736	Texas and Northern Railway (Wkrs)	Lone Star, TX	07/20/09	07/16/09
71737	Asyst Technologies, Inc. (Wkrs)	Fremont, CA	07/20/09	07/19/09
71738	United States Gypsum (Union)	Rainer, OR	07/20/09	07/17/09
71739	Zippo Manufacturing Company (Wkrs)	Bradford, PA	07/21/09	07/15/09
71740	Charapp Chrystler, Jeep & Dodge of Kittanning (Wkrs)	Kittanning, PA	07/21/09	07/13/09
71741	JP Morgan Chase (State)	New York, NY	07/21/09	07/20/09
71742	Kilian MFG (Wkrs)	Syracuse, NY	07/21/09	07/12/09
71743	HWD Acquisition (Wkrs)	Medford, WI	07/21/09	07/16/09
71744	Young Services, Inc. (State)	Toledo, OH	07/21/09	07/20/09
71745	ServiceMaster (Wkrs)	Memphis, TN	07/21/09	07/17/09
71746	IBM Corporation (Wkrs)	Lexington, KY	07/21/09	07/17/09
71747	Qualion Corporation (Comp)	Watertown, SD	07/21/09	07/20/09
71748	Jockey International, Inc. (Comp)	Kenosha, WI	07/21/09	07/20/09
71749	Fisher & Paykel Appliances USA Holdings, Inc. (State)	Linthicum Heights, MD	07/21/09	07/17/09
71750	E. I Dupont (State)	Circleville, OH	07/21/09	07/17/09
71751	Stanley Furniture Company, Inc.—Lexington, NC (Comp)	Lexington, NC	07/21/09	07/17/09
71752	Metal Cladding, Inc. (Wkrs)	Lockport, NY	07/21/09	06/25/09
71753	Durham Manufacturing Company (Comp)	Springfield, MA	07/21/09	07/17/09
71754	RR Donnelley (Comp)	Spanish Fork, UT	07/21/09	07/17/09
71755	Bose Corporation (Wkrs)	Framingham, MA	07/21/09	07/17/09
71756	Bettcher Manufacturing LLC (Comp)	Cleveland, OH	07/21/09	07/20/09
71757	Elkhart Brass-Shreve MFG (Wkrs)	Shreve, OH	07/21/09	07/17/09
71758	TTI International, Inc. (Union)	Waukegan, IL	07/21/09	07/20/09
71759	Meridian Automotive Systems (Wkrs)	Shelleyville, IN	07/21/09	07/03/09
71760	Fair-Rite Products Corporation (State)	Flat Rock, IL	07/22/09	07/19/09
71761	Weave Corporation (Comp)	Hackensack, NJ	07/22/09	07/15/09
71762	Schadt Woodcarving and Design (Wkrs)	High Point, NC	07/22/09	07/17/09
71763	Acushnet Company (State)	Fairhaven, MA	07/22/09	07/21/09
71764	Manter Technologies (Wrks)	Marine City, MI	07/22/09	06/17/09
71765	Robin Industries—Berlin Division (Wkrs)	Berlin, OH	07/22/09	07/10/09
71766	General Electric (Union)	Cincinnati, OH	07/22/09	07/21/09
71767	General Electric—Ravenna Lamp (Wkrs)	Ravenna, OH	07/22/09	07/10/09
71768	U.S. Steel Tubular Productions (Union)	Bellville, TX	07/22/09	07/21/09
71769	Fisher & Ludlow Inc (Comp)	Saegertown, PA	07/22/09	07/07/09
71770	Bollhoff Rivnut, Inc. (Wkrs)	Kendallville, IN	07/22/09	07/21/09
71771	MEI LLC (Wkrs)	Albany, OR	07/22/09	07/21/09
71772	Hospira, Inc. (Comp)	Morgan Hill, CA	07/22/09	06/23/09
71773	Metaldyne Corporation (Comp)	Niles, IL	07/22/09	07/21/09
71774	Barriersafe Solutions International/Microflex Corp. (State)	Reno, NV	07/22/09	07/13/09
71775	Warner Bros. Entertainment Company (Wkrs)	Burbank, CA	07/22/09	07/17/09
71776	Marion and Son Landscape Services LLC	Ararat, VA	07/22/09	07/20/09
71777	Fleetwood Enterprises (Wkrs)	Riverside, CA	07/22/09	06/29/09
71778	Digital River, Inc. (State)	Eden Prairie, MN	07/22/09	07/21/09
71779	Saint-Gobain Abrasives (Wkrs)	Carol Stream, IL	07/22/09	07/10/09
71780	Getrag Corporation (State)	Sterling Heights, MI	07/22/09	07/14/09
71781	Rapid Granulator, Inc. (Wkrs)	Rockford, IL	07/22/09	02/19/09
71782	Weyerhaeuser Taylor Sawmill (State)	Taylor, LA	07/22/09	07/20/09
71783	Kenworth Truck Company (Union)	Renton, WA	07/22/09	07/21/09
71784	Mancor Indiana (Comp)	Anderson, IN	07/23/09	07/22/09
71785	Mantosea Inc., DBA Eagle Electric (Wkrs)	Dangerfield, TX	07/23/09	07/13/09
71786	Eastman Kodak Company (Comp)	Windsor, CO	07/23/09	07/22/09
71787	Thales Avionics, Inc. (Comp)	Seattle, WA	07/23/09	07/17/09
71788	Kelly Hosiery Mill Inc. (Comp)	Hickory, NC	07/23/09	07/22/09
71789	Lyon Workspace Products (Union)	Montgomory, IL	07/23/09	07/21/09
71790	Fort Wayne Foundry (Comp)	Columbia City, IN	07/23/09	06/24/09

APPENDIX—Continued

[TAA petitions instituted between 7/20/09 and 7/24/09]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
71791	Tenneco, Inc. (Wkrs)	Monroe, MI	07/23/09	07/22/09
71792	Intel Corporation (Wkrs)	Rio Rancho, NM	07/23/09	07/21/09
71793	Cyber Optics Corporation (State)	Minneapolis, MN	07/23/09	05/18/09
71794	Behr America (Wkrs)	Troy, MI	07/23/09	07/15/09
71795	Suburban Tool, Inc. (Comp)	Auburn Hills, MI	07/23/09	07/20/09
71796	Accenture LLC (State)	Richfield, MN	07/23/09	07/21/09
71797	Broyhill Furniture Park (Comp)	Lenoir, NC	07/23/09	07/22/09
71798	Timesavers, Inc. (State)	Maple Grove, MN	07/23/09	07/21/09
71799	Electro Craft Ohio, Inc. (Wkrs)	Gallipolis, OH	07/23/09	07/14/09
71800	Dana Holding Corporation (Comp)	Orangeburg, SC	07/24/09	07/23/09
71801	Nautilus Inc. (Wkrs)	Independence, VA	07/24/09	07/22/09
71802	Trelleborg Sealing Solutions US Inc. (Comp)	Somersworth, NH	07/24/09	07/20/09
71803	Brillion Iron Works (Union)	Brillion, WI	07/24/09	07/22/09
71804	DJO Incorporated, DJO, LLC (State)	Vista, CA	07/24/09	07/23/09
71805	Autosplice, Inc. (Comp)	San Diego, CA	07/24/09	07/23/09
71806	Actel Corporation (Comp)	Mountain View, CA	07/24/09	07/23/09

[FR Doc. E9–22754 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,246]

Weyerhaeuser NR Company I–Level Lumber—Aberdeen Division, Aberdeen, WA; Notice of Revised Determination on Reconsideration

By application dated May 19, 2009, the Carpenters Industrial Council/United Brotherhood of Carpenters and Joiners of America, Local Union 3099 requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of Weyerhaeuser NR Company, I–Level Lumber—Aberdeen Division, Aberdeen, Washington (subject firm) to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The Department's Notice of Affirmative Determination Regarding Application for Reconsideration was signed on June 10, 2009, and published in the **Federal Register** on June 18, 2009 (74 FR 28956).

The initial investigation resulted in a negative determination issued on May 8, 2009, was based on the finding that imports of Douglass fir and Western Hemlock green dimensional lumber did not contribute importantly to worker separations at the subject firm and no shift in production to a foreign source occurred.

On reconsideration, the Department requested an additional list of customers of the subject firm and conducted a customer survey to determine whether imports of Douglass fir and Western Hemlock green dimensional lumber and of like or directly competitive articles (softwood dimensional lumber) negatively impacted employment at the subject firm.

The survey of the declining customers revealed that a major declining customer increased its reliance on imported softwood dimensional lumber during the relevant period.

In accordance with section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Weyerhaeuser NR Company, I–Level Lumber—Aberdeen Division, Aberdeen, Washington, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Weyerhaeuser NR Company, I–Level Lumber—Aberdeen Division, Aberdeen, Washington, who became totally or partially separated from employment on or after February 2, 2008, through two years from the date of this certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC this 1st day of September 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22748 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,086]

Ford Motor Company, Product Development and Engineering Center, Including On-Site Leased Workers From Roush Management LLC, Rapid Global Business Solutions, Inc., TAC Automotive, MSX, New Dimension Group and Kelly Services, Dearborn, Michigan; Amended Notice of Revised Determination On Reconsideration

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Notice of Revised Determination on Reconsideration on August 8, 2007. The notice was published in the **Federal**

Register on August 20, 2007 (72 FR 46515–46516). The Revised Determination on Reconsideration was amended on January 30, 2009 and July 8, 2009 to include on-site leased workers from Roush Management LLC, Rapid Global Businesses Solutions, Inc., and TAC Automotive. The notices were published in the **Federal Register** on February 13, 2009 (74 FR 7269) and July 14, 2009 (74 FR 34043) respectively.

At the request of the State agency, the Department reviewed the Notice of Revised Determination on Reconsideration for workers of the subject firm. The workers are in direct support of production of numerous assembly plants of Ford Motor Company, whose workers were certified eligible to apply for adjustment assistance.

New information shows that leased workers from MSX, New Dimension Group, and Kelly Services were employed on-site at the Dearborn, Michigan location of Ford Motor Company, Product Development Center. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this revised determination to include workers leased from MSX, New Dimension Group and Kelly Services working on-site at the Dearborn, Michigan location of the subject firm.

The intent of the Department's certification is to include all workers employed at Ford Motor Company, Product Development and Engineering Center, Dearborn, Michigan who were adversely affected by increased imports.

The amended notice applicable to TA–W–60,086 is hereby issued as follows:

All workers of Ford Motor Company, Product Development and Engineering Center, including on-site leased workers from Roush Management LLC, Rapid Global Business Solutions, Inc., TAC Automotive, MSX, New Dimension Group and Kelly Services, Dearborn, Michigan, who became totally or partially separated from employment on or after September 14, 2005, through August 8, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 26th day of August 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22761 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,700]

Weyerhaeuser NR Company, Raymond Lumber Mill, Raymond, WA; Notice of Revised Determination Reconsideration

By application dated June 23, 2009, the International Association of Machinists and Aerospace Workers, Woodworkers District Lodge W1 requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of Weyerhaeuser NR Company, Raymond Lumber Mill, Raymond, Washington (subject firm) to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The Department's Notice of Affirmative Determination Regarding Application for Reconsideration was signed on July 6, 2009, and published in the **Federal Register** on July 14, 2009 (74 FR 34039).

The initial investigation resulted in a negative determination issued on June 5, 2009, was based on the finding that imports of softwood dimensional lumber did not contribute importantly to worker separations at the subject firm and no shift in production to a foreign source occurred.

On reconsideration, the Department requested an additional list of customers of the subject firm and conducted a customer survey to determine whether imports of softwood dimensional lumber negatively impacted employment at the subject firm.

The survey of the declining customers revealed that a major declining customer increased its reliance on imported softwood dimensional lumber during the relevant period.

In accordance with Section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of Section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Weyerhaeuser NR Company, Raymond Lumber Mill, Raymond, Washington, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Weyerhaeuser NR Company, Raymond Lumber Mill, Raymond, Washington, who became totally or partially separated from employment on or after March 23, 2008, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC this 1st day of September 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–22749 Filed 9–21–09; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Agency Meeting

TIME AND DATE: 10 a.m., Thursday, September 24, 2009.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. National Credit Union Share Insurance Fund Premium and Stabilization Fund Assessment.
2. Central Liquidity Fund Policies.
3. Insurance Fund Report.

RECESS: 11 a.m.

TIME AND DATE: 11:15 a.m., Thursday, September 24, 2009.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Consideration of Supervisory Activities (4). Closed pursuant to exemptions (8), (9)(A)(ii) and 9(B).
2. Personnel. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304

Mary Rupp,

Board Secretary.

[FR Doc. E9–22899 Filed 9–18–09; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL MEDIATION BOARD

Proposed Information Collection Requests

AGENCY: National Mediation Board.

ACTION: Notice.

SUMMARY: The Director, Office of Administration, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments within 60 days from the date of this publication.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Office of Administration, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection 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 Record keeping burden. OMB invites public comment.

Currently, the National Mediation Board is soliciting comments concerning the new collection of information in the form of an Application for Alternative Dispute Resolution (ADR) Services and is interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use of information technology.

June D.W. King,

Director, Office of Administration, National Mediation Board.

A. Application for ADR Services

Type of Review: New Collection.

Title: Application for ADR Services.

Frequency: On occasion.

Affected Public: Union Officials and Officials of Railroads and Airlines.

Reporting and Recordkeeping Hour Burden:

Responses: Estimate about 45 annually.

Burden Hours: 9.

Abstract: The Railway Labor Act, 45 U. S. C., 151 a. General Purposes, provides that the purposes of the Act are (1) to avoid any interruption to commerce or to the operation of any carrier engaged therein. * * * (4) to provide for the prompt and orderly settlement of all disputes concerning rates of pay, rules, or working conditions, and (5) to provide for the prompt and orderly settlement of all disputes growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions.

In fulfilling its role to administer the Act, the National Mediation Board offers the parties to disputes mediation and arbitration services. On a voluntary basis, training programs in Alternative Dispute Resolution (ADR) and facilitation services are also available. These ADR programs are designed to enhance the bargaining and grievance handling skill level of the disputants and to assist the parties in the resolution of disputes. The impact of these ADR programs is that mediation and arbitration can be avoided entirely or the scope and number of issues brought to mediation or arbitration is significantly reduced.

This collection is necessary to confirm the voluntary participation of the parties in the ADR process. The information provided by the parties is used by the NMB to schedule the parties for ADR training and facilitation. Based on a recent survey of those who participated in the NMB's ADR Programs, 94.6% said they were satisfied with the ADR Programs and said they recommend the program for all negotiators. Collecting the brief information on the Application for ADR Services form allows the parties to voluntarily engage the services of the NMB in the orderly settlement of all disputes and fulfill the purposes of the Act.

Requests for copies of the proposed information collection request may be accessed from *http://www.nmb.gov* or should be addressed to Daniel Rainey, Director, Office of Alternative Dispute Resolution Services, National Mediation Board, 1301 K Street, NW., Suite 250 E, Washington, DC 20005, or faxed to 202–692–5083. 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 June D.W. King, Director, Office of Administration, National Mediation Board, 1301 K Street NW., Suite 250 East, Washington, DC 20005, or at 202–692–5010 or via e-mail address *king@nmb.gov*. Individuals who use a telecommunications device for the deaf (TDD/TDY) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–22688 Filed 9–21–09; 8:45 am]

BILLING CODE 7550–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Establish an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than 1 year.

DATES: Written comments on this notice must be received by November 23, 2009 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230; telephone (703) 292–7556; or send e-mail to *splimpto@nsf.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through

Friday. You may obtain a copy of the data collection instruments and instructions from Ms. Plimpton.

SUPPLEMENTARY INFORMATION:

Title of Collection: Revitalizing Computing Pathways (CPATH) in Undergraduate Education Program Evaluation.

OMB Number: 3145–NEW.

Expiration Date of Approval: Not Applicable.

Type of request: New.

Abstract: The CPATH program was established by the National Science Foundation's Computer & Information Science & Engineering (CISE) division with a vision towards preparing a U.S. workforce with the computing competencies and skills imperative to the Nation's health, security, and prosperity in the 21st century. This workforce includes a cadre of computing professionals prepared to contribute to sustained U.S. leadership in computing in a wide range of application domains and career fields, and a broader professional workforce with knowledge and understanding of critical computing concepts, methodologies, and techniques. To achieve this vision, CISE/CPATH is calling for colleges and universities to work together and with other stakeholders (industry, professional societies, and other types of organizations) to formulate and implement plans to revitalize undergraduate computing education in the United States. The full engagement of faculty and other individuals in CISE disciplines will be critical to success. Successful CPATH projects will be systemic in nature, address a broad range of issues, and have significant potential to contribute to the transformation and revitalization of undergraduate computing education on a national scale.

The qualitative data collection of this program evaluation will document CPATH program strategies utilized in infusing computational thinking across different contexts and disciplines, examine the development of communities of practitioners and the dissemination of best practices around computational thinking, and analyze preliminary evidence for how the CPATH program is preparing students for career options in the STEM workforce.

Five overarching evaluation questions will guide this program evaluation:

(1) How is the CPATH program infusing computational thinking into a wide range of disciplines serving undergraduate education?

(2) What is the evidence that university and community college departments and faculty are integrating computational thinking into their courses?

(3) How are undergraduate students benefiting from participating in CPATH projects?

(4) What is the evidence that the CPATH program is developing communities of practitioners that regularly share best practices across different contexts and disciplinary boundaries?

(5) How is the CPATH program promoting sustainable multi-sector partnerships that represent a broad range of stakeholders (*e.g.*, industry, higher education, K12) and contribute to workforce development that supports continued U.S. leadership in innovation?

Answers to these questions will be obtained through the use of mixed evaluation methods including document analyses, site visit interviews, and telephone interviews with selected CPATH grant participants including principal investigators, staff, faculty, administrators, students, and external partners. Participation in CPATH program evaluation activities is a mandatory requirement for all CPATH awardees in accordance with the America Competes Act, H.R. 2272, and implementing directives.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.5 hours per response.

Respondents: Individuals.

Estimated Number of Responses per Form: 200.

Estimated Total Annual Burden on Respondents: 300 hours (200 respondents at 1.5 hours per response).

Frequency of Response: One time.

Comments: Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; (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.

Dated: September 17, 2009.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. E9–22772 Filed 9–21–09; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 22, 2009. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

1. *Applicant:* Permit Application No. 2010–012. Sam Feola, Director, Raytheon Polar Services Company, 7400 South Tucson Way, Centennial, CO 80112.

Activity for Which Permit Is Requested

Enter Antarctic Specially Protected Area. The applicant plans to enter Cape Crozier (ASPA 124) to install radio equipment that will provide voice and data services for the science team working in the area. Equipment will be located inside the fish hut as well as a small radio link located approximately 100 yards away on the ridge facing Mt. Terror. Visits to will be to install equipment, repair to communications equipment should failure of the radio links occur, and to retrieve the equipment at the end of the season.

Location

Cape Crozier (ASPA 124).

Dates

October 1, 2009 to February 18, 2010.

2. *Applicant:* Permit Application No. 2010–013. Sam Feola, Director, Raytheon Polar Services Company, 7400 South Tucson Way, Centennial, CO 80112.

Activity for Which Permit Is Requested

Enter Antarctic Specially Protected Area. The applicant plans to enter ''New College Valley'', Caughley Beach, Cape Bird (ASPA 116) to install radio equipment that will provide voice and data services for the science team working in the area. Equipment will be located inside the fish hut as well as a small radio link located approximately 75 yards away on the ridge nearest Mt. Bird. Visits to will be to install equipment, repair to communications equipment should failure of the radio links occur, and to retrieve the equipment at the end of the season

Location

Cape Crozier (ASPA 124).

Dates

October 1, 2009 to February 18, 2010.

3. *Applicant:* Permit Application No. 2010–014. Jessica Grindstaff, 40 Harrison Street, 15J, New York City, NY 10013.

Activity for Which Permit Is Requested

Enter Antarctic Specially Protected Areas. The applicant plans to enter Cape Royds (ASPA 121) and Backdoor Bay, Cape Royds (ASPA 157) to enter the areas to further their research involving Ernest Shackleton. In addition to their studies on Shackleton and his Endurance Expedition, they are studying the light, sound (ice, water, wind, and fauna) and topography for use in their score and designs for ''69 °S.: The Shackleton Project.''

Location

Cape Royds (ASPA 121) and Backdoor Bay, Cape Royds (ASPA 157).

Dates

January 25, 2010 to February 5, 2010.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. E9–22690 Filed 9–21–09; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0407]

BiWeekly Notice Applications and Amendments to Facility Operating Licenses; Involving No Significant Hazards Considerations

I. Background

Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 27, 2009 to September 9, 2009. The last biweekly notice was published on September 8, 2009 (74 FR 46239).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking and Directives Branch (RDB), TWB–05–B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be faxed to the RDB at 301–492–3446. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O–1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is

available at the Commission's PDR, located at One White Flint North, Public File Area O–1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E–Filing rule, which the NRC promulgated in August 2007 (72 FR 49139, August 28, 2007). The E–Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E–Filing, at least ten (10) days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov*, or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E–Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E–Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html.* Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.*

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E–Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E–Filing system.

A person filing electronically using the agency's adjudicatory e-filing system may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC electronic filing Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. The toll-free help line number is 1–866–672–7640. A person filing electronically may also seek assistance by sending an e-mail to the NRC electronic filing Help Desk at *MSHD.Resource@nrc.gov*.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the request and/or petition should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp,* unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submissions.

For further details with respect to this license amendment application, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O–1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: January 30, 2009, as supplemented by letter dated March 16, 2009.

Description of amendment requests: Southern California Edison (SCE) is requesting an amendment to Technical Specification 5.7.1.5, ''Core Operating Limits Report (COLR),'' to allow the use of the CASMO–4 computer program methodology to perform nuclear design calculations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

SCE is adding the CASMO–4 computer program to its physics analysis methodology and will use the program for nuclear design analysis. This will allow the use of the CASMO–4 methodology to perform all steady-state pressurized water reactor (PWR) nuclear design analyses. The probability of occurrence of an accident previously evaluated will not be increased by the proposed change in the particular computer programs used for physics calculations for nuclear design analysis. The results of nuclear design analyses are used as inputs to the analysis of accidents that are evaluated in the Updated Final Safety Analysis Report (UFSAR). These inputs do not alter physical characteristics or modes of operation of any system, structure, or component involved in the initiation of an accident. Thus, there is no significant increase in the probability of an accident previously evaluated as a result of this change.

The consequences of an accident evaluated in the UFSAR are affected by the values of the physics inputs to the safety analysis. An extensive benchmark of CASMO–4 was performed with both San Onofre measured and predicted data, and with critical experiments. The accuracy of the CASMO–4 model is similar to the accuracy of the CASMO–3 model. Furthermore, there is the potential for the value of the nuclear design parameters to change solely as a result of the new core reload full core loading pattern. Regardless of the source of a change, an assessment is made of changes to the nuclear design parameters with respect to their effects on the consequences of accidents previously evaluated in the UFSAR. Thus, the nuclear design parameters are intermediate results and by themselves will not result in an increase in the consequences of an accident evaluated in the UFSAR.

Therefore, the use of the CASMO–4 methodology, which will perform the same functions as the existing CASMO–3 methodology with similar accuracy, does not significantly increase the consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The possibility for a new or different kind of accident evaluated previously in the UFSAR will not be created by the change to the particular methodologies used for physics calculations for nuclear design analyses. The change involves adding CASMO–4 to the SCE physics analysis methodology. CASMO–4 is an update to the CASMO–3 methodology currently approved for use at San Onofre. The results of nuclear design analyses are used as inputs to the analysis of accidents that are evaluated in the UFSAR. These inputs do not alter the physical characteristics or modes of operation of any system, structure or component involved in the initiation of an accident. Therefore, the addition of CASMO–4, which will perform the same functions as CASMO–3 with similar accuracy, does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not involve a significant reduction in a margin of safety. The margin of safety as defined in the basis for any technical specification will not be reduced by the proposed change to the computer programs used for physics calculations for nuclear design analyses.

The change involves the addition of CASMO–4 to the SCE physics analysis methodology for nuclear design analysis. Extensive benchmarking of CASMO–4 has demonstrated that the values of those parameters used in the safety analysis are not significantly changed relative to the values obtained using the NRC approved CASMO–3 methodology. For any changes in the calculated values that do occur, the application of appropriate biases and uncertainties ensures that the current margin of safety is maintained. Specifically, use of these code specific biases and uncertainties in safety analyses continues to provide the

same statistical assurance that the values of the nuclear parameters used in the safety analysis are conservative with respect to the actual values on at least a 95/95 probability/confidence basis.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770

NRC Branch Chief: Michael T. Markley.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action *see* (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr.resource@nrc.gov.*

Exelon Generation Company, LLC, and PSEG Nuclear, LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of application for amendments: August 7, 2008, as supplemented on May 7, 2009.

Brief description of amendments: The submittal contains an amendment with six proposed changes that modify the PBAPS Units 2 and 3 Operating Licenses DPR–44 and DPR–56, respectively. Four of the six changes incorporate Technical Specification Task Force (TSTF) travelers that have been previously approved by the Nuclear Regulatory Commission (NRC). The remaining proposed changes modify the PBAPS Units 2 and 3 Technical Specifications (TSs) to incorporate administrative changes and clarifications.

A TS change is issued to incorporate TSTF–485–A, ''Correct Example 1.4–1,'' Revision 0, to modify the PBAPS Units 2 and 3 TS Section 1.4, ''Frequency.'' Specifically, Example 1.4–1 is revised to be consistent with the requirements of Surveillance Requirement (SR) 3.0.4 which was revised by TSTF–359, ''Increase Flexibility in Mode Restraints,'' Revision 9. The current version of Example 1.4–1 is not consistent with the current requirements of SR 3.0.4. Example 1.4–1 is modified to reflect that it is possible to enter the MODE or other specified condition in the applicability of a limited condition for operation (LCO) with a surveillance not performed within the frequency requirements of SR 3.0.2 without resulting in a violation of SR 3.0.4.

A TS change is issued to modify the PBAPS Units 2 and 3 TS to incorporate two administrative changes. The first change modifies TS Table 3.3.8.1–1, ''Loss of Power Instrumentation.'' TS Table 3.3.8.1–1 lists the TS functions associated with the Loss of Power Instrumentation and include note (a) at the bottom of Table 3.3.8.1–1. The original intent of this footnote was to temporarily retain a record of the previous Loss of Power Instrumentation values to allow for appropriate transition during the period of time that modifications were being installed on Units 2 and 3. This footnote was to expire no later than March 1, 2000 (as stated in the footnote). The note has expired and is no longer necessary. Therefore, note (a) at the bottom of Table 3.3.8.1–1 is eliminated as an administrative change to the TS.

The second change modifies TS Table 3.3.3.1–1, ''Post Accident Monitoring Instrumentation,'' to correct a typographical error. A previous license amendment incorporated TSTF–295, Revision 0, ''Post Accident Monitoring Clarifications,'' which included changing the title for Function 8 in TS Table 3.3.3.1–1 from, ''PCIV Position,'' to ''Penetration Flow Path PCIV Position.'' However, Function 8 was inadvertently revised on the PBAPS, Unit 2 page to state ''Penetration Flaw Path PCIV Position.'' The amendment corrects this typographical error for Function 8 in Table 3.3.3.1–1 of the Unit 2 PBAPS TS.

A TS change is issued to modify the PBAPS Units 2 and 3 TS to incorporate an administrative change to Table 3.3.1.1–1, ''Reactor Protection System Instrumentation.'' Specifically, the proposed change would modify TS Table 3.3.1.1–1 to delete the ''NA'' from the Allowable Value column for Function 2.f, ''OPRM [oscillation power range monitor] Upscale.'' The reference to footnote ''(d)'' which states: ''See COLR [core operating limits report] for OPRM period based detection algorithm (PBDA) setpoint limits,'' will remain in the Allowable Value column for Function 2.f in TS Table 3.3.1.1–1.

Footnote ''(d)'' in TS Table 3.3.1.1–1 references the PBAPS COLR which contains the trip setpoint for the setpoint limits associated with Function 2.f. Therefore, the ''NA'' designation associated with note ''d'' is eliminated to preclude possible confusion.

The licensee's application also proposed a TS change to incorporate TSTF–363–A, ''Revise Topical Report References in ITS [improved technical specifications] 5.6.5, COLR,'' Revision 0, to modify the PBAPS Units 2 and 3 TS 5.6.5, ''Core Operating Limits Report (COLR),'' to remove the requirement to maintain COLR Topical Report references by number, title, date, and NRC staff-approved document, if included. This proposed TS change to incorporate TSTF–363–A, Revision 0, remains under review by the NRC staff and is not being issued under this Notice.

The licensee's application also proposed a TS change to incorporate TSTF–400–A, ''Clarification of Surveillance Requirement on Bypass of Noncritical DG [diesel generator] Automatic Trips,'' Revision 1, to modify the PBAPS Units 2 and 3 TS SR 3.8.1.13 to clarify the intent of the SR. This proposed TS change to incorporate TSTF–400–A, Revision 1, remains under review by the NRC staff and is not being issued under this Notice.

The licensee's application also proposed a TS change to incorporate TSTF–439–A, ''Elimination of Second Completion Times Limiting Time From Discovery of Failure To Meet an LCO,'' Revision 2, to modify the PBAPS Units 2 and 3 TS Section 1.3, ''Completion Times,'' regarding second completion times for TS Action statements. This proposed TS change to incorporate TSTF–439–A, Revision 2, remains under review by the NRC staff and is not being issued under this Notice.

Date of issuance: August 31, 2009.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 273 and 277.

Renewed Facility Operating License Nos. DPR–44 and DPR–56: Amendments revised the License and Technical Specifications.

Date of initial notice in ***Federal Register***: May 5, 2009, (74 FR 20744). The supplement dated May 7, 2009, clarified the application, did not expand the scope of the application as originally noticed, and did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 31, 2009.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: September 11, 2008, as supplemented by letter dated August 11, 2009.

Brief description of amendments: The amendment removes time, cycle, or modification-related items from the operating license and Technical Specifications (TS). Additionally, the amendment corrects a typographical error introduced into the TS from a previous amendment.

Date of issuance: August 27, 2009.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 193/180.

Facility Operating License Nos. NPF–11 and NPF–18: The amendments revised the Technical Specifications and License.

Date of initial notice in ***Federal Register***: December 30, 2008 (73 FR 79931). The supplemental letter contained clarifying information, did not change the initial no significant hazards consideration determination, and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 27, 2009.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of application for amendment: March 11, 2009.

Brief description of amendment: This amendment revises the technical specification (TS) surveillance requirement frequency in TS 3.1.3, ''Control Rod OPERABILITY,'' and revises Example 1.4–3 in Section 1.4, ''Frequency,'' to clarify the applicability of the 1.25 surveillance test interval extension.

Date of issuance: September 1, 2009.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment No.: 153.

Facility Operating License No. NPF–58: This amendment revised the Technical Specifications and License.

Date of initial notice in ***Federal Register***: May 5, 2009 (74 FR 20748).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 1, 2009.

No significant hazards consideration comments received: No.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Miami-Dade County, Florida

Date of application for amendments: April 13, 2009.

Brief description of amendments: The amendments revise the Turkey Point Technical Specification (TS) to eliminate working hour restrictions from TS 6.8.5 to support compliance with Code of Federal Regulations Title 10 Part 26.

Date of issuance: August 31, 2009.

Effective date: As of the date of issuance and shall be implemented by October 1, 2009.

Amendment Nos: 240 and 235.

Renewed Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register***: June 30, 2009.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 31, 2009.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, Appling County, Georgia

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: May 19, 2009.

Brief description of amendments: The amendments delete those portions of technical specifications (TSs) superseded by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, Subpart I. This change is consistent with the Nuclear Regulatory Commission (NRC)-approved Revision 0 to Technical Specification Task Force (TSTF) Traveler, TSTF–511, ''Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26.''

Date of issuance: September 4, 2009.

Effective date: As of the date of issuance and shall be implemented by October 1, 2009.

Amendment Nos.: Farley Unit 1—182; Unit 2—175; Hatch Unit 1—262; Unit 2—206; Vogtle Unit 1—156; Unit 2—137.

Facility Operating License Nos. NPF–2 and NPF–8; DPR–57 and NPF–5; NPF–68 and NPF–81: Amendments revised the licenses and the technical specifications.

Date of initial notice in ***Federal Register***: June 30, 2009 (74 FR 31325).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 4, 2009.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant (WBN), Unit 1, Rhea County, Tennessee

Date of application for amendment: June 5, 2009, as supplemented July 10, 2009.

Brief description of amendment: The amendment revised WBN Unit 1 Technical Specification (TS) 3.6.3, ''Containment Isolation Valves.'' The amendment revised Required Action A.2, Required Action C.2, Required Action E.2, Surveillance Requirement (SR) 3.6.3.2, and SR 3.6.3.3 to provide alternatives for valve position verification.

Date of issuance: September 3, 2009.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 79.

Facility Operating License No. NPF–90: Amendment revises the TS 3.6.3.

Date of initial notice in ***Federal Register***: June 30, 2009 (74 FR 31327). The supplement dated July 10, 2009, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 3, 2009.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant (WBN), Unit 1, Rhea County, Tennessee

Date of application for amendment: June 5, 2009.

Brief description of amendment: The amendment revised WBN Unit 1 Technical Specification (TS) 3.3.2, ''[Engineered Safety Feature Actuation System] ESFAS Instrumentation.'' The amendment revised the logic connector from ''OR'' to ''AND'' between Condition I, Required Actions I.2.1 and I.2.2 of TS 3.3.2.

Date of issuance: September 8, 2009.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 80.

Facility Operating License No. NPF–90: Amendment revises the TS 3.3.2.

Date of initial notice in ***Federal Register***: June 30, 2009 (74 FR 31326).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 8, 2009.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 10th day of September 2009.

For the Nuclear Regulatory Commission.

Joseph G. Giitter,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E9–22605 Filed 9–21–09; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2009–42 and CP2009–63; Order No. 298]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add Priority Mail Contract 18 to the Competitive Product List. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with these filings.

DATES: Responses to the supplemental information request are due September 21, 2009; comments are due September 23, 2009.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202–789–6829 or *stephen.sharfman@prc.gov*.

Regulatory History: 74 FR 31374.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Notice of Filings
III. Supplemental Information
IV. Ordering Paragraphs

I. Introduction

On September 11, 2009, the Postal Service filed a formal request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* to add Priority Mail Contract 18 to the Competitive Product List.[1] The Postal Service asserts that Priority Mail Contract 18 is a competitive product ''not of general applicability'' within the meaning of 39 U.S.C. 3632(b)(3). The Postal Service states that prices and classification underlying this contract are supported by Governors' Decision No. 09–6 in Docket No. MC2009–25. *Id.* at 1. The Request has been assigned Docket No. MC2009–42.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract has been assigned Docket No. CP2009–63.

Request. In support of its Request, the Postal Service filed the following materials: (1) A redacted version of the Governors' Decision, filed in Docket No MC2009–25, authorizing the Priority Mail Contract Group;[2] (2) a redacted version of the contract;[3] (3) a requested change in the Mail Classification Schedule product list;[4] (4) a Statement of Supporting Justification as required by 39 CFR 3020.32;[5] (5) a certification of compliance with 39 U.S.C. 3633(a);[6] and (6) an application for nonpublic treatment of the materials filed under seal.[7]

In the Statement of Supporting Justification, Mary Prince Anderson, Acting Manager, Sales and Communications, Expedited Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.*, Attachment D. Thus, Ms. Anderson contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.*

Related contract. A redacted version of the specific Priority Mail Contract 18 is included with the Request. The new contract purports to supersede in part a prior contract for Express Mail and Priority Mail solely with respect to Priority Mail. Attachment B at 1. The Postal Service will provide the shipper with new customized pricing for eligible Priority Mail items shipped by the shipper, as well as Priority Mail packaging. The shipper will manifest pieces eligible for customized pricing, using a separate permit number to ship such pieces, and will use the Electronic Verification System (eVS) for shipments of such pieces. *Id.* Annual price adjustments will be applied to the shipper's eligible mailpieces.

The new agreement will become effective on the day that the Commission provides all necessary regulatory approvals. *Id.* at 3. It is terminable upon 30 days' notice by either party, but could continue until March 11, 2012 without modification,

[1] Request of the United States Postal Service to Add Priority Mail Contract 18 to Competitive Product List, September 11, 2009 (Request).

[2] Attachment A to the Request, reflecting Governors' Decision No. 09–6, April 27, 2009.

[3] Attachment B to the Request.

[4] Attachment C to the Request.

[5] Attachment D to the Request.

[6] Attachment E to the Request.

[7] Attachment F to the Request.

except as to price adjustments. *See id.* The Postal Service represents that the new contract is consistent with 39 U.S.C. 3633(a). *See id.*, Attachment E.

The existing contract's terms and conditions for Express Mail remain in effect.

The Postal Service filed much of the supporting materials, including the specific Priority Mail Contract 18, under seal. In its Request, the Postal Service maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide prices, terms, conditions, cost data, and financial projections should remain under seal. *Id.* at 2. It also requests that the Commission order that the duration of such treatment of all customer identifying information be extended indefinitely, instead of ending after ten years. *Id.*, Attachment F, at 1 and 7.

II. Notice of Filing

The Commission establishes Docket Nos. MC2009–42 and CP2009–63 for consideration of the Request pertaining to the proposed Priority Mail Contract 18 product and the related contract, respectively. In keeping with practice, these dockets are addressed on a consolidated basis for purposes of this Order; however, future filings should be made in the specific docket in which issues being addressed pertain.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015 and 39 CFR 3020 subpart B. Comments are due no later than September 23, 2009. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Paul L. Harrington to serve as Public Representative in these dockets.

III. Supplemental Information

The Commission requests the Postal Service to provide the following supplemental information regarding the new agreement by September 21, 2009:

1. Please explain if the spreadsheets filed on February 20, 2009 need to be revised to reflect the modifications in the current spreadsheets, and clarify whether all volumes, weight, and cubic feet figures are actual shipper's data.

2. Please verify that the existing contract, as revised, still complies with 39 U.S.C. 3633(a).

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2009–42 and CP2009–63 for consideration of the matter raised in each docket.

2. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than September 23, 2009.

4. Responses to the supplemental information request are due by September 21, 2009.

5. The Secretary shall arrange for publication of this order in the **Federal Register**.

Issued September 15, 2009.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. E9–22692 Filed 9–21–09; 8:45 am]

BILLING CODE 7710–FW–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11880 and #11881]

California Disaster #CA–00142

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of California dated 09/14/2009.

Incident: Station Fire.

Incident Period: 08/26/2009 and continuing.

DATES: *Effective Date:* 09/14/2009.

Physical Loan Application Deadline Date: 11/13/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 06/14/2010.

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: Los Angeles.

Contiguous Counties:

California: Kern, Orange, San Bernardino, Ventura.

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 11880 5 and for economic injury is 11881 0.

The State which received an EIDL Declaration # is California.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: September 14, 2009.

Karen G. Mills,

Administrator.

[FR Doc. E9–22691 Filed 9–21–09; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28900; File No. 812–13516–01]

Grail Advisors LLC and Grail Advisors ETF Trust; Notice of Application

September 14, 2009.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

SUMMARY OF THE APPLICATION: Applicants, including an actively-managed open-end exchange traded fund, request an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval and would grant relief from certain disclosure requirements.

Applicants: Grail Advisors LLC (''Manager'') and Grail Advisors ETF Trust (''Trust'').

Filing Dates: The application was filed on April 10, 2008, and amended on May 15, 2009, and September 14, 2009.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 7, 2009 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants, c/o Mr. William M. Thomas, Grail Advisors, LLC, One Ferry Building, Suite 255, San Francisco, CA 94111.

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 551–6811, or Michael W. Mundt, Assistant Director, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is organized as a Delaware statutory trust and is registered under the Act as an open-end management investment company. The Trust operates as an actively-managed exchange traded open-end fund (''ETF'') in reliance on an exemptive order.[1] The Trust currently has two initial funds (''Initial Funds''); additional funds (together with the Initial Funds, the ''Funds'') may be added in the future. Each Fund has its own investment objective(s), policies and restrictions.

2. The Manager, a Delaware limited liability company, is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). The Manager is a majority-owned subsidiary of Grail Partners LLC. The Manager serves as the investment adviser to the Initial Funds and will serve as investment adviser to any other Fund. The Manager has an investment advisory agreement with the Trust for the Initial Funds (an ''Investment Advisory Agreement'') approved by the board of trustees of the Trust (the ''Board''), including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (the ''Independent Board Members''), and the shareholders of each Fund.[2]

3. Under the Investment Advisory Agreement, the Manager is responsible for providing a program of continuous investment management to each Fund in accordance with the investment objective, policies and limitations of the Fund. The Investment Advisory Agreement permits the Manager to enter into separate advisory agreements (''Sub-Advisory Agreements'') with sub-advisers (''Sub-Advisers''). Each Sub-Adviser is, and any future Sub-Adviser will be, registered as an investment adviser under the Advisers Act. The specific investment decisions for each Fund are made by the Manager based on purchase and sale recommendations from one or more Sub-Advisers selected by the Manager to focus on all or a portion of the assets of the Fund or, at the discretion of the Manager, by the Sub-Advisers themselves with respect to the portion of any Fund portfolio allocated to them, subject to the general supervision by the Manager and the Board. The Manager will select Sub-Advisers based on an evaluation of the Sub-Adviser's performance, the Sub-Adviser's fees and services in relation to other investment advisers performing similar services, the nature of the advice provided by the Sub-Adviser and the Sub-Adviser's reputation in the investment community. Sub-Advisers must be approved by the Board, including a majority of the Independent Board Members. The Manager will monitor and evaluate the performance of Sub-Advisers and recommend to the Board their hiring, termination and replacement. The Manager will compensate each Sub-Adviser out of the advisory fees paid to the Manager by the Fund.

4. Applicants request an order to permit the Manager, subject to Board approval, to enter into and materially amend Subadvisory Agreements without obtaining shareholder approval. The requested relief will not extend to any Sub-Adviser who is an affiliated person, as defined in section 2(a)(3) of the Act, of a Fund, the Trust or the Manager, other than by reason of serving as a Sub-Adviser to one or more of the Funds (''Affiliated Sub-Adviser'').

5. Applicants also request an exemption from the various disclosure provisions described below that may require the Funds to disclose fees paid by the Manager to the Sub-Advisers. An exemption is requested to permit a Fund to disclose (both as a dollar amount and as a percentage of the Fund's net assets): (a) The aggregate fees paid to the Manager and any Affiliated Sub-Advisers; and (b) the aggregate fees paid to Sub-Advisers other than Affiliated Sub-Advisers (collectively, ''Aggregate Fee Disclosure''). Any Fund that employs an Affiliated Sub-Adviser will provide separate disclosure of any fees paid to the Affiliated Sub-Adviser.

6. Applicants state that the requested relief is unusual insofar as the requested order seeks relief for an ETF. However, applicants believe that operations of the Funds under the requested order address the concerns historically considered by the Commission when granting identical relief to mutual funds. Applicants believe that similar to shareholders of a mutual fund who may ''vote with their feet'' by redeeming their individual shares at net asset value (''NAV'') if they do not approve of a change in sub-adviser or sub-advisory agreement, Fund shareholders will be able to sell shares in the secondary market at negotiated prices that closely track the relevant Fund's NAV if they do not approve of a change. Applicants state that the Funds will rely on the same delivery mechanisms currently used by certain mutual funds to ensure that shareholders who purchase shares in the secondary market receive a prospectus and all of the information that would have been provided in a proxy statement, except for the modifications discussed below, in an information statement. Applicants note that the requested relief is not broader in scope than the relief previously granted to mutual funds.

[1] Grail Advisors, LLC and Grail Advisors' Alpha ETF Trust, Investment Company Act Rel. Nos. 28571 (Dec. 23, 2008) (notice) and 28604 (Jan. 16, 2009) (order).

[2] Applicants also request relief with respect to future Funds and any other existing or future registered open-end management investment company or series thereof that: (a) Is advised by the Manager or any person controlling, controlled by, or under common control with the Manager (included in the term ''Manager''); (b) uses the management structure described in the application; and (c) complies with the terms and conditions contained in the application (included in the term ''Funds''). The Trust is the only existing investment company that currently intends to rely on the requested order. If the name of any Fund contains the name of a Sub-Adviser (as defined below), the name of the Manager, including the legal name of the Manager and/or any ''doing business as'' or business unit names used by the Manager, will precede the name of the Sub-Adviser.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by a vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series investment company affected by a matter must approve the matter if the Act requires shareholder approval.

2. Form N–1A is the registration statement used by open-end investment companies. Item 14(a)(3) of Form N–1A requires disclosure of the method and amount of the investment adviser's compensation.[3]

3. Rule 20a–1 under the Act requires proxies solicited with respect to an investment company to comply with Schedule 14A under the Securities Exchange Act of 1934 (''Exchange Act''). Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fees,'' a description of the ''terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Form N–SAR is the semi-annual report filed with the Commission by registered investment companies. Item 48 of Form N–SAR requires investment companies to disclose the rate schedule for fees paid to their investment advisers, including the Sub-Advisers.

5. Regulation S–X sets forth the requirements for financial statements required to be included as part of investment company registration statements and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b) and (c) of Regulation S–X require that investment companies include in their financial statements information about investment advisory fees.

6. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants seek the same relief previously granted to mutual funds, and believe that the requested relief is equally appropriate for ETFs. Applicants state that the requested relief meets the necessary standards for the reasons discussed below.

7. Applicants assert that the shareholders rely on the Manager to select and monitor the Sub-Advisers best suited to achieve a Fund's investment objectives. Applicants contend that, from the perspective of the investor, the role of the Sub-Advisers is comparable to that of individual portfolio managers employed by traditional investment advisory firms. Applicants state that requiring shareholder approval of each Sub-Advisory Agreement would impose costs and unnecessary delays on the Funds, and may preclude the Manager from acting promptly in a manner considered advisable by the Board. Applicants note that the Investment Advisory Agreements and any Sub-Advisory Agreement with an Affiliated Sub-Adviser will remain subject to section 15(a) of the Act and rule 18f–2 under the Act.

8. Applicants assert that many Sub-Advisers use a ''posted'' rate schedule to set their fees. Applicants state that, while Sub-Advisers are willing to negotiate fees lower than those posted in the schedule, they are reluctant to do so when the fees are disclosed to other prospective and existing customers. Applicants submit that the requested relief will encourage potential Sub-Advisers to negotiate lower subadvisory fees with the Manager.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the requested order, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or, in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the sole initial shareholder before offering the Fund's shares to the public.

2. Each Fund will disclose in its prospectus the existence, substance and effect of the order granted pursuant to the application. In addition, each Fund will hold itself out to the public as employing the management structure described in the application. The prospectus will prominently disclose that the Manager has ultimate responsibility, subject to oversight by the Board, to oversee the Sub-Advisers and recommend their hiring, termination, and replacement.

3. Within 90 days of the hiring of any new Sub-Adviser, the Manager will furnish shareholders all information about the new Sub-Adviser that would be included in a proxy statement, except as modified to permit the Aggregate Fee Disclosure. This information will include Aggregate Fee Disclosure and any change in such disclosure caused by the addition of a new Sub-Adviser. To meet this obligation, the Fund will provide shareholders of the applicable Fund within 90 days of the hiring of a new Sub-Adviser with an information statement meeting the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act, except as modified by the order to permit Aggregate Fee Disclosure.

4. The Manager will not enter into a Sub-Advisory Agreement with any Affiliated Sub-Adviser without that agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the Board will be Independent Board Members and the nomination of new or additional Independent Board Members will be at the discretion of the then-existing Independent Board Members.

6. When a change of Sub-Adviser is proposed for a Fund with an Affiliated Sub-Adviser, the Board, including a majority of the Independent Board Members, will make a separate finding, reflected in the applicable Board minutes, that such change is in the best interests of the Fund and its shareholders and does not involve a conflict of interest from which the Manager or an Affiliated Sub-Adviser derives an inappropriate advantage.

7. The Manager will provide general management services to each Fund, including overall supervisory responsibility for the general management and investment of the Fund's assets and, subject to review and approval of the Board, will, for each Fund: (a) Set the Fund's overall investment strategies; (b) evaluate, select and recommend Sub-Advisers to provide purchase and sale recommendations to the Manager or investment advice to all or a part of the Fund's assets; (c) when appropriate, allocate and reallocate the Fund's assets among multiple Sub-Advisers; (d) monitor and evaluate the Sub-Advisers'

[3] Form N–1A was recently amended by the Commission, effective March 31, 2009, and Item 14(a)(3) should be read to refer to Item 19(a)(3) for each Fund when that Fund begins using the revised form.

performance; and (e) implement procedures reasonably designed to ensure compliance by the Sub-Advisers with the Fund's investment objective, policies and restrictions.

8. No director, trustee or officer of the Trust or a Fund, or director or officer of the Manager, will own directly or indirectly (other than through a pooled investment vehicle over which such person does not have control), any interest in a Sub-Adviser except for: (a) Ownership of interests in the Manager or any entity that controls, is controlled by, or is under common control with the Manager; or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of any publicly traded company that is either a Sub-Adviser or an entity that controls, is controlled by, or is under common control with a Sub-Adviser.

9. Each Fund will disclose in its registration statement the Aggregate Fee Disclosure.

10. Independent legal counsel, as defined in rule 0–1(a)(6) under the Act, has been and will continue to be engaged to represent the Independent Board Members. The selection of such counsel will be within the discretion of the then-existing Independent Board Members.

11. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

12. The Manager will provide the Board, no less frequently than quarterly, with information about the Manager's profitability on a per Fund basis. This information will reflect the impact on profitability of the hiring or termination of any Sub-Adviser during the applicable quarter.

13. Whenever a Sub-Adviser is hired or terminated, the Manager will provide the Board with information showing the expected impact on the profitability of the Manager.

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–22686 Filed 9–21–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60671; File No. SR–NYSE–2009–71]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving a Proposed Rule Change Amending NYSE Rule 1000 to Allow Exchange Systems to Access CCS Interest To Partially Fill an Incoming Limit Order

September 15, 2009.

I. Introduction

On July 20, 2009, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Rule 1000 to allow Exchange systems to access CCS interest to partially fill an incoming limit order. The proposed rule change was published for comment in the **Federal Register** on August 11, 2009.[3] The Commission did not receive any comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description

Background

The NYSE offers Designated Market Makers (''DMMs'') the ability to create a schedule of additional non-displayed liquidity at various price points where the DMM is willing to interact with, and provide price improvement to, incoming orders in the Exchange's system. This schedule is known as the DMM Capital Commitment Schedule (''CCS'').[4] CCS provides the Display Book® [5] with the amount of shares that the DMM is willing to trade at price points outside, at, and inside the Exchange BBO. CCS interest is separate and distinct from other DMM interest and serves as the interest of last resort.

When an order is entered for an amount of shares that exceeds the liquidity available at the Exchange BBO, Exchange systems review all the liquidity available on the Display Book, including CCS interest, to determine the final price point at which the order can be fully executed (the ''completion price''). Exchange systems determine the completion price by calculating the unfilled volume of the incoming order (*i.e.,* the volume of the incoming order that exceeds the volume available to execute against it that is then present in the Exchange bid or offer) and reviewing the additional displayed and non-displayed interest available in the Display Book, which may be at more than one price point, including the CCS interest submitted by the DMM unit that is available at the completion price. Exchange systems also take into account protected bids or offers on markets other than the Exchange (''away interest'') when determining the completion price.

Exchange systems then review the CCS to determine if the number of shares provided via the DMM's CCS at the completion price is less than the number of CCS shares provided at the next different price that has interest that is one minimum price variation (''MPV'') (as that term is defined in Exchange Rule 62 [6]) or more higher (in the case of an order to sell) or at the next different price that has interest that is one MPV or more lower (in the case of an order to buy) (hereinafter collectively referred to as ''better price''). If the volume of CCS interest that would be accessed is greater at the completion price, or is the same at the completion price and the better price, Exchange systems access CCS interest at the completion price with CCS interest yielding to any other interest in Exchange systems at the completion price. If the number of shares that would be allocated to the CCS interest at the better price is greater than the number of shares that would be allocated to the DMM's CCS interest at the completion price, then Exchange systems will access the CCS liquidity available at the better price with CCS interest yielding to any other interest in Exchange systems (both displayed and undisplayed reserve interest) at the better price. Any remaining balance of the incoming order is executed at the completion price against displayable and non-displayable interest pursuant to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 60429 (August 4, 2009), 74 FR 40259 (''Notice'').

[4] The provisions of NYSE Rule 1000 relating to CCS are in effect pursuant to a pilot that commenced in October 2008 and that is currently scheduled to end on October 1, 2009. The Commission understands that NYSE plans to request an extension of the pilot before it expires.

[5] The Display Book® system is an order management and execution facility. The Display Book system receives and displays orders to the DMMs, contains the order information, and provides a mechanism to execute and report transactions and publish the results to the Consolidated Tape. The Display Book system is connected to a number of other Exchange systems for the purposes of comparison, surveillance, and reporting information to customers and other market data and national market systems.

[6] *See* NYSE Rule 62, Supplementary Material .10.

NYSE Rule 72 (''Priority of Bids and Offers and Allocation of Executions'').[7]

Exchange systems can access CCS interest only once to participate in the execution of an incoming order. Moreover, under current rules, Exchange systems will only access CCS interest to participate in the execution of an incoming order where the incoming order will be executed in full.

Proposed Amendment to NYSE Rule 1000

The Exchange now proposes to allow Exchange systems to access CCS interest to participate in executions where the incoming order will only be partially executed.[8] Large incoming orders may exhaust the entirety of displayed and reserve interest on the Display Book at various price points such that the remaining unexecuted shares of the incoming order would be quoted at the order's limit price, if any, or, alternatively, at a Liquidity Replenishment Point (''LRP'')[9] if that price point is reached. In these partial executions, Exchange systems currently do not access the CCS interest available at the price point where the remaining shares of the incoming order is quoted.

The Exchange proposes to modify the operation of CCS interest to allow Exchange systems to access and execute CCS interest to partially fill an incoming order that exhausts the interest available on the Display Book. Exchange systems would continue to review all the liquidity available on the Display Book and at away market centers; however, once it determines that the order cannot be executed in full, it would also review the DMM CCS interest file to determine if any CCS interest is eligible to partially fill the incoming order at the price where any remaining shares of the order would be quoted.[10]

When Exchange systems access the CCS interest in order to provide a partial execution of an incoming order, the CCS interest would participate at the price point where the remaining shares will be quoted—the order's limit price, if any, or the LRP, if reached. As before, any unexecuted remainder of the incoming order would be quoted at the limit price or LRP, as applicable.

When accessing CCS interest to partially execute an order, Exchange systems would not review the CCS interest available at the better price. For such partial executions, CCS interest would only participate at the price at which the unexecuted shares of the incoming order would be quoted at the last price, if any, or, if an LRP is reached, at the LRP price. As is the case with completed executions, Exchange systems would not access CCS interest during a partial execution until all other interest on the Display Book at that price point is executed in full.

The Exchange further proposes technical changes to NYSE Rule 1000.[11]

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[12] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[13] which requires, among other things, that a national securities exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange stated in its filing it believes that this proposal would increase an order's execution volume by allowing Exchange systems to access CCS interest for partial executions. The proposed modification increases the opportunities for automatically executing a greater number of shares of the incoming order on the Exchange prior to quoting the remainder. Thus, under the proposal, partially executed incoming orders would have an opportunity to have a greater number of shares receive an execution prior to being quoted.

The Commission notes that the price point at which the CCS interest participates in partial executions would be, by operation of the proposed rule, the same or better than any limit price the customer has set for the incoming order. For the foregoing reasons, the Commission finds the proposed rule change is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–NYSE–2009–71) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–22732 Filed 9–21–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60670; File No. SR–NYSEAmex–2009–46]

Self-Regulatory Organizations; NYSE Amex LLC; Order Approving a Proposed Rule Change Amending NYSE Amex Equities Rule 1000 To Allow Exchange Systems To Access CCS Interest To Partially Fill an Incoming Limit Order

September 15, 2009.

I. Introduction

On July 20, 2009, NYSE Amex LLC (''NYSE Amex'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Amex Equities Rule 1000 to allow Exchange systems to access CCS interest to partially fill an incoming limit order. The proposed rule change was published for comment in the **Federal Register** on August 11,

[7] Pursuant to NYSE Rule 72, round-lot executions on the Exchange are allocated on an equal basis, *i.e.* parity, among market participants at a price point unless one of the participants has established priority. Priority is established when the participant is the *only* interest displayed at the price point when such price is or becomes the best bid or offer published by the Exchange. A participant that establishes priority for the displayed portion of his or her order is allocated the first 15% of any execution (a minimum of one round lot). Any DMM non-CCS interest included in the displayed quantity and non-displayed quantity is also executed pursuant to NYSE Rule 72.

[8] For a more detailed description of the Exchange's proposal, including examples describing the proposal, *see* Notice, *supra* note 3, at 40261–40262.

[9] LRPs are pre-determined price points that temporarily convert the automatic Exchange market to an auction market in order to dampen volatility when the market is experiencing a large price movement based on a security's typical trading characteristics or market conditions over short periods of time during the trading day. LRPs allow the DMM to solicit additional liquidity.

[10] In order for the DMM CCS interest to be eligible to participate in a partial execution of an incoming order, the DMM must designate such interest with a ''PF'' indicator. All liquidity provided in the CCS interest file would continue to be eligible to participate in full executions of incoming orders. If the DMM did not designate the CCS interest eligible for partial fill, then the CCS interest would not participate in the execution and the remaining shares of the order would be quoted.

[11] For a description of these technical changes, *see* Notice, *supra* note 3, at 40263.

[12] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2009.[3] The Commission did not receive any comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description

Background

NYSE Amex offers Designated Market Makers (''DMMs'') the ability to create a schedule of additional non-displayed liquidity at various price points where the DMM is willing to interact with, and provide price improvement to, incoming orders in the Exchange's system. This schedule is known as the DMM Capital Commitment Schedule (''CCS'').[4] CCS provides the Display Book® [5] with the amount of shares that the DMM is willing to trade at price points outside, at, and inside the Exchange BBO. CCS interest is separate and distinct from other DMM interest and serves as the interest of last resort.

When an order is entered for an amount of shares that exceeds the liquidity available at the Exchange BBO, Exchange systems review all the liquidity available on the Display Book, including CCS interest, to determine the final price point at which the order can be fully executed (the ''completion price''). Exchange systems determine the completion price by calculating the unfilled volume of the incoming order (*i.e.*, the volume of the incoming order that exceeds the volume available to execute against it that is then present in the Exchange bid or offer) and reviewing the additional displayed and non-displayed interest available in the Display Book, which may be at more than one price point, including the CCS interest submitted by the DMM unit that is available at the completion price. Exchange systems also take into account protected bids or offers on markets other than the Exchange (''away interest'') when determining the completion price.

Exchange systems then review the CCS to determine if the number of shares provided via the DMM's CCS at the completion price is less than the number of CCS shares provided at the next different price that has interest that is one minimum price variation (''MPV'') (as that term is defined in Exchange Rule 62 [6]) or more higher (in the case of an order to sell) or at the next different price that has interest that is one MPV or more lower (in the case of an order to buy) (hereinafter collectively referred to as ''better price''). If the volume of CCS interest that would be accessed is greater at the completion price, or is the same at the completion price and the better price, Exchange systems access CCS interest at the completion price with CCS interest yielding to any other interest in Exchange systems at the completion price. If the number of shares that would be allocated to the CCS interest at the better price is greater than the number of shares that would be allocated to the DMM's CCS interest at the completion price, then Exchange systems will access the CCS liquidity available at the better price with CCS interest yielding to any other interest in Exchange systems (both displayed and undisplayed reserve interest) at the better price. Any remaining balance of the incoming order is executed at the completion price against displayable and non-displayable interest pursuant to NYSE Amex Equities Rule 72 (''Priority of Bids and Offers and Allocation of Executions'').[7]

Exchange systems can access CCS interest only once to participate in the execution of an incoming order. Moreover, under current rules, Exchange systems will only access CCS interest to participate in the execution of an incoming order where the incoming order will be executed in full.

Proposed Amendment to NYSE Amex Equities Rule 1000

The Exchange now proposes to allow Exchange systems to access CCS interest to participate in executions where the incoming order will only be partially executed.[8] Large incoming orders may exhaust the entirety of displayed and reserve interest on the Display Book at various price points such that the remaining unexecuted shares of the incoming order would be quoted at the order's limit price, if any, or, alternatively, at a Liquidity Replenishment Point (''LRP'') [9] if that price point is reached. In these partial executions, Exchange systems currently do not access the CCS interest available at the price point where the remaining shares of the incoming order is quoted.

The Exchange proposes to modify the operation of CCS interest to allow Exchange systems to access and execute CCS interest to partially fill an incoming order that exhausts the interest available on the Display Book. Exchange systems would continue to review all the liquidity available on the Display Book and at away market centers; however, once it determines that the order cannot be executed in full, it would also review the DMM CCS interest file to determine if any CCS interest is eligible to partially fill the incoming order at the price where any remaining shares of the order would be quoted.[10]

When Exchange systems access the CCS interest in order to provide a partial execution of an incoming order, the CCS interest would participate at the price point where the remaining shares will be quoted—the order's limit price, if any, or the LRP, if reached. As before, any unexecuted remainder of the incoming order would be quoted at the limit price or LRP, as applicable.

When accessing CCS interest to partially execute an order, Exchange systems would not review the CCS interest available at the better price. For such partial executions, CCS interest would only participate at the price at which the unexecuted shares of the incoming order would be quoted at the last price, if any, or, if an LRP is reached, at the LRP price. As is the case with completed executions, Exchange systems would not access CCS interest

[3] *See* Securities Exchange Act Release No. 60428 (August 4, 2009), 74 FR 40273 (''Notice'').

[4] The provisions of NYSE Amex Equities Rule 1000 relating to CCS are in effect pursuant to a pilot that commenced in October 2008 and that is currently scheduled to end on October 1, 2009. The Commission understands that NYSE Amex plans to request an extension of the pilot before it expires.

[5] The Display Book® system is an order management and execution facility. The Display Book system receives and displays orders to the DMMs, contains the order information, and provides a mechanism to execute and report transactions and publish the results to the Consolidated Tape. The Display Book system is connected to a number of other Exchange systems for the purposes of comparison, surveillance, and reporting information to customers and other market data and national market systems.

[6] *See* NYSE Amex Equities Rule 62, Supplementary Material .10.

[7] Pursuant to NYSE Amex Equities Rule 72, round-lot executions on the Exchange are allocated on an equal basis, *i.e.* parity, among market participants at a price point unless one of the participants has established priority. Priority is established when the participant is the *only* interest displayed at the price point when such price is or becomes the best bid or offer published by the Exchange. A participant that establishes priority for the displayed portion of his or her order is allocated the first 15% of any execution (a minimum of one round lot). Any DMM non-CCS interest included in the displayed quantity and non-displayed quantity is also executed pursuant to NYSE Amex Equities Rule 72.

[8] For a more detailed description of the Exchange's proposal, including examples describing the proposal, *see* Notice, *supra* note 3, at 40274–40276.

[9] LRPs are pre-determined price points that temporarily convert the automatic Exchange market to an auction market in order to dampen volatility when the market is experiencing a large price movement based on a security's typical trading characteristics or market conditions over short periods of time during the trading day. LRPs allow the DMM to solicit additional liquidity.

[10] In order for the DMM CCS interest to be eligible to participate in a partial execution of an incoming order, the DMM must designate such interest with a ''PF'' indicator. All liquidity provided in the CCS interest file would continue to be eligible to participate in full executions of incoming orders. If the DMM did not designate the CCS interest eligible for partial fill, then the CCS interest would not participate in the execution and the remaining shares of the order would be quoted.

during a partial execution until all other interest on the Display Book at that price point is executed in full.

The Exchange further proposes technical changes to NYSE Amex Equities Rule 1000.[11]

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[12] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[13] which requires, among other things, that a national securities exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange stated in its filing it believes that this proposal would increase an order's execution volume by allowing Exchange systems to access CCS interest for partial executions. The proposed modification increases the opportunities for automatically executing a greater number of shares of the incoming order on the Exchange prior to quoting the remainder. Thus, under the proposal, partially executed incoming orders would have an opportunity to have a greater number of shares receive an execution prior to being quoted.

The Commission notes that the price point at which the CCS interest participates in partial executions would be, by operation of the proposed rule, the same or better than any limit price the customer has set for the incoming order. For the foregoing reasons, the Commission finds the proposed rule change is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–NYSEAmex–2009–46) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–22731 Filed 9–21–09; 8:45 am]

BILLING CODE 8010–01–P

[11] For a description of these technical changes, *see* Notice, *supra* note 3, at 40277.

[12] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60678; File No. SR–NYSE–2009–95]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange LLC Extending Until September 22, 2009, the Operation of Interim NYSE Rule 128 Which Permits the Exchange to Cancel or Adjust Clearly Erroneous Executions if They Arise Out of the Use or Operation of Any Quotation, Execution or Communication System Owned or Operated by the Exchange, Including Those Executions That Occur in the Event of a System Disruption or System Malfunction

September 16, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 15, 2009, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. NYSE has designated the proposed rule change as constituting a rule change under Rule 19b–4(f)(6) under the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend until September 22, 2009, the operation of interim NYSE Rule 128 (''Clearly Erroneous Executions for NYSE Equities'') which permits the Exchange to cancel or adjust clearly erroneous executions if they arise out of the use or operation of any quotation, execution or communication system owned or operated by the Exchange, including those executions that occur in the event of a system disruption or system malfunction. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend until September 22, 2009, the operation of interim NYSE Rule 128 (''Clearly Erroneous Executions for NYSE Equities'') which permits the Exchange to cancel or adjust clearly erroneous executions if they arise out of the use or operation of any quotation, execution or communication system owned or operated by the Exchange, including those executions that occur in the event of a system disruption or system malfunction.

Prior to the implementation of NYSE Rule 128 on January 28, 2008,[4] the NYSE did not have a rule providing the Exchange with the authority to cancel or adjust clearly erroneous trades of securities executed on or through the systems and facilities of the NYSE.

In order for the NYSE to be consistent with other national securities exchanges which have some version of a clearly erroneous execution rule, the Exchange is drafting an amended clearly erroneous rule which will accommodate such other exchanges but will be appropriate for the NYSE market model.

The NYSE notes that the Commission approved an amended clearly erroneous execution rule for Nasdaq in May 2008.[5] On July 28, 2008, the Exchange filed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 57323 (February 13, 2008), 73 FR 9371 (February 20, 2008) (SR–NYSE–2008–09).

[5] *See* Securities Exchange Act Release No. 57826 (May 15, 2008), 73 FR 29802 (May 22, 2008) (SR–NASDAQ–2007–001).

with the SEC a request to extend the operation of interim Rule 128 until October 1, 2008 [6] in order to review the provisions of Nasdaq's clearly erroneous rule and to consider integrating similar standards into its own amendment to Rule 128. On October 1, 2008,[7] the Exchange filed with the SEC a further request to extend the operation of interim Rule 128 until January 9, 2009 in order to consider integrating similar standards into the amendment to Rule 128. On January 9, 2009,[8] the Exchange filed with the SEC a request to extend the operation of interim Rule 128 until March 9, 2009, indicating that the Exchange was still in the process of reviewing the Nasdaq rule with a view towards incorporating certain provisions into the amendment of interim Rule 128.

On February 10, 2009, NYSE Arca submitted a proposal to the SEC to amend its clearly erroneous rule. The NYSE Arca proposed rule differed in certain respects from the Nasdaq clearly erroneous rule. On March 9, 2009, the Exchange filed with the SEC a request to extend the operation of interim Rule 128 until June 9, 2009 [9] to finalize review of NYSE Arca's proposed amended CEE rule, which included market wide CEE initiatives, to determine if it was appropriate to incorporate such provisions into the Rule 128 amendment.

Thereafter, on April 24, 2009, NYSE Arca filed a revised rule change with the Commission to amend its clearly erroneous rule (NYSE Arca Rule 7.10).[10] The Exchange was in the process of finalizing its review of NYSE Arca's revised CEE rule change, which also included market wide CEE initiatives, to determine if it was appropriate to incorporate all such provisions into NYSE's interim Rule 128 amendment. On June 9, 2009, the Exchange filed with the SEC a request to extend the operation of interim Rule 128 until July 15, 2009 [11] to finalize review of NYSE Arca's proposed amended CEE rule. On July 15, 2009 [12] the Exchange filed with the SEC a request to extend the operation of interim Rule 128 until August 1, 2009 to finalize review of NYSE Arca's proposed amended CEE rule. On July 31, 2009 the Exchange filed with the SEC a request to extend the operation of interim Rule 128 until August 10, 2009 [13] to finalize review of NYSE Arca's proposed amended CEE rule. On August 11, 2009 the Exchange filed with the SEC a request to extend the operation of interim Rule 128 until August 21, 2009 [14] to finalize review of NYSE Arca's proposed amended CEE rule. On August 21, 2009 the Exchange filed with the SEC a request to extend the operation of interim Rule 128 until August 31, 2009 [15] to finalize review of NYSE Arca's proposed amended CEE rule. On August 31, 2009 the Exchange filed with the SEC a request to extend the operation of interim Rule 128 until September 8, 2009 [16] to finalize review of NYSE Arca's proposed amended CEE rule. On September 8, 2009 the Exchange filed with the SEC a request to extend the operation of interim Rule 128 until September 15, 2009 [17] to finalize review of NYSE Arca's proposed amended CEE rule.

The Exchange anticipates finalizing proposed rule text of its clearly erroneous execution rule shortly, and is, therefore, requesting to extend the operation of interim Rule 128 until September 22, 2009. Prior to September 22, 2009, the Exchange intends to formally file a 19b–4 rule change amending interim Rule 128.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the ''Act'') [18] for this proposed rule change is the requirement under Section 6(b)(5) [19] that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

As articulated more fully in the ''Purpose'' Section above, the proposed rule would place the NYSE on equal footing with other national securities exchanges. This will promote the integrity of the market and protect the public interest, since it would permit all exchanges to cancel or adjust clearly erroneous trades when such trades occur, rather than canceling them on all other markets, but leaving them standing on only one market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [20] and Rule 19b–4(f)(6) thereunder.[21]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [22] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6) [23] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. NYSE requests that the Commission waive the 30-day operative delay because the Exchange believes that the absence of such a rule in an automated and fast-paced trading environment poses a danger to the

[6] *See* Securities Exchange Act Release No. 58328 (August 8, 2008), 73 FR 47247 (August 13, 2008) (SR–NYSE–2008–63).

[7] *See* Securities Exchange Act Release No. 58732 (October 3, 2008), 73 FR 61183 (October 15, 2008) (SR–NYSE–2008–99).

[8] *See* Securities Exchange Act Release No. 59255 (January 15, 2009) 74 FR 4496 (January 26, 2009) (SR–NYSE–2009–02).

[9] *See* Securities Exchange Act Release No. 59581 (March 9, 2009) 74 FR 12431 (March 24, 2009) (SR–NYSE–2009–26).

[10] *See* Securities Exchange Act Release No. 59838 (April 28, 2009) 74 FR 20767 (May 5, 2009) (SR–NYSEArca–2009–36) (*See* NYSE Arca Rule 7.10).

[11] *See* Securities Exchange Act Release No. 60131 (June 17, 2009) 74 FR 30196 (June 24, 2009) (SR–NYSE–2009–57).

[12] *See* Securities Exchange Act Release No. 60312 (July 15, 2009) 74 FR 36298 (July 22, 2009) (SR–NYSE–2009–70).

[13] *See* Securities Exchange Act Release No. 60419 (August 7, 2009) 74 FR 39987 (August 10, 2009) (SR–NYSE–2009–79).

[14] *See* Securities Exchange Act Release No. 60478 (August 11, 2009) 74 FR 41769 (August 18, 2009) (SR–NYSE–2009–81).

[15] *See* Securities Exchange Act Release No. 60563 (August 21, 2009) 74 FR 44423 (August 28, 2009) (SR–NYSE–2009–87).

[16] *See* Securities Exchange Act Release No. 60597 (August 31, 2009) 74 FR 46281 (September 8, 2009) (SR–NYSE–2009–92).

[17] *See* Securities Exchange Act Release No. 60649 (September 10, 2009) (SR–NYSE–2009–93).

[18] 15 U.S.C. 78f(a) [sic].

[19] 15 U.S.C. 78f(b)(5).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has determined to waive the five-day pre-filing period in this case.

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6).

integrity of the markets and the public interest. NYSE notes that immediate effectiveness of the proposed rule change will immediately and timely enable NYSE to cancel or adjust clearly erroneous trades that may present a risk to the integrity of the equities markets and all related markets. The Commission believes that waiving the 30-day operative delay [24] is consistent with the protection of investors and the public interest because such waiver will permit the Exchange to continue operation of interim NYSE Rule 128 on an uninterrupted basis, and therefore designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2009–95 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2009–95. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NYSE–2009–95 and should be submitted on or before October 13, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–22734 Filed 9–21–09; 8:45 am]

BILLING CODE 8010–01–P

[24] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60674; File No. SR–NASDAQ–2009–082]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Fees for Members Using the NASDAQ Market Center

September 15, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 28, 2009, The NASDAQ Stock Market LLC (''NASDAQ'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASDAQ. Pursuant to Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] NASDAQ has designated this proposal as establishing or changing a due, fee, or other charge, which renders the proposed rule change effective upon filing.

The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to modify pricing for NASDAQ members using the NASDAQ Market Center. NASDAQ will implement this rule change on September 1, 2009. The text of the proposed rule change is available at *http://nasdaqomx.cchwallstreet.com/*, at NASDAQ's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASDAQ has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing two changes to the fees associated with the use of the NASDAQ Market Center for the trading of all equities. First, currently, NASDAQ offers a rebate of $0.00295 for members that add an average daily volume of 125 million shares of liquidity to the NASDAQ Market Center. Effective September 1, 2009, NASDAQ will lower the volume threshold for liquidity provision from 125 million to 95 million shares per day while maintaining all other elements of this pricing tier.

Second, currently a member firm that provides average daily volume of liquidity exceeding 125 million shares per day in the NASDAQ equities market will not be charged for executing Mid-point Pegged orders (as defined in Nasdaq Rule 4751(f)(4)) in the Nasdaq Market Center in securities listed on NASDAQ, NYSE, or on other exchanges. NASDAQ proposes to lower the volume threshold for liquidity provision from 125 million to 95 million shares per day

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2). [sic]

while maintaining all other elements of this pricing tier.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and with Section 6(b)(4) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls. NASDAQ is reducing the level of liquidity provision required to receive a favorable rebate for orders in stocks listed on NASDAQ, AMEX or NYSE, resulting in potential price reductions for members with large volumes of liquidity provided.

The impact of the changes upon the net fees paid by a particular market participant will depend upon a number of variables, including its monthly volume, the order types it uses, and the prices of its quotes and orders (*i.e.,* its propensity to add or remove liquidity and to set the best bid and offer). NASDAQ notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. NASDAQ believes that its fees remain competitive with other venues and are reasonable and equitably allocated to those members on the basis of whether they opt to direct orders to NASDAQ.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[7] and subparagraph (f)(2) of Rule 19b-4 thereunder.[8] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2009–082 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2009–082. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2009–082, and should be submitted on or before October 13, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–22733 Filed 9–21–09; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(a)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60660; File Nos. SR–DTC–2009–14, SR–NSCC–2009–07, SR–FICC–2009–09]

Self-Regulatory Organizations; The Depository Trust Company, Fixed Income Clearing Corporation, and National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Changes Relating to Economic Sanctions and Embargo Programs Administered and Enforced by the Office of Foreign Assets Control

September 11, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 26, 2009, The Depository Trust Company (''DTC''), the National Securities Clearing Corporation (''NSCC''), and the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared primarily by FICC, NSCC, and DTC (collectively, ''Clearing Agencies''). The Clearing Agencies filed the proposed rule changes pursuant to Section 19(b)(3)(A)(iii) of the Act[2] and Rule 19b–4(f)(4) thereunder[3] so that the proposals were effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organizations' Statement of Terms of Substance of the Proposed Rule Changes

The Clearing Agencies are revising their rules to refine the obligations of their members or participants concerning the economic sanctions and embargo programs administered and enforced by the Office of Foreign Assets Control (''OFAC'') of the U.S. Department of the Treasury.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(iii).

[3] 17 CFR 240.19b–4(f)(4).

II. Self-Regulatory Organizations' Statement of Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the Clearing Agencies included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments they received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The Clearing Agencies have prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organizations' Statement of Purpose of, and Statutory Basis for, the Proposed Rule Changes

On March 31, 2009, April 1, 2009, and April 22, 2009, FICC, NSCC, and DTC, respectively, filed proposed rule changes with the Commission to establish new OFAC compliance obligations.[4] Specifically, the rule changes established a new requirement that certain members or participants subject to the jurisdiction of the U.S. submit a ''Confirmation of an OFAC Program'' Letter (''OFAC Letter'') every two years. The OFAC Letter is intended to document that the U.S. member or participant has implemented a program to conduct appropriate risk-based OFAC screening and that the U.S. member or participant confirms that activity subject to OFAC sanctions regulations has been excluded from business conducted through the Clearing Agencies. The Clearing Agencies and Commission received two comment letters in response to those rule changes.[5]

Under this set of rule changes, the Clearing Agencies are revising the text of the OFAC Letter to address the concerns expressed in the comment letters. In addition, NSCC is amending the language of Rule 2, Section 4, of NSCC's Rules and Procedures to exclude Third Party Administrator Members and Investment Manager/Agent Member from the requirement to submit an OFAC Letter, and FICC is amending Article III, Rule 1, Section 7, of FICC's Mortgage Backed Securities Division's rules to exclude EPN–Only Members from the requirement to submit an OFAC Letter.

1. Certification of OFAC Screening

Both comment letters asserted that paragraph two of the OFAC Letter imposed additional obligations that were inconsistent with OFAC guidance and industry standards. After consultation with OFAC and the Commission and after further discussions with the commenters, the Clearing Agencies have agreed to modify the language of this provision in order to clarify that all Clearing Agencies' members or participants subject to the jurisdiction of the U.S. (''U.S. Members'') are required to screen customer information for OFAC compliance but that the screening of customers alone may not be sufficient to address the U.S. Member's OFAC obligations.

2. Certification of Exclusion from Business

Both commentators indicated that the language within the third paragraph of the OFAC Letter was too broad and was inconsistent with the requirement that U.S. members or participants implement a risk-based OFAC program. The Clearing Agencies intended this provision to be consistent with the U.S. member's or participant's risk-based OFAC program; it was not the Clearing Agencies' intent to impose a greater burden. Accordingly, the Clearing Agencies, in consultation with OFAC and the Commission, have modified the language in the third paragraph to clarify that U.S. members or participants will not submit transactions they know are subject to OFAC sanctions regulations. When determining the U.S. members' or participants' knowledge of activity that is subject to OFAC sanctions regulations, the Clearing Agencies will utilize standards established pursuant to the OFAC Economic Sanctions Enforcement Guidelines.[6] These guidelines include willfully or recklessly violating OFAC sanctions regulations where the U.S. member or participant had actual knowledge or reason to know of the violation. The Clearing Agencies will rely on determinations made by OFAC or other competent authorities to determine whether members or participants are in compliance with this obligation.

3. Filing the OFAC Letter and the Associated Fine

The commenters indicated that the time period for when U.S. members or participants must file the OFAC Letter was unclear. In an effort to clarify the time period, the Clearing Agencies will make the OFAC Letter available for execution by U.S. members or participants on or before October 1, 2009. NSCC must receive a validly executed OFAC Letter from all U.S. members or participants on or before March 31, 2010, in order for U.S. members or participants to satisfy the obligations imposed under these proposed rules. U.S. members or participants that fail to provide the Clearing Agencies with the OFAC Letter by March 31, 2010, will be subject to a $5,000 fine for failure to provide the initial OFAC Letter. This fine is imposed for failure to provide documentation required under the Clearing Agencies' rules and the Clearing Agencies reserve the right to impose further fines or penalties up to and including ceasing to act on behalf of the member or participant for violation of the rules relating to the obligation of the member or participant to comply with OFAC sanctions regulations.

The OFAC Letter must be executed every two years from the date on which the current OFAC Letter was executed. Therefore, if the OFAC Letter executed by the member or participant is dated March 1, 2010, the U.S. member or participant must execute and provide the Clearing Agencies with an updated OFAC Letter on or before March 1, 2012. Because of the potential for different renewal dates, the Clearing Agencies will remind each individual U.S. member or participant of the expiration of its current OFAC Letter approximately ninety (90) days prior to the date due for the updated OFAC Letter. Additionally, the Clearing Agencies will send out an Important Notice every two years that will remind U.S. members or participants of this obligation generally. Although the combination of the Important Notice and the individual reminders are intended to remind U.S. members or participants about the obligation to execute the updated OFAC Letter, it is ultimately the responsibility of the U.S. member or participant to satisfy the requirements of the Clearing Agencies' rules regarding the OFAC Letter.

The execution of the OFAC Letter is the legal responsibility of the U.S. member or participant and not the responsibility of the Chief Compliance Officer, OFAC Compliance Officer, or other representative responsible for managing the OFAC compliance program (''Authorized OFAC Officer'') of the U.S. member or participant. Therefore, the fine is imposed against the U.S. member or participant and is

[4] Securities Exchange Act Release No. 59917 (May 14, 2009), 74 FR 23907 (May 21, 2009).

[5] NSCC received one comment letter from the American Bankers Association (''ABA'') and one comment letter issued jointly by the Securities Industry and Financial Markets Association (''SIFMA'') and The Clearing House.

[6] The OFAC Economic Sanctions Enforcement Guidelines are set forth in 31 CFR Part 501 Appendix A. OFAC has proposed revisions to the Economic Sanctions Enforcement Guidelines which are available online at *http://www.ustreas.gov/offices/enforcement/ofac/policy/enf_guide_09082008.pdf.*

the legal obligation of the U.S. member or participant and not the Authorized OFAC Officer. To clarify this point, the OFAC Letter has been updated to indicate that the Authorized OFAC Officer is signing on behalf of the U.S. member or participant.

The Clearing Agencies believe that proposed rule changes are consistent with the requirements of Section 17A of the Act [7] and the rules and regulations thereunder because they will enhance the Clearing Agencies' compliance with applicable laws thereby reducing risks and associated costs to the Clearing Agencies and their members and participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Clearing Agencies believe that the proposed rule change will not have any impact or impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

As part of the process of amending the OFAC Letter, the Clearing Agencies solicited and received comments from representatives of the industry groups that submitted comments to SR–NSCC–2009–03. The Clearing Agencies will notify the Commission of any additional written comments they receive.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule changes have become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act [8] and Rule 19b–4(f)(4) [9] thereunder because each of the proposed rule changes effects a change in an existing service of one of the Clearing Agencies that (i) does not adversely affect the safeguarding of securities or funds in the custody or control of the Clearing Agencies or for which it is responsible and (ii) does not significantly affect the respective rights of the clearing agencies or persons using the service. At any time within sixty days of the filing of such rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(4).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule changes are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–DTC–2009–14, SR–NSCC–2009–07, or SR–FICC–2009–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–DTC–2009–14, SR–NSCC–2009–07, or SR–FICC–2009–09. At least one of these file numbers should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filings also will be available for inspection and copying at DTC's, NSCC's, and FICC's principal offices and on DTC's, NSCC's, and FICC's Web sites, respectively at <*http://ficc.com/gov/gov.docs. jsp?NS-query=#rf*>, <*http://www.dtcc.com/legal/rule_filings/nscc/2009.php*>, and <*http://www.dtc.org/impNtc/mor/index.html*>. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–DTC–2009–14, SR–NSCC–2009–07, or SR–FICC–2009–09 and should be submitted on or before October 13, 2009.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–22730 Filed 9–21–09; 8:45 am]

BILLING CODE 8010–01–P

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2009–0059]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for public comment.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a request for emergency clearance for a collection of information associated with product plan information to assist the agency in establishing corporate average fuel economy standards for model years 2012 through 2016 passenger cars and light trucks. The establishment of those standards is required by the Energy Policy and Conservation Act, as amended by the Energy Independence and Security Act (EISA) of 2007, Public Law 110–140.

DATES: Comments must be received on or before November 23, 2009.

ADDRESSES: Comments must refer to the docket notice number cited at the beginning of this notice, and be submitted to: Mr. Ken Katz, Fuel Economy Division, Office of International Policy, Fuel Economy and Consumer Programs, at (202) 366–0846, facsimile (202) 493–2290, electronic mail: *ken.katz@dot.gov.* For legal issues, call Ms. Dorothy Nakama, Office of the Chief Counsel, at (202) 366–2992.

It is requested, but not required, that 2 copies of the comment be provided.

Commenters may also, but are not required to, submit their comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *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.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

You may call the Docket Management Facility at 202–366–9826.

Regardless of how you submit your comments, you should mention the docket number of this document.

FOR FURTHER INFORMATION CONTACT: Complete copies of the request for collection that is the subject of this notice may be obtained from Mr. Ken Katz at (202) 366–0846, facsimile (202) 493–2290, electronic mail: *ken.katz@dot.gov* or Ms. Dorothy Nakama at (202) 366–2992.

The mailing address for both officials is: NHTSA, 1200 New Jersey Ave., SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before a proposed collection of information is submitted to OMB for approval, Federal agencies must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under the OMB regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

In this notice, we are soliciting public comment on the following collection of information of manufacturers' production plan data for model years (MYs) 2008–2020 in connection with NHTSA's establishing of passenger car and light truck CAFE standards for model years 2012–2016. We are asking OMB for processing through emergency procedures established at 5 CFR Section 1320.13, and have asked OMB to approve or disapprove this collection within a week.

Title: 49 CFR Parts 531 and 533 Passenger Car Average Fuel Economy Standards—Model Years 2008–2020; Light Truck Average Fuel Economy Standards—Model Years 2008–2020; Production Plan Data.

OMB Control Number: 2127–0665.

Form Number: There are no standard forms associated with this collection of information.

Requested Expiration Date of Approval: Ninety days from approval date.

Type of Request: Emergency clearance.

Summary of the Collection of Information: In this collection of information, NHTSA is requesting any updates to previously submitted future product plans from vehicle manufacturers, as well as production data through the recent past, including data about engines and transmissions for model year (MY) 2008 through MY 2020 passenger cars and light trucks and the assumptions underlying those plans. The submission of product plan information by manufacturers to NHTSA is voluntary.

NHTSA requests information for MYs 2008–2020 to supplement other information used by NHTSA in developing a realistic forecast of the MY 2012–2016 vehicle market, and in evaluating what technologies may feasibly be applied by manufacturers to achieve compliance with the MY 2012–2016 standards. Information regarding earlier model years may help the agency to better account for cumulative effects such as volume- and time-based reductions in costs, and also may help to reveal product mix and technology application trends during model years for which the agency is currently receiving actual corporate average fuel economy (CAFE) compliance data. Information regarding later model years may help the agency gain a better understanding of how manufacturers' plans through MY 2016 relate to their longer-term expectations regarding Energy Independence and Security Act requirements, market trends, and prospects for more advanced technologies.

NHTSA will also consider information from model years before and after MYs 2012–2016 when reviewing manufacturers' planned schedules for redesigning and freshening their products, in order to examine how manufacturers anticipate tying technology introduction to product design schedules and to consider how the agency should account for those schedules in its analysis for the final rule. In addition, the agency is requesting information regarding manufacturers' estimates of the future vehicle population, and fuel economy improvements and incremental costs attributed to this notice.

Description of the Need for the Information and the Proposed Use of the Information:

NHTSA needs the information described above to aid in assessing what CAFE standards should be established for model years 2012 through 2016 passenger cars and light trucks.

Description of the Likely Respondents (Including Estimated Number and Proposed Frequency of Response to the Collection of Information):

It is estimated that this collection affects approximately 22 motor vehicle manufacturers. The information that is the subject of this collection of information is collected once, for the final rule.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information: The estimated burden is as follows:

It is estimated that this collection affects approximately 22 vehicle manufacturers. One major manufacturer (General Motors) estimated their burden to be approximately 4,300 hours. The burden to other manufacturers was estimated using sales weights relative to General Motors' total sales (*e.g.,* if a manufacturer produces 50 percent as many vehicles as General Motors, their burden is estimated to be 4,300 * 0.5 = 2150 hours). Therefore the burden to each manufacturer depends on the number of vehicles that manufacturer produces. The total estimated burden is 16,000 hours annually.

Number of Affected Vehicle Manufacturers	22
Annual Labor Hours for Each Manufacturer To Prepare and Submit Required Information	Variable.
Total Annual Information Collection Burden	16,000 hours.

The monetized cost associated with this information collection is determined by multiplying the total labor hours by an appropriate labor rate. For this information collection, we believe vehicle manufacturers will use mechanical engineers to prepare and submit the data. Therefore, we are applying a labor rate of $36.02 per hour which is the median national wage for mechanical engineers.[1] Thus, the estimated monetized annual cost is 16,000 hours × $36.02 per hour = $576,320.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Julie Abraham,

Director, International Policy, Fuel Economy and Consumer Programs.

[FR Doc. E9–22738 Filed 9–17–09; 11:15 am]

BILLING CODE 4910–59–P

[1] The national median hourly rate for mechanical engineers, May 2008, according to the Bureau of Labor Statistics, is $36.02. *See http://www.bls.gov/oes/2008/may/oes_nat.htm#b17–0000* (last accessed August 26, 2009).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Forty-Ninth Meeting, RTCA Special Committee 186: Automatic Dependent Surveillance–Broadcast (ADS–B)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 186: Automatic Dependent Surveillance–Broadcast (ADS–B) meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 186: Automatic Dependent Surveillance–Broadcast (ADS–B).

DATES: The meeting will be held October 5–9, 2009, at 8 a.m. on October 9th and 9 a.m. on the other days.

ADDRESSES: RTCA Conference Rooms at 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036, (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 186: Automatic Dependent Surveillance–Broadcast (ADS–B) meeting. The agenda will include:

Specific Working Group Sessions

Monday, October 5, 2009

- RTCA—All Day, WG–3—1090 MHz MOPS, MacIntosh-NBAA Room & Hilton-ATA Room.

Tuesday, October 6, 2009

- RTCA—All Day, WG–1—ATSA SURF 1A, Colson Board Room.
- RTCA—All Day, WG–3—1090 MHz MOPS, MacIntosh-NBAA Room & Hilton-ATA Room.

Wednesday, October 7, 2009

- RTCA—All Day, WG–1—ATSA SURF 1A, Colson Board Room.
- RTCA—All Day, Joint WG–3/WG–5, 1090 MHz MOPS and UAT MOPS, MacIntosh-NBAA Room & Hilton-ATA Room.

Thursday, October 8, 2009

- RTCA—All Day, WG–1—ATSA SURF 1A, Colson Board Room.
- RTCA—All Day, Joint WG–3/WG–5, 1090 MHz MOPS and UAT MOPS, MacIntosh-NBAA Room & Hilton-ATA Room.

Friday, October 9, 2009

Plenary Session/Joint RTCA SC–186/EUROCAE WG–51.

RTCA—Washington, DC—MacIntosh-NBAA Room & Hilton-ATA Room and EUROCAE.

Starting at 8 a.m. at RTCA and 2 p.m. in Europe. (WebEx and Phone Bridge information to be provided).

- Opening Plenary (Chairman's Introductory Remarks, Review of Meeting Agenda).
- Review/Approval of the Forty-Eighth Meeting Summary, RTCA Paper No. 171–09/SC186–283.
- Consider for Approval—Revised Document—DO–260A—*Minimum Operational Performance Standards for 1090 MHz Extended Squitter Automatic Dependent Surveillance–Broadcast (ADS–B) and Traffic Information Services–Broadcast (TIS–B)*, RTCA Paper No. 188–09/SC186–284. Consolidated FRAC Comments—RTCA Paper No. 189–09/SC–186–285.
- FAA Surveillance and Broadcast Services (SBS) Program—Status.
- Review of EUROCAE WG–51 Activities.
- Date, Place and Time of Next Meeting.
- Working Group Reports.
  - WG–1—Operations and Implementation.
  - WG–2—TIS–B MASPS.
  - WG–3—1090 MHz MOPS.
  - WG–4—Application Technical Requirements.
  - WG–5—UAT MOPS.
  - RFG—Requirements Focus Group.
- Consider for Approval—Revised Document—DO–282A—*Minimum Operational Performance Standards for Universal Access Transceiver (UAT) Automatic Dependent Surveillance–Broadcast*, RTCA Paper No. 190–09/SC–286. Consolidated FRAC Comments—RTCA Paper No. 191–09/SC186–287.
- ADS–B ITP Coordination with SC–214 for Data Link Requirements by December 2009.
- RFG Interval Management (IM) Application—Discussion—Possible Fast Tracking.
- New Business.
- Other Business.
- Review Action Items/Work Programs.
- Adjourn Plenary.

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 15, 2009.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. E9–22841 Filed 9–21–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2009–41]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before October 13, 2009.

ADDRESSES: You may send comments identified by Docket Number FAA–2009–0835 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Jan Thor, ANM–113, (425) 227–2127, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98057–3356, or Ralen Gao, ARM–209, (202) 267–3168, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on September 15, 2009.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2009–0835.

Petitioner: SJT Aerospace Corporation on behalf of Bizjet International Sales & Support, Inc.

Section of 14 CFR Affected: 14 CFR 25.813(e) and 25.785(d).

Description of Relief Sought: Bizjet seeks exemption from the requirements of § 25.813(e) in order to install lockable interior doors between passenger exits, and from § 25.785(d) as no firm handholds are located along the aisle of their Airbus A318–112 airplane with an executive interior configuration.

[FR Doc. E9–22736 Filed 9–21–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID. FMCSA–2009–0242]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemptions from the diabetes standard; request for comments.

SUMMARY: FMCSA announces receipt of applications from 23 individuals for exemptions from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate commercial motor vehicles in interstate commerce.

DATES: Comments must be received on or before October 22, 2009.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2009–0242 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
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Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. *Please see* the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at. *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statutes also allow the Agency to renew exemptions at the end of the 2-year period. The 23

individuals listed in this notice have recently requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statutes.

Qualifications of Applicants

Charles E. Boyle

Mr. Boyle, age 49, has had ITDM since 2007. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Boyle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A Commercial Driver's License (CDL) from Nebraska.

John A. Churchill

Mr. Churchill, 44, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Churchill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Mississippi.

Dennis O. Chynoweth

Mr. Chynoweth, 38, has had ITDM since 1989. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chynoweth meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from South Carolina.

Warren B. Copple, Jr.

Mr. Copple, 47, has had ITDM since 2004. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Coople meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a CDL from Michigan.

Ruben L. Flores

Mr. Flores, 37, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Flores meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wyoming.

William J. Garber

Mr. Garber, 81, has had ITDM since 2006. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Garber meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Virginia.

Richard S. Gino

Mr. Gino, 58, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gino meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C operators license from California.

Hernan Hernandez

Mr. Hernandez, 42, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hernandez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Connecticut.

Devin J. Johansen

Mr. Johansen, 28, has had ITDM since 1993. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johansen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from New Mexico.

Michael J. Kelly

Mr. Kelly, 29, has had ITDM since 1987. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss

of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kelly meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Michigan.

Jeffery E. Kiehl

Mr. Kiehl, 40, has had ITDM since 1998. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kiehl meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Michigan.

Dennis Larsen

Mr. Larsen, 59, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Larsen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Utah.

Jesus G. Maesse

Mr. Maesse, 51, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Maesse meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Richard M. Munoz

Mr. Munoz, 47, has had ITDM since 1973. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Munoz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arizona.

Jackson R. Olive

Mr. Olive, 27, has had ITDM since 1989. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Olive meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class D operator's license from New York.

Wayne E. Parry

Mr. Parry, 54, has had ITDM since 2003. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Parry meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Utah.

Thomas N. Pico

Mr. Pico, 39, has had ITDM since 1998. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pico meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Matthew L. Pritchard

Mr. Pritchard, 37, has had ITDM since 2006. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Prichard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Paul Ramirez

Mr. Ramirez, 42, has had ITDM since 2006. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ramirez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Oklahoma.

Randall D. Stegemiller

Mr. Stegemiller, 56, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another

person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stegemiller meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Indiana.

Jon C. Thomas

Mr. Thomas, 43, has had ITDM since 2007. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thomas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Utah.

Dennis M. Thyfault

Mr. Thyfault, 57, has had ITDM since 1970. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thyfault meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class D operator's license from Utah.

Howard M. Wilson

Mr. Wilson, 29, has had ITDM since 1998. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wilson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from Illinois.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the Notice.

FMCSA notes that Section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) The elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) the establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 Notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 USC. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 Notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 Notice, except as modified by the Notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: September 14, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9–22770 Filed 9–21–09; 8:45 am]

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[1] Section 4129(a) refers to the 2003 Notice as a ''final rule.'' However, the 2003 Notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2009–0174]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt forty-one individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective September 22, 2009. The exemptions expire on September 22, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov*.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of

an association, business, labor union, or other entity). You may review DOT's complete Privacy Act Statement in the **Federal Register** (65 FR 19477, Apr. 11, 2000). This statement is also available at *http://Docketinfo.dot.gov*.

Background

On July 28, 2009, FMCSA published a notice of receipt of Federal diabetes exemption applications from forty-one individuals, and requested comments from the public (74 FR 37288). The public comment period closed on August 27, 2009 and no comments were received.

FMCSA has evaluated the eligibility of the forty-one applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current standard for diabetes in 1970 because several risk studies indicated that diabetic drivers had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The 2003 notice in conjunction with the November 8, 2005 (70 FR 67777) **Federal Register** Notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These forty-one applicants have had ITDM over a range of 1 to 32 years. These applicants report no hypoglycemic reaction that resulted in loss of consciousness or seizure, that required the assistance of another person, or resulted in impaired cognitive function without warning symptoms in the past 5 years (with one year of stability following any such episode). In each case, an endocrinologist has verified that the driver has demonstrated willingness to properly monitor and manage their diabetes, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision standard at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the July 28, 2009, **Federal Register** Notice (74 FR 37288). Therefore, they will not be repeated in this notice.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologist's medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that exempting these applicants from the diabetes standard in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not they are related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received no comments in this proceeding

Conclusion

After considering the comments to the docket, and based upon its evaluation of the forty-one exemption applications, FMCSA exempts, Michael D. Arnold, Michael F. Arthur, Roelf F. Aufforth, Gerald L. Bell, Steven H. Bergheger, Steven H. Bergheger, Blaine T. Boellstroff, Dane R. Broach, Richard B. Brookshire, David J. Campbell, Christopher S. Cate, Lynne M. Childers, Moses O. Crespo, Raymond A. Dietz, Steven C. Ellenberger, Ralph M. Ellis, Troy E. Freeman, Glenn T. Grace, Byron K. Hicks, Dori A. Hoffman, William C. Howard, Adam C. Hyatt, Clarence B. Jackson, Robert F. Jolly, Jr., Dale Jones, Matthew G. Matheson, Steven A. Mayhew, Michael G. Mulder, Gary S. Myers, Bradley D. Nickles, Jr., Sherwin M. Nurse, III, Frank R. Radice, Frank A. Rhodes, James B. Roth, Matthew T. Russell, Tranquilino D. Sena, John A. Serth, Jr., David H. Shipley, Michael A. Taylor, Peter T. Tengbeh, and John A. Yarde from the ITDM standard in 49 CFR 391.41(b)(3), subject to the conditions listed under ''Conditions and Requirements'' above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: September 14, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9–22769 Filed 9–21–09; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID. FMCSA–2009–0154]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 40 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision standard. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective September 22, 2009. The exemptions expire on September 22, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

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Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at *http://Docketsinfo.dot.gov*.

Background

On July 28, 2009, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (74 FR 37295). That notice listed 40 applicants' case histories. The 40 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 40 applications on their merits and made a determination to grant exemptions to all of them.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 40 exemption applicants listed in this notice are in this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, optic nerve defect, retinal vein occlusion, pappilodema, optic atrophy, prosthesis, retinal detachment, retinal scarring, macular scarring, and loss of vision due to trauma. In most cases, their eye conditions were not recently developed. All but 16 of the applicants were either born with their vision impairments or have had them since childhood. The 16 individuals who sustained their vision conditions as adults have had them for periods ranging from 4 to 36 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 40 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 4 to 49 years. In the past 3 years, eight of the drivers had convictions for traffic violations and two of the drivers were involved in crashes.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the July 28, 2009 notice (74 FR 37295).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also

their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA–1998–3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (*See* 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (*See* Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 40 applicants, seven of the applicants had traffic violations for speeding, one of the applicants had traffic violation for failure to obey a traffic sign, and two of the applicants were involved in crashes. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 40 applicants listed in the notice of July 28, 2009 (74 FR 37295).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 40 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received two comments in this proceeding. The comments were considered and discussed below.

The Pennsylvania Department of Transportation expressed that it had reviewed the driving records for Marvin Leroy Stein and was in favor of granting the Federal vision exemptions to him.

The second comment was anonymous and was submitted in favor of granting the Federal vision exemption to Mark Anderson.

Conclusion

Based upon its evaluation of the 40 exemption applications, FMCSA exempts, Michael K. Adams, Michael J. Amorese, Mark R. Anderson, Darrell W. Bayless, Keith A. Bliss, Lloyd D. Burgess, Gary R. Butler, David S. Clinger, Ronald L. Cote, John C. Defoe, Shennon E. Dorsey, Steve E. Duran, Michael M. Edleston, Cecil A. Evey, Kamal A. Gaddah, Bradley O. Hart, John M. Homchick, Terry L. Hudgens, Eric M. Kousgaard, Larry L. Massey, Joe A. McIntyre, James F. McMahon, Jr., Samuel A. Miller, Marvin L. Motes, John W. Myre, Noah I. Pennington, Ronald D. Peters, Stephen Pozharsky, Angelo D. Rogers, Larry T. Rogers, Ricky J. Sanderson, George V. Sorondo, Marcial Soto-Rivas, Marvin L. Stein, David C. Sybesma, Bruce E. Thulin, Matthew K. Tucker, Stanley W. Tyler, Jr., Victor H. Vera, and Charles A. Winchell from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid

for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9–22768 Filed 9–21–09; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub-No. 5) (2009–4)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the fourth quarter 2009 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2009 RCAF (Unadjusted) is 0.996. The fourth quarter 2009 RCAF (Adjusted) is 0.450. The fourth quarter 2009 RCAF–5 is 0.427.

DATES: *Effective Date:* October 1, 2009.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. [Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available on our Web site, *http://www.stb.dot.gov*. Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0235. Assistance for the hearing impaired is available through FIRS at 1–800–877–8339.

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: September 15, 2009.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9–22743 Filed 9–21–09; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2009–0157]

Automobili Lamborghini SpA; Receipt of Application for Extension of Temporary Exemption From Advanced Air Bag Requirements of FMVSS No. 208

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of receipt of petition for extension of a Temporary Exemption from certain provisions of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection*.

SUMMARY: In accordance with the procedures of 49 CFR Part 555, Automobili Lamborghini SpA (''Lamborghini'') has applied for an extension of a previously received temporary exemption from certain requirements of FMVSS No. 208, *Occupant Crash Protection,* for the Lamborghini Murcielago model. Lamborghini requests extension of its temporary exemption for the advanced air bag requirements. The basis of the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

NHTSA is publishing this notice of receipt of the application in accordance with the requirements of 49 U.S.C. 30113(b)(2), and has made no judgment on the merits of the application.

DATES: You should submit your comments not later than October 22, 2009.

Comments: We invite you to submit comments on the application described below. You may submit comments identified by docket number in the heading of this notice by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments on the electronic docket site by clicking on ''Help'' or ''FAQ.''
- *Mail:* DOT 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.
- *Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided.

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

Docket: For access to the docket in order to read background documents or comments received, go to *http://www.regulations.gov* at any time, or to M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20950, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR Part 512).

FOR FURTHER INFORMATION CONTACT: Sarah Alves, Office of the Chief Counsel, NCC–112, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Phone: 202–366–2992; Fax: 202–366–3820; E-Mail: *sarah.alves@dot.gov*.

SUPPLEMENTARY INFORMATION:

I. Advanced Air Bag Requirements and Small Volume Manufacturers

In 2000, NHTSA upgraded the requirements for air bags in passenger cars and light trucks, requiring what are commonly known as ''advanced air bags.'' [1] The upgrade was designed to meet the goals of improving protection for occupants of all sizes, belted and unbelted, in moderate-to-high-speed crashes, and of minimizing the risks posed by air bags to infants, children, and other occupants, especially in low-speed crashes.

The advanced air bag requirements were a culmination of a comprehensive plan that the agency announced in 1996 to address the adverse effects of air bags. This plan also included an extensive consumer education program to encourage the placement of children in rear seats. The new requirements were phased in beginning with the 2004 model year.

Small volume manufacturers were not subject to the advanced air bag requirements until September 1, 2006, but their efforts to bring their respective vehicles into compliance with these requirements began several years earlier. However, because the new requirements were challenging, major air bag suppliers concentrated their efforts on working with large volume manufacturers, and thus, until recently, small volume manufacturers had limited access to advanced air bag technology. Because of the nature of the requirements for protecting out-of-position occupants, ''off-the-shelf'' systems could not be readily adopted. Further complicating matters, because small volume manufacturers build so few vehicles, the costs of developing custom air bag systems compared to potential benefits discouraged some air bag suppliers from working with small volume manufacturers.

The agency has carefully tracked occupant fatalities resulting from air bag deployment. Our data indicate that the agency's efforts in the area of consumer education and manufacturers' providing depowered air bags were successful in reducing air bag fatalities even before advanced air bag requirements were implemented.

As always, we are concerned about the potential safety implication of any temporary exemptions granted by this agency. In the present case, we are seeking comments on a petition for an extension of a temporary exemption for certain advanced air bag requirements submitted by a manufacturer of high-performance sports cars.

[1] *See* 65 FR 30680 (May 12, 2000).

II. Overview of Petition for Economic Hardship Exemption

In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR Part 555, Lamborghini has petitioned the agency for an extension of a temporary exemption from certain requirements of FMVSS No. 208. The basis for the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. The requested exemption would apply to the Lamborghini Murcielago model and would extend the original exemption for a period of 18 months beginning on September 1, 2009, ending on February 28, 2011. The requested extension would apply to certain advanced air bag requirements, specifically the requirements in S14.5.2, S15, S17, S19, S21, S23, and S25. A copy of the petition [2] is available for review and has been placed in the docket of this notice.

III. Statutory Background for Economic Hardship Exemption

A manufacturer is eligible to apply for a hardship exemption if its total motor vehicle production in its most recent year of production did not exceed 10,000 vehicles, as determined by the NHTSA Administrator (49 U.S.C. 30113).

In determining whether a manufacturer of a vehicle meets that criterion, NHTSA considers whether a second vehicle manufacturer also might be deemed the manufacturer of that vehicle. The statutory provisions governing motor vehicle safety (49 U.S.C. Chapter 301) do not include any provision indicating that a manufacturer might have substantial responsibility as manufacturer of a vehicle simply because it owns or controls a second manufacturer that assembled that vehicle. However, the agency considers the statutory definition of ''manufacturer'' (49 U.S.C. 30102(a)(5)) to be sufficiently broad to include sponsors, depending on the circumstances. Thus, NHTSA has stated that a manufacturer may be deemed to be a sponsor and thus a manufacturer of a vehicle assembled by a second manufacturer if the first manufacturer had a substantial role in the development and manufacturing process of that vehicle.

[2] The company requested confidential treatment under 49 CFR Part 512 for certain business and financial information submitted as part of its petition for temporary exemption. Accordingly, the information placed in the docket does not contain such information that the agency has determined to be confidential.

IV. Petition

Background. A manufacturer is eligible to apply for a hardship exemption if its total motor vehicle production in its most recent year of production does not exceed 10,000, as determined by the NHTSA Administrator (15 U.S.C. 1410(d)(1)). Lamborghini manufactured 2,580 automobiles in 2007 and estimated a total production of 2,450 automobiles in 2008, and 2,500 automobiles in 2009. Lamborghini has gone through a number of owners over the last four decades. The current owner of Lamborghini is the German automobile manufacturer Audi, but Lamborghini stated in its petition that its relationship with Audi is ''arms length'' and that Lamborghini operates independently.

In a September 2006 notice granting Lamborghini's original exemption, NHTSA concluded that Lamborghini was eligible to apply for a temporary exemption and that Audi was not a manufacturer of Lamborghini vehicles by virtue of being a ''sponsor.'' The agency explained:

> Lamborghini S.p.A. is 100% owned by Audi AG (which, in turn is 99.1% owned by Volkswagen AG). We have concluded that Lamborghini is eligible to apply for a temporary exemption based on the following factors. First, there is no similarity of design between the cars produced by Lamborghini and cars produced by Audi. There is no sharing of engines, transmissions, platforms, or interior systems, and production tooling is unique to Lamborghini. Second, Lamborghini has indicated that it has paid for all services or assistance provided by Audi in ''arm's-length'' transactions. Third, cars are imported and sold through separate distribution channels independent of the Audi dealer network. Accordingly, NHTSA concludes that Audi is not a manufacturer of Lamborghini vehicles by virtue of being a sponsor.[3]

In its current petition, Lamborghini states that based on this previous finding, Lamborghini is eligible to apply for this petition. Lamborghini confirmed via a signed document submitted to NHTSA via e-mail from its U.S. consultant that Lamborghini currently certifies that all the facts it certified in its original petition concerning Lamborghini's relationship with its parent company Audi continue to be true.[4]

Requested exemption. Lamborghini has applied for an extension of its temporary exemption from the FMVSS No. 208 advanced air bag requirements. Lamborghini requested an additional 18 months for the exemption from the rigid

[3] 61 FR 52851, 52853 (Sept. 7, 2006).

[4] This document will be placed in this docket along with the petition.

barrier unbelted test requirement with the 50th percentile adult male test dummy (S14.5.2), the rigid barrier test requirement using the 5th percentile adult female test dummy (belted and unbelted, S15), the offset deformable barrier test requirement using the 5th percentile adult female test dummy (S17), the requirements to provide protection to infants and children (S19, S21, and S23), and the requirement using an out-of-position 5th percentile adult female test dummy at the driver position (S25). Lamborghini's current exemption extends until August 31, 2009, and Lamborghini requested a one-and-a-half year extension that would exempt Lamborghini's Murcielago model from the listed advanced air bag requirements through February 28, 2011.

Economic hardship. In its petition Lamborghini states that its previously established financial hardship [5] continues. Lamborghini states that financial statement ''Forecasts for 2008 through 2011 are not good.'' Lamborghini states that although 2006 and 2007 financial statements have shown profitability, the recent upheaval in the global economy could have a substantial negative effect on these predictions.[6] Specifically, Lamborghini's financial information submission showed that in the absence of the requested extension, it would lose between 120 and 200 U.S. Murcielago sales over the extension's 18 month period, and that alone would translate into lost revenue of between 32,000,000 and 55,000,000 Euros ($44,480,000–$76,450,000), depending on the number of vehicles sold under the extension.[7] Murcielago sales are 25 percent of total U.S. Lamborghini sales and in its petition Lamborghini stated that the profit margin on the top-of-the-line Murcielago is the highest of any model the company sells.

Lamborghini states in its petition that the financial impact on Lamborghini of an extension denial would actually be even greater than mere lost U.S. sales or lost profits. First, by having no U.S. product in the ''supercar'' product range for 18 months, Lamborghini states that it would lose significant market share to competing brands which may never be regained. Second, because U.S. Murcielago sales are between 40 and 50 percent of total worldwide Murcielago sales, Lamborghini states in its petition that it would no longer be viable for Lamborghini to continue to produce that model for any markets. In its petition Lamborghini states that shutdown of the Murcielago production line would mean lost sales beyond lost U.S. sales and would mean layoffs at the factory that would raise the risk of permanently losing skilled workers to competing factories in the area, since the unemployment rate in the area is only between 2 and 3 percent. Lamborghini argues that such consequences demonstrate ''substantial economic hardship'' within the meaning of 49 U.S.C. 30113(b)(3)(B)(i).

Good faith efforts to comply. Lamborghini stated that since the filing of the original petition for exemption, and since its granting in late 2006, further unexpected events have transpired that require the product cycle of the current Murcielago to be extended from September 2009 until March 2011. Specifically, the launch of the Murcielago successor has been delayed by up to 18 months due to the need to develop technologies and materials that permit an even lighter weight vehicle due to the need to comply with European Union carbon dioxide and noise requirements. In its petition Lamborghini stated that such development is a very time consuming endeavor and this is the same reason behind Ferrari's advanced air bag exemption request in November 2007.[8]

Lamborghini referred to NHTSA's September 2006 decision granting Lamborghini's original petition for exemption which stated that ''[l]ike Ferrari, Lamborghini stated that its product cycles must last longer than the industry average due to the high cost of development and extremely small sales volume.'' [9] Lamborghini also quoted NHTSA's original grant as stating that ''[w]hile the petitioner was aware of the new requirements for some time, *its business plans changed,* and it was subsequently determined that the Murcielago's production run would need to be extended beyond 2006, thereby raising the problem of compliance with the advanced air bag requirements.'' [10] In its petition Lamborghini explained that as happens in the small volume automotive industry, Lamborghini's business plan has changed again for reasons that Lamborghini could not control (*i.e.*, the European Union requirements, as noted above), and Murcielago production must continue for 18 months longer.

Lamborghini stated in its petition that in 2008, when it realized that the Murcielago successor was going to be delayed, it revisited the possibility of fitting advanced air bags to the current Murcielago in case the technological and supplier situations had changed since the last efforts made by Lamborghini in 2005. Its petition stated that after this reexamination, Lamborghini reached the same conclusion it had reached in 2005: that fully compliant advanced air bags for the current Murcielago were infeasible. However, Lamborghini stated that testing that was part of this reexamination of the feasibility of advanced air bags revealed that the Murcielago could pass the upcoming belted 35 mile per hour (mph) 50th percentile dummy tests under S14.5.1(b) of FMVSS No. 208. As a result of this extra testing, Lamborghini stated that it can certify the Murcielago to the 35 mph belted 50th percentile dummy requirements in advance of the September 1, 2010 small volume manufacturer deadline. In its petition, Lamborghini stated that this is further evidence that it is taking definitive good faith steps towards a full advanced air bag system and supports its request for the extension.

Having reached the conclusion again that fully-compliant advanced air bags were not feasible for the current Murcielago, Lamborghini stated that it has continued its focus on developing advanced air bags for the Murcielago successor. In its petition Lamborghini explained that it has continued its efforts regarding 100 percent FMVSS No. 208 compliance for the Murcielago successor. Lamborghini stated that the estimated costs for FMVSS No. 208 compliance for the successor Murcielago are 10,000,000 Euros ($13,900,000).

Lamborghini argues that an exemption would be in the public interest. The petitioner states in its petition that the same reasons NHTSA determined that Lamborghini's original petition was consistent with the public interest remain valid. Lamborghini put forth several arguments in favor of a finding that the requested exemption is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act. Specifically:

1. Lamborghini stated that the estimated 120 to 200 exempted vehicles that would be produced over 18 months under the requested exemption constitute a tiny fraction of the nation's vehicle fleet, and the requested

[5] *See* 71 FR 52851 (September 7, 2006).

[6] In its petition, Lamborghini cites increased sales resulting from more dealers worldwide, the development of special series high margin vehicles, individualized made-to-order cars, and the offering of special options as reasons that its 2006–2007 results have been better than forecasted.

[7] All dollar values are based on an exchange rate of 1 Euro = $1.39.

[8] 72 FR 66028.

[9] 71 FR 52851, 52854.

[10] *Id.* at 52855 (emphasis added by Lamborghini).

extension would therefore have a *de minimus* impact on the overall safety of U.S. highways.

2. The petitioner stated that the exempted vehicles would comply with all FMVSSs other than the provisions that are subject to the extension request.

3. Lamborghini stated that a denial of the requested exemption would affect its goodwill, dealers, and service personnel by their inability to continue business with the Murcielago (*i.e.,* to have a top-of-the-line model available for U.S. dealers).

4. Lamborghini stated that the Murcielago is likely to be operated only on a limited basis and the requested extension will have a negligible impact on the overall safety of U.S. highways. The petitioner stated that research indicates that the Murcielago is driven on average only about 5,000 miles per year.

5. Lamborghini stated that by its very nature, it is extremely rare that the Murcielago transports children.

6. The petitioner cited the Murcielago's safety record, which it called excellent. Both in the U.S. and the rest of the world, Lamborghini stated that it knows of no injuries caused by the Murcielago's current air bag system. Lamborghini stated that given the very low volume of Lamborghini sales, such instances of death or injury, if they were to occur, would be known to the company. Therefore, Lamborghini stated, the vehicle guarantees a very high safety level even without an advanced air bag system, due, in part, to the crashworthiness design of the vehicle necessitated by its very high performance.

7. Lamborghini argued that if the exemption is not granted, U.S. consumer choice would be harmed and that the agency has long maintained that the National Traffic and Motor Vehicle Safety Act seeks, if possible, to avoid limiting consumer choice.

8. Lamborghini stated that it provides as standard equipment safety features that are not required by the FMVSS, which it states are in the public interest, including: passenger air bag on-off switch (which serves a key purpose at which advanced air bags are aimed—protection of smaller occupants), antilock brake system (ABS), traction control, 4-wheel drive, occupant protection in a frontal pole test at 35 kilometers per hour, and roadster roof crush resistance at 2.5 times the a mass of vehicle.

V. Issuance of Notice of Final Action

We are providing a 30-day comment period. After considering public comments and other available information, we will publish a notice of final action on the application in the **Federal Register.**

Issued on: September 17, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9–22799 Filed 9–21–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 15, 2009.

The Department of the Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, and 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before October 22, 2009 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–2142.

Type of Review: Extension.

Form: 8038–CP.

Title: Form 8038–CP—Return for Credit Payments to Issuers of Qualified Bonds.

Description: Form 8038–CP, Return for Credit Payments to Issuers of Qualified Bonds, will be used to make direct payments to State and local governments. The American Recovery and Reinvestment Act of 2009, Public Law 111–5, provides State and local governments with the option of issuing a tax credit bond instead of a tax-exempt governmental obligation bond. The bill gives State and local governments the option to receive a direct payment from the Federal government equal to a subsidy that would have been received through the Federal tax credit for bonds.

Respondents: State, Local, and Tribal Governments.

Estimated Total Burden Hours: 134,600 hours.

OMB Number: 1545–2141.

Type of Review: Extension.

Title: NOT–2009–31—Election and Notice Procedures for Multiemployer Plans under Sections 204 and 205 of WRERA.

Description: The guidance in this notice implements temporary, elective relief under the Workers, Retirees, and Employers Relief Act of 2008 (WRERA), which was enacted this past December, for multiemployer pension plans from certain funding requirements.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 1,600 hours.

OMB Number: 1545–1993.

Type of Review: Extension.

Title: Notice 2006–54, Alternative Fuel Motor Vehicle Credit.

Description: This notice sets forth a process that allows taxpayers who purchase alternative fuel motor vehicles to rely on the domestic manufacturer's (or, in the case of a foreign manufacturer, its domestic distributor's) certification that both a particular make, model, and year of vehicle qualifies as an alternative fuel motor vehicle under Sec. 30B(a)(4) and (e) of the Internal Revenue Code and the amount of the credit allowable with respect to the vehicle.

Respondents: Individuals or Households.

Estimated Total Burden Hours: 600 hours.

OMB Number: 1545–1801.

Type of Review: Extension.

Title: Revenue Procedure 2002–67, Settlement of Section 351 Contingent Liability Tax Shelter Cases.

Description: This revenue procedure prescribes procedures for taxpayers who elect to participate in a settlement initiative aimed at resolving tax shelter cases involving contingent liability transactions that are the same or similar to those described in Notice 2001–17 (''contingent liability transactions''). There are two resolution methodologies: a fixed concession procedure and a fast track dispute resolution procedure that includes binding arbitration.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 7,500 hours.

OMB Number: 1545–1837.

Type of Review: Extension.

Title: Revenue Procedure 2003–36, Industry Issue Program.

Description: Revenue Procedure 2003–36 describes the procedures for business taxpayers, industry associations, and others representing business taxpayers to submit issues for resolution under the IRS's Industry Issues Resolution Program.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 2,000 hours.

OMB Number: 1545–1814.

Type of Review: Extension.

Form: 1099–CAP.

Title: Changes in Corporate Control and Capital Structure.

Description: Any corporation that undergoes reorganization under Regulation section 1.6043–4T with stock, cash, and other property over $100 million must file Form 1099–CAP with the IRS shareholders.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 67 hours.

OMB Number: 1545–2140.

Type of Review: Extension.

Form: 8935, 8935–T.

Title: Form 8935—Airplane Payments Report.

Description: Form 8935 will provide to the employee, current or former, the amount of the payment that was received from the airline that is eligible for rollover treatment into a Roth IRA. Form 8935–T is a new transmittal form developed for filing information reporting Forms 8935, Airline Payments Reports, with the Service via paper filing.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 44 hours.

OMB Number: 1545–2143.

Type of Review: Extension.

Title: Notice 2009–26, Build America Bonds and Direct Payment Subsidy Implementation.

Description: This Notice provides guidance on the new tax incentives for Build America Bonds under § 54AA of the Internal Revenue Code (''Code'') and the implementation plans for the refundable credit payment procedures for these bonds. This Notice includes guidance on the modified Build America Bond program for Recovery Zone Economic Development Bonds under § 1400U–2 of the Code. This Notice provides guidance on the initial refundable credit payment procedures, required elections, and information reporting. This Notice solicits public comments on the refundable credit payment procedures for these bonds. This Notice is intended to facilitate prompt implementation of the Build America Bond program and to enable state and local governments to begin issuing these bonds for authorized purposes to promote economic recovery and job creation.

Respondents: State, Local, and Tribal Governments.

Estimated Total Burden Hours: 15,000 hours.

OMB Number: 1545–1014.

Type of Review: Extension.

Form: 1066, Schedule Q (Form 1066).

Title: Form 1066, U.S. Real Estate Mortgage Investment Conduit (REMIC) Income Tax Return; Schedule Q (Form 1066) Quarterly Notice to Residual Interest Holder of REMIC Taxable Income or Net Loss.

Description: Form 1066 and Schedule Q (Form 1066) are used by a real estate mortgage investment conduit (REMIC) to figure its tax liability and income and other tax-related information to pass through to its residual holders. IRS uses the information to determine the correct tax liability of the REMIC and its residual holders.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 756,580 hours.

OMB Number: 1545–2001.

Type of Review: Extension.

Title: Rev. Proc. 2006–16, Renewal Community Depreciation Provisions

Description: This revenue procedure provides the time and manner for states to make retroactive allocations of commercial revitalization expenditure amounts to certain buildings placed is service in the expanded area of renewal community pursuant to Sec. 1400E(g) of the Internal Revenue Code.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 150 hours.

Clearance Officer: R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Shagufta Ahmed, (202) 395–7873, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Celina Elphage,

Treasury PRA Clearance Officer.

[FR Doc. E9–22783 Filed 9–21–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Financial Management Service

Senior Executive Service; Financial Management Service Performance Review Board (PRB)

AGENCY: Financial Management Service, Treasury.

ACTION: Notice.

SUMMARY: This notice announces the appointment of members to the Financial Management Service (EMS) Performance Review Board (PRB).

DATES: This notice is effective on September 22, 2009.

FOR FURTHER INFORMATION CONTACT: Wanda J. Rogers, Deputy Commissioner, Financial Management Service, 401 14th Street, SW., Washington, DC; telephone (202) 874–7000.

SUPPLEMENTARY INFORMATION: Pursuant to U.S.C. 4314(c)(4), this notice is given of the appointment of individuals to serve as members of the FMS PRB. This Board reviews the performance appraisals of career senior executives below the Assistant Commissioner level and makes recommendations regarding ratings, bonuses, and other personnel actions. Four voting members constitute a quorum. The names and titles of the EMS PRB members are as follows:

Primary Members:

Wanda J. Rogers, Deputy Commissioner
Scott H. Johnson, Assistant Commissioner, Debt Management Services
Sheryl R. Morrow, Assistant Commissioner, Federal Finance
Rita Bratcher, Assistant Commissioner, Payment Management
Charles R. Simpson, Assistant Commissioner, Information Resources
D. James Sturgill, Assistant Commissioner, Govermentwide Accounting
David Rebich, Assistant Commissioner, Management (Chief Financial Officer)

Dated: September 8, 2009.

Wanda J. Rogers,

Deputy Commissioner.

[FR Doc. E9–22649 Filed 9–21–09; 8:45 am]

BILLING CODE M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–124312–02]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an

existing final regulation, REG–124312–02, Golden Parachute Payments.

DATES: Written comments should be received on or before November 23, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Evelyn.J.Mack at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–7381, or through the internet at (*Evelyn J. Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Golden Parachute Payments.

OMB Number: 1545–1851.

Regulation Project Number: REG–124312–02.

Abstract: These regulations deny a deduction for excess parachute payments. A parachute payment is payment in the nature of compensation to a disqualified individual that is contingent on a change in ownership or control of a corporation. Certain payments, including payments from a small corporation, are exempt from the definition of parachute payment if certain requirements are met (such as shareholder approval and disclosure requirements).

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 800.

Estimated Time per Respondent: 9 minutes.

Estimated Total Annual Burden Hours: 12,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 15, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–22695 Filed 9–21–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–116050–99]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–116050–99, Stock Transfer Rules: Carryover of Earnings and Taxes (§ 1.367(b)–1).

DATES: Written comments should be received on or before November 23, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Evelyn J. Mack, at (202) 622–7381, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the internet, at *Evelyn.J.Mack@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Stock Transfer Rules: Carryover of Earnings and Taxes.

OMB Number: 1545–1711.

Regulation Project Number: REG–116050–99.

Abstract: The final regulations relate to the carryover of certain tax attributes, such as earnings and profits and foreign income tax accounts, when two corporations combine in a section 367(b) transaction.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 600.

Estimated Time per Respondent: 8 hours.

Estimated Total Annual Burden Hours: 1,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 16, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–22696 Filed 9–21–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for NOT 110859–09

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning NOT 110859–09, Qualifying Advanced Energy Project Credit.

DATES: Written comments should be received on or before November 23, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Evelyn J. Mack at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–7381, or through the internet at (*Evelyn.J.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Qualifying Advanced Energy Project Credit

OMB Number: 1545–2151.

Notice Number: NOT 110859–09.

Abstract: This notice establishes the qualifying advanced energy project program (''advanced energy program'') under § 48C(d) of the Internal Revenue Code and announces an initial allocation round of the qualifying advanced energy project credit (''advanced energy credit'') to qualifying advanced energy projects under the advanced energy program. A qualifying advanced energy project re-equips, expands, or establishes a manufacturing facility for the production of certain energy related property. A taxpayer must submit, for each qualifying advanced energy project: (1) An application for recommendation by the DOE (''application for DOE recommendation''), and (2) an application for certification under § 48C(d)(2) by the Service (''application for § 48C certification''). Both applications may be submitted only during the 2-year period beginning on August 14, 2009. Certifications will be issued and credits will be allocated to projects in annual allocation rounds. The initial allocation round will be conducted in 2009–10, and If necessary, additional allocation round in 2010–11.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This notice is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1000.

Estimated Average Time per Respondent: 110 hrs.

Estimated Total Annual Burden Hours: 110,000 hrs.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 16, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–22698 Filed 9–21–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2000–35

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2000–35, Section 1445 Withholding Certificates.

DATES: Written comments should be received on or before November 23, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Evelyn J. Mack at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–7381, or through the internet at (*Evelyn.J.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Section 1445 Withholding Certificates.

OMB Number: 1545–1697.

Revenue Procedure Number: Revenue Procedure 2003–35.

Abstract: Revenue Procedure 2003–35 provides guidance concerning applications for withholding certificates under Code section 1445.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 6,000.

Estimated Average Time per Respondent: 10 hours.

Estimated Total Annual Burden hours: 60,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 10, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–22699 Filed 9–21–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2009–58; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice and request for comments.

SUMMARY: This document contains corrections to a notice and request for comments that was published in the **Federal Register** on Thursday, September 3, 2009 at 74 FR 45672 inviting 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)).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Evelyn J. Mack at (202) 622–7381, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the internet, at *Evelyn.J.Mack@irs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The notice and request for comments that is the subject of this correction is required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Need for Correction

As published, the notice and request for comments for Proposed Collection; Comment Request for Notice 2009–58 contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice and request for comments for Proposed Collection; Comment Request for Notice 2009–58, which was the subject of FR Doc. E9–21257, is corrected as follows:

1. On page 45672, column 1, in the document heading, the language ''Proposed Collection; Comment Request for NOT 111495–09'' is corrected to read ''Proposed Collection; Comment Request for Notice 2009–58''.

2. On page 45672, column 2, under the caption **SUMMARY:**, first paragraph of the column, first through third lines from the bottom of the paragraph, the language ''soliciting comments concerning Notice 2009 XX, Credit for Carbon Dioxide Sequestration under Section 45Q.'' is corrected to read ''soliciting comments concerning Notice 2009–58, Manufacturers' Certification of Specified Plug-in Electric Vehicles.''.

3. On page 45672, column 2, under the caption **SUPPLEMENTARY INFORMATION:**, fourth line, the language ''*Notice Number:* NOT 111495–09.'' is corrected to read ''*Notice Number:* Notice 2009–58.''.

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E9–22697 Filed 9–21–09; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Tuesday,
September 22, 2009

Part II

The President

Proclamation 8419—National POW/MIA Recognition Day, 2009

Federal Register
Vol. 74, No. 182
Tuesday, September 22, 2009

Presidential Documents

Title 3—

The President

Proclamation 8419 of September 17, 2009

National POW/MIA Recognition Day, 2009

By the President of the United States of America

A Proclamation

Our Nation maintains a solemn commitment to leave no service member behind. Our men and women in uniform uphold this pledge every day, and our country further upholds it as we honor every man and woman who serves, particularly those taken as prisoners of war or missing in action. We will never cease in our mission to bring America's missing service members home; we will never forget the sacrifices they made to keep this Nation free; and we will forever honor their memory. On National POW/MIA Recognition Day, we pay tribute to the American men and women who have not returned from the battlefield, and we express profound gratitude to those who returned only after facing unimaginable hardship on our behalf. Today, we also remember the families of our prisoners of war and those missing in action and honor the sacrifices they have made.

Every day, Americans are working around the world to identify and recover the remains of our fallen heroes. It is a promise made, and a promise that will be kept. Although their location may be unknown, we will not waver in our commitment to see they are reunited with the land they so valiantly defended.

For those veterans who returned home after being declared Missing in Action or having been imprisoned by the enemy, we honor their service, their sacrifice, and their courage. In distant lands, and under wretched and torturous conditions, these men and women endured. Faced with such tremendous adversity, they embody the power of the human spirit—sustaining themselves with hope and faith.

On September 18, 2009, the stark black and white banner symbolizing America's Missing in Action and Prisoners of War will be flown over the White House, the Capitol, the Departments of State, Defense, and Veterans Affairs, the Selective Service System Headquarters, the World War II Memorial, the Korean War Veterans Memorial, the Vietnam Veterans Memorial, United States post offices, national cemeteries, and other locations across our country. It is a powerful reminder that our Nation will never cease in our commitment to honor those who have paid so high a price in its service.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 18, 2009, as National POW/MIA Recognition Day, and I urge all Americans to observe this day of honor and remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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. E9–23006
Filed 9–21–09; 11:15 am]
Billing code 3195–W9–P

Federal Register

Tuesday,
September 22, 2009

Part III

The President

Notice of September 21, 2009—Continuation of the National Emergency With Respect to Persons Who Commit, Threaten to Commit, or Support Terrorism

Federal Register
Vol. 74, No. 182
Tuesday, September 22, 2009

Presidential Documents

Title 3—

The President

Notice of September 21, 2009

Notice of September 21, 2009—Continuation of the National Emergency With Respect to Persons Who Commit, Threaten to Commit, or Support Terrorism

On September 23, 2001, by Executive Order 13224, the President declared a national emergency with respect to persons who commit, threaten to commit, or support terrorism, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). The President took this action to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks against United States nationals or the United States. Because the actions of persons who commit, threaten to commit, or support terrorism continue to pose an unusual and extraordinary threat to the United States, the national emergency declared on September 23, 2001, and the measures adopted on that date to deal with that emergency must continue in effect beyond September 23, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to persons who commit, threaten to commit, or support terrorism.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
September 21, 2009.

[FR Doc. E9–23055
Filed 9–21–09; 2:15 pm]
Billing code 3195–W9–P

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Tuesday, September 22, 2009

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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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