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WHEN: Tuesday, November 10, 2009
9 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
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Washington, DC 20002

RESERVATIONS: (202) 741–6008

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# Rules and Regulations

Federal Register

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Monday, October 26, 2009

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2009–0294; Directorate Identifier 2009–NE–08–AD; Amendment 39–16057; AD 2009–22–06]**

**RIN 2120–AA64**

## Airworthiness Directives; International Aero Engines AG (IAE) V2500–A1, V2527E–A5, V2530–A5, and V2528–D5 Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for International Aero Engines AG (IAE) V2500–A1, V2527E–A5, V2530–A5, and V2528–D5 turbofan engines. This AD requires reducing the published life limit of certain high-pressure compressor (HPC) stage 9–12 disc assemblies. This AD also removes from service those HPC stage 9–12 disc assemblies using a drawdown schedule. This AD results from IAE updating the low-cycle-fatigue (LCF) life analysis for certain HPC stage 9–12 disc assemblies. We are issuing this AD to prevent an uncontained failure of the HPC stage 9–12 disc assembly, resulting in an in-flight engine shutdown and possible damage to the airplane.

**DATES:** This AD becomes effective November 30, 2009.

**ADDRESSES:** You can get the service information identified in this AD from International Aero Engines AG, 400 Main Street, East Hartford, CT 06108; *telephone:* (860) 565–5515; *fax:* (860) 565–5510.

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:** Kevin Dickert, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail: kevin.dickert@faa.gov*; telephone (781) 238–7117; fax (781) 238–7199.

**SUPPLEMENTARY INFORMATION:** The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to IAE V2500–A1, V2527E–A5, V2530–A5, and V2528–D5 turbofan engines. We published the proposed AD in the **Federal Register** on June 29, 2009 (74 FR 30981). That action proposed to require reducing the published life limit of certain HPC stage 9–12 disc assemblies. That action also proposed to remove from service those HPC stage 9–12 disc assemblies using a drawdown schedule.

### 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 received no comments on the proposal or on the determination of the cost to the public.

### Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

### Costs of Compliance

We estimate that this AD will affect 18 engines installed on airplanes of U.S. registry. We also estimate that it will take about 200 work-hours per engine to perform the actions, and that the average labor rate is $80 per work-hour. The prorated cost due to a life reduction for a HPC stage 9–12 disc assembly installed in a V2500–A1 engine, is about $5,600 per engine, and for one installed in a V2527E–A5, V2530–A5, or V2528–D5 engine, is about $29,700 per engine. Based on these figures, we estimate the cost of the AD on U.S. operators to be $485,200.

### 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, 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 adding the following new airworthiness directive:

**2009–22–06 International Aero Engines AG:** Amendment 39–16057. Docket No. FAA–2009–0294; Directorate Identifier 2009–NE–08–AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective November 30, 2009.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to International Aero Engines AG (IAE) V2500–A1, V2527E–A5, V2530–A5, and V2528–D5 turbofan engines. These engines are installed on, but not limited to, Airbus A320 and A321 series, and McDonnell Douglas Corporation MD–90 airplanes.

**Unsafe Condition**

(d) This AD results from IAE updating the low-cycle-fatigue (LCF) life analysis for certain high-pressure compressor (HPC) stage 9–12 disc assemblies. We are issuing this AD to prevent an uncontained failure of the HPC stage 9–12 disc assembly, resulting in an in-flight engine shutdown and possible damage to 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.

**V2500–A1 Turbofan Engines**

(f) For V2500–A1 turbofan engines with HPC stage 9–12 disc assemblies, P/N 2A3200, 2A3300, 2A3400, 2A3500, 6A4131, and 6A7545, installed, remove from service as follows:

(1) For HPC stage 9–12 disc assemblies that have accumulated fewer than 12,000 cycles-since-new (CSN) on the effective date of this AD, remove from service before the disc assembly accumulates 14,600 CSN.

(2) For HPC stage 9–12 disc assemblies that have accumulated 12,000 or more CSN but fewer than 14,600 CSN on the effective date of this AD:

(i) If the next engine shop visit will occur before accumulating 14,600 CSN, then remove from service before accumulating 14,600 CSN.

(ii) If the next engine shop visit will occur upon accumulating 14,600 or more CSN, then remove from service at the next engine shop visit but not to exceed 15,000 CSN.

(3) For HPC stage 9–12 disc assemblies that have accumulated 14,600 or more CSN on the effective date of this AD, remove from service at the next engine shop visit but not to exceed 15,000 CSN.

**V2527E–A5 and V2530–A5 Turbofan Engines**

(g) For V2527E–A5 and V2530–A5 turbofan engines with HPC stage 9–12 disc assemblies, P/N 6A4156 and 6A7547 installed, remove from service as follows:

(1) For HPC stage 9–12 disc assemblies that have accumulated fewer than 9,000 CSN on the effective date of this AD, remove from service before the disc assembly accumulates 11,800 CSN.

(2) For HPC stage 9–12 disc assemblies that have accumulated 9,000 or more CSN but fewer than 11,800 CSN on the effective date of this AD:

(i) If the next engine shop visit will occur before accumulating 11,800 CSN, then remove from service before accumulating 11,800 CSN.

(ii) If the next engine shop visit will occur upon accumulating 11,800 or more CSN, then remove from service at the next engine shop visit but not to exceed 12,000 CSN.

(3) For HPC stage 9–12 disc assemblies that have accumulated 11,800 or more CSN on the effective date of this AD, remove from service at the next engine shop visit but not to exceed 12,000 CSN.

**V2528–D5 Turbofan Engines**

(h) For V2528–D5 turbofan engines with HPC stage 9–12 disc assemblies, P/N 6A4156 and 6A7547 installed, remove from service as follows:

(1) For HPC stage 9–12 disc assemblies that have accumulated fewer than 9,000 CSN on the effective date of this AD, remove from service before the disc assembly accumulates 11,800 CSN.

(2) For HPC stage 9–12 disc assemblies that have accumulated 9,000 or more CSN but fewer than 11,800 CSN on the effective date of this AD:

(i) If the next engine shop visit will occur before accumulating 11,800 CSN, then remove from service before accumulating 11,800 CSN.

(ii) If the next engine shop visit will occur upon accumulating 11,800 or more CSN, then remove from service at the next engine shop visit but not to exceed 13,200 CSN.

(3) For HPC stage 9–12 disc assemblies that have accumulated 11,800 or more CSN on the effective date of this AD, remove from service at the next engine shop visit but not to exceed 13,200 CSN.

**Definition**

(i) For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges except that the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance does not constitute an engine shop visit.

**Alternative Methods of Compliance**

(j) The Manager, Engine 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.

**Related Information**

(k) IAE Alert Service Bulletin No. V2500–ENG–72–A0554, Revision 1, dated June 27, 2008, also pertains to the subject of this AD. Contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06108; telephone: (860) 565–5515; fax: (860) 565–5510, for a copy of this service information.

(l) Contact Kevin Dickert, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail: Kevin.dickert@faa.gov*; telephone (781) 238–7117; fax (781) 238–7199, for more information about this AD.

**Material Incorporated by Reference**

(m) None.

Issued in Burlington, Massachusetts, on October 16, 2009.

**Robert J. Ganley,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. E9–25644 Filed 10–23–09; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2009–0128; Airspace Docket No. 08–ASW–15]**

**RIN 2120–AA66**

## Amendment of Federal Airways V–163 and V–358 in the Lampasas, TX, Area

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the legal descriptions of two Federal airways that have ''Lampasas, TX, very high frequency omnidirectional range/tactical air navigation (VORTAC)'' included as part of their route structure. Currently, the Lampasas VORTAC and the Lampasas Airport share the same location name and identifier (LZZ). To eliminate confusion and potential flight safety issues, the ''Lampasas VORTAC'' (LZZ) will be renamed the ''Gooch Springs VORTAC'' (AGJ). All airways with Lampasas [VORTAC] included in their legal descriptions will be amended, concurrent with the effective date of this final rule, to reflect the name change.

**DATES:** *Effective Date:* 0901 UTC, December 17, 2009. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

**SUPPLEMENTARY INFORMATION:**

## The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the legal descriptions of two Federal airways, V–163 and V–358, that have Lampasas, TX, [VORTAC] included as part of their route structure. Currently, the Lampasas, TX, VORTAC and the Lampasas Airport, Lampasas, TX, share the same name and location identifier (LZZ), but are not co-located. To eliminate the possibility of confusion, and a potential flight safety issue, the Lampasas, TX, VORTAC will be renamed the Gooch Springs, TX, VORTAC (AGJ). All airways with Lampasas, TX, [VORTAC] included in their legal descriptions will be amended to reflect the name change. The name change of the VORTAC will coincide with the effective date of this rulemaking action.

Since this action merely involves editorial changes in the legal description of two Federal airways, and does not involve a change in the dimensions or operating requirements of that airspace, notice and public comment under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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 United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it revises the legal descriptions of Federal airways in the vicinity of Lampasas, TX.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9T, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The domestic Federal VOR airways listed in this document will be published subsequently in the Order.

## Environmental Review

There are no changes to the lateral limits. Therefore, the FAA has determined that this action is not subject to environmental assessments and procedures in accordance with FAA Order 1050.1E, Policies and Procedures for Considering Environmental Impacts, and the National Environmental Policy Act.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR 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 the Federal Aviation Administration Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

*Paragraph 6010(a) Domestic VOR Federal Airways*

* * * * *

**V–163 [Amended]**

From Matamoros, Mexico; via Brownsville, TX; 27 miles standard width, 37 miles 7 miles wide (3 miles E. and 4 miles W. of centerline); Corpus Christi, TX; Three Rivers, TX; INT Three Rivers 345° and San Antonio, TX, 168° radials; San Antonio; Gooch Springs, TX; to Glen Rose, TX.

* * * * *

**V–358 [Amended]**

From San Antonio, TX, via Stonewall, TX; Gooch Springs, TX; INT Gooch Springs 041° and Waco, TX, 280° radials; Waco; Glen Rose, TX; Millsap, TX; Bowie, TX; Ardmore, OK; INT Ardmore 327° and Will Rogers, OK, 195° radials; to Will Rogers.

* * * * *

Issued in Washington, DC, on October 6, 2009.

**Edith V. Parish,**

*Manager, Airspace and Rules Group.*

[FR Doc. E9–24662 Filed 10–23–09; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2009–0318; Airspace Docket No. 09–AAL–8]**

## Establishment of Class E Airspace; Noorvik, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Noorvik, AK to provide adequate controlled airspace to contain aircraft executing Standard Instrument Approach Procedures (SIAPs). Two SIAPs are being developed for the Robert (Bob) Curtis Memorial Airport at Noorvik, AK. Additionally, one textual Obstacle Departure Procedure (ODP) is being developed. This action establishes Class E airspace upward from 700 feet (ft.) above the surface at Robert (Bob) Curtis Memorial Airport, Noorvik, AK.

**DATES:** *Effective Date:* 0901 UTC, December 17, 2009. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Gary Rolf, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587;

telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *gary.ctr.rolf@faa.gov.* Internet address: *http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/rulemaking/.*

**SUPPLEMENTARY INFORMATION:**

### History

On Wednesday, August 12, 2009, the FAA published a notice of proposed rulemaking in the **Federal Register** to establish Class E airspace at Noorvik, AK (74 FR 40535). Subsequent to publication, the FAA noted that the title erroneously refered to this action as a revision. The remainder of the document was clear, that this was a proposal to establish controlled airspace at Noorvik, AK. With the exception of editorial changes, and the changes described above, this rule is the same as that proposed in the NPRM. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. The rule is adopted as proposed.

The Class E airspace areas designated as 700/1,200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9T, *Airspace Designations and Reporting Points,* signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

### The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at the Robert (Bob) Curtis Memorial Airport, AK. This Class E airspace is established to accommodate aircraft executing new instrument procedures, and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at the Robert (Bob) Curtis Memorial Airport, Noorvik, AK.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 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 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Robert (Bob) Curtis Memorial Airport and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

## PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR 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 Federal Aviation Administration Order 7400.9T, *Airspace Designations and Reporting Points,* signed August 27, 2009, and effective September 15, 2009, is amended as follows:

*Paragraph 600 Class E Airspace Extending Upward From 700 Feet or More Above the Surface of the Earth.*

* * * * *

**AAL AK E5 Noorvik, AK [New]**

Noorvik, Robert (Bob) Curtis Memorial Airport, Noorvik, AK
(Lat. 66°49′03″ N., long. 161°01′20″ W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of the Robert (Bob) Curtis Memorial Airport, AK.

* * * * *

Issued in Anchorage, AK, on October 15, 2009.

**Michael A. Tarr,**

*Acting Manager, Alaska Flight Services Information Area Group.*

[FR Doc. E9–25499 Filed 10–23–09; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF COMMERCE

## United States Patent and Trademark Office

## 37 CFR Parts 2 and 11

**[Docket No. PTO–T–2008–0021]**

**RIN 0651–AC26**

## Changes in Requirements for Signature of Documents, Recognition of Representatives, and Establishing and Changing the Correspondence Address in Trademark Cases

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The United States Patent and Trademark Office (''Office'') is revising the Trademark Rules of Practice to set forth the requirements for signature of documents filed in the Office, recognition of representatives, and establishing and changing the correspondence address in trademark cases.

**DATES:** This rule is effective December 28, 2009.

**SUPPLEMENTARY INFORMATION:** As noted above, the Office is revising the Trademark Rules of Practice (37 CFR Part 2) to set forth the requirements for signature of documents filed in the Office, recognition of representatives, and establishing and changing the correspondence address in trademark cases. The purpose of the rule is to codify and clarify current practice. Practice before the Trademark Trial and Appeal Board (''TTAB'') is largely unaffected by the rule.

References below to ''the Act'' or ''the Trademark Act'' refer to the Trademark Act of 1946, 15 U.S.C. 1051 *et seq.,* as amended. References to ''TMEP'' or ''*Trademark Manual of Examining Procedure*'' refer to the 5th edition, September 2007. References to the ''TBMP'' or ''*Trademark Trial and Appeal Board Manual of Procedure*'' refer to the 2nd edition, Rev. 1, March

12, 2004. References to a ''party to a proceeding'' refer to a party to a proceeding before the TTAB, *e.g.*, an opposer, cancellation petitioner, or party to an interference or concurrent use proceeding.

On August 14, 2008, the Office published a final rule that, *inter alia*, removed §§ 10.14 and 10.18 of this chapter and replaced them with new §§ 11.14 and 11.18; added a definition of ''attorney'' to § 11.1 of this chapter; added § 11.14(f), setting forth the requirements and establishing a fee for filing a request for reciprocal recognition under § 11.14(c) of this chapter; and changed cross-references in several of the rules in parts 2 and 7 of this chapter, effective September 15, 2008.

*See Changes to Representation of Others Before the United States Patent and Trademark Office*, 73 FR 47650 (Aug. 14, 2008).

The cross-references in this notice have been changed accordingly.

The Office has recently published another final rule, *Miscellaneous Changes to Trademark Rules of Practice*, RIN 0651–AB89, 73 FR 67759 (November 17, 2008). The changes made therein are reflected in §§ 2.62, 2.74, 2.87, 2.146(c), 2.153, 2.163, 2.167, 2.171(b)(1), and 2.184 below.

**Overview of Office Practice**

*Persons Authorized To Represent Others*

Under 37 CFR 11.14 of this chapter, only the following individuals may represent an applicant, registrant, or party to a proceeding before the Office in a trademark case:

- An attorney as defined in § 11.1 of this chapter, *i.e.*, an attorney who is a member in good standing of the bar of the highest court of a state in the United States;
- A Canadian patent agent who is registered and in good standing as a patent agent under § 11.6(c) for the limited purpose of representing parties located in Canada;
- A Canadian attorney or agent who has been granted recognition by the Director of the Office of Enrollment and Discipline of the United States Patent and Trademark Office (''OED Director'') to represent parties located in Canada, pursuant to § 11.14(f) of this chapter; or
- An individual who is not an attorney but was recognized to practice before the Office in trademark cases under this chapter prior to January 1, 1957.

*See Trademark Manual of Examining Procedure* (''TMEP'') sections 602 and 602.06 *et seq*.

An individual who does not meet the requirements of § 11.14 of this chapter cannot: Prepare documents to be filed in the Office; sign amendments, responses to Office actions, petitions to the Director under § 2.146, letters of express abandonment, or notices of change of correspondence address for applications or registrations; authorize issuance of examiner's amendments and priority actions; or otherwise represent an applicant, registrant, or party to a proceeding in the Office. 5 U.S.C. 500(d); 37 CFR 11.14(e); TMEP sections 602.03 and 605.02.

*Recognition of Representative*

To be recognized as a representative, a practitioner qualified to practice under § 11.14 of this chapter (''qualified practitioner'') may:

- File a power of attorney signed by the applicant, registrant, or party to a proceeding in a trademark case, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership);
- Sign a document on behalf of an applicant, registrant, or party to a proceeding who is not already represented by a qualified practitioner from a different firm; or
- Appear in person on behalf of an applicant, registrant, or party to a proceeding who is not already represented by a qualified practitioner from a different firm.

37 CFR 2.17(c); TMEP sections 602.01 and 602.07.

Once the Office has recognized a qualified practitioner as the representative of an applicant or registrant, the Office will communicate and conduct business only with that practitioner, or with another qualified practitioner from the same firm. The Office will not conduct business directly with the applicant or registrant, or with another qualified practitioner from a different firm, unless the applicant or registrant files a new power of attorney or revocation of the previous power. TMEP sections 601.02, 602.07, and 603.02(a). A motion to withdraw is generally required when a qualified practitioner recognized by the TTAB will no longer be representing a party to a proceeding. *Trademark Trial and Appeal Board Manual of Procedure* (''TBMP'') section 513.

For purposes of recognition as a representative, the Office considers a power of attorney to end when the mark is registered, when ownership changes, or when the application is abandoned. TMEP section 602.01. An appointment of domestic representative, however, remains in effect unless specifically revoked or supplanted by appointment of a new domestic representative.

After a change in ownership has been recorded, if a new qualified practitioner appears on behalf of the new owner, the Office will communicate and conduct business with that practitioner even absent a new power of attorney or revocation of the previous power. If the previously recognized practitioner appears on behalf of the new owner (which might occur when the new owner is a related company), the Office will continue to conduct business and correspond with that practitioner.

*Establishing the Correspondence Address for Application or Registration*

Upon receipt of a new application, the Office enters the correspondence address in accordance with the following guidelines:

- If the application is transmitted by a qualified practitioner, or includes a power of attorney designating a qualified practitioner, the Office will send correspondence to the practitioner;
- If an application is not being prosecuted by a qualified practitioner, but the applicant designates in writing a correspondence address other than its own address, the Office will send correspondence to that address if appropriate;
- If an application is not being prosecuted by a qualified practitioner and the applicant has not designated a correspondence address, but a domestic representative has been appointed, the Office will send correspondence to the domestic representative if appropriate; or
- If the application is not being prosecuted by a qualified practitioner, no domestic representative has been appointed, and the applicant has not designated a different address for correspondence, the Office will send correspondence directly to the applicant at its address of record.

37 CFR 2.18; TMEP section 603.01.

The Office reestablishes the correspondence address in accordance with these guidelines upon the examination of an affidavit under section 8, 12(c), 15, or 71 of the Trademark Act, renewal application under section 9 of the Act, or request for amendment or correction of a registration under section 7 of the Act. TMEP section 603.02(c). Due to the length of time that may elapse between registration and filings under sections 7, 8, 9, 12(c), 15, and 71 of the Act (which could be 10 years or more), the Office will recognize a qualified practitioner who transmits such a filing even absent a new power of attorney or revocation of a previous power.

*Changing the Correspondence Address in an Application or Registration*

Once the correspondence address is established as discussed above, the Office will generally send correspondence to that address until a written request to change the address is submitted, signed by the practitioner whom the Office has recognized, or by the applicant or registrant or someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership) if the applicant or registrant is not represented by a qualified practitioner. 37 CFR 2.18(b); TMEP sections 601.02, 602.07, and 603.02(a).

Once the Office recognizes a qualified practitioner as the representative of an applicant or registrant, only that practitioner or another qualified practitioner from the same firm may sign a request to change the address, unless the applicant or registrant files a new power of attorney or revocation of the previous power, or the recognized practitioner files a request to withdraw. TMEP sections 603.02(a) and 605.02.

If a qualified practitioner transmits documents on behalf of an applicant or registrant who is not already represented by another qualified practitioner from a different firm, the Office will construe this as including a request to change the correspondence address to that of the practitioner. TMEP section 603.02(a).

*Documents Must Be Properly Signed*

Because an individual who is not authorized under § 11.14 may not represent an applicant, registrant, or party to a proceeding before the Office, the Office will not act on documents that are not properly signed. TMEP sections 602.03 and 605.02. When it is unclear whether a proper person has signed a response to an Office action, the Office will notify the applicant or registrant that the response is incomplete. *See* TMEP sections 605.05(a) and 712.03 regarding notices of incomplete response. When it is unclear whether a proper person has signed a document other than a response to an Office action, the Office will notify the applicant or registrant that no action will be taken on the document unless the applicant or registrant either establishes the signatory's authority or submits a properly signed document. *See* TMEP section 605.05.

*Unauthorized Practice*

When the Office learns that a person who is not qualified under § 11.14 is acting as the representative of an applicant, registrant, or party to a proceeding, the Office will notify the affected applicant, registrant, or party that the individual is not entitled to practice before the Office in trademark matters and therefore may not represent the applicant, registrant, or party; that any power of attorney is void *ab initio*; that the individual may not sign responses to Office actions; and that all correspondence will be sent to the domestic representative if appropriate or, alternatively, to the applicant, registrant, or party at its address of record. If the Office receives a response signed by such an unqualified person, the response will be treated as incomplete. This same practice is followed when the Office learns that a practitioner has been suspended or excluded from practice before the Office.

**Rule Changes**

*Terminology*

*Comment:* One commenter asserts that the terms ''registrant,'' ''owner,'' ''owner of a mark'' and ''owner of the registration'' are used interchangeably throughout the rules, and requests clarification.

*Response:* These terms are not interchangeable. ''Registrant'' is broader than ''owner,'' as it embraces the legal representatives, predecessors, successors and assigns of the current owner, pursuant to section 45 of the Trademark Act.

In rules that govern the representation of others and the establishment of the correspondence address, the Office has used the broader term ''registrant,'' to encompass all parties who could be represented or receive correspondence in connection with an application, registration, or proceeding in the Office. In rules that govern the proper party to sign and file affidavits under sections 8 and 15 of the Act, and requests for correction, amendment or surrender under section 7 of the Act, the more specific term ''owner'' is used. In § 2.184, which governs renewal applications, the term ''registrant'' is used for consistency with section 9 of the Act. Section 9, as amended by the Trademark Law Treaty Implementation Act, does not require that a renewal application be filed in the name of the owner of the registration. Therefore, if a renewal applicant is not the owner of record, the Office does not require that the renewal applicant show continuity of title from the original registrant before granting renewal. *See* TMEP section 1606.06.

*Discussion of Specific Rules*

A proposed rule was published in the **Federal Register** on June 12, 2008, at *73 FR 33345*, and in the *Official Gazette* on July 8, 2008. The Office received comments from one law firm and one organization. These comments are posted on the Office's Web site at *http://www.uspto.gov/web/offices/pac/dapp/opla/comments/tm_comments2008aug20a/index.htm*, and are addressed below.

Where appropriate, the Office has reworded and/or reorganized the rules for clarity, and added headings to facilitate navigation through the rules.

Section 2.17(a) is redesignated as § 2.17(b)(2).

Section 2.17(b) is redesignated as § 2.17(f).

Section 2.17(c) is redesignated as § 2.17(b), and revised to provide that the Office will recognize a qualified practitioner who signs a document or appears in person in a trademark case only if the applicant or registrant is not already represented by a qualified practitioner from a different firm. This is consistent with TMEP sections 602.01 and 602.07.

Section 2.17(c) sets forth the requirements for powers of attorney. A power must: (1) Designate by name at least one practitioner qualified to practice under 37 CFR § 11.14; and (2) be signed by the individual applicant, registrant, or party to a proceeding pending before the Office, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership). Once an applicant, registrant, or party to a proceeding has designated a qualified practitioner(s), that practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to represent the applicant, registrant, or party to a proceeding. This is consistent with TMEP sections 602.01 and 602.01(b).

Section 2.17(c)(2) provides further that if the applicant, registrant, or party revokes an original power of attorney, the revocation discharges any associate power signed by the practitioner whose power has been revoked; and that if the practitioner who signed an associate power withdraws, the withdrawal discharges any associate power signed by the withdrawing practitioner upon acceptance of the request for withdrawal by the Office.

*Comment:* One comment noted that the proposed rule did not address unrepresented joint applicants.

*Response:* Section 2.17(c)(2) now states that in the case of joint applicants

or joint registrants, all must sign the power of attorney. This is consistent with § 2.193(e)(3).

Section 2.17(d) is amended to provide that the owner of an application or registration may appoint an attorney through the Trademark Electronic Application System (''TEAS'') for up to twenty applications or registrations per TEAS form that have the identical owner and attorney. This is consistent with TMEP section 602.01(a).

Section 2.17(e) sets forth the circumstances under which a Canadian attorney or agent may represent parties located in Canada. A Canadian patent agent who is registered with the Office and in good standing as a patent agent under § 11.6(c) may represent parties located in Canada before the Office in trademark matters. A Canadian attorney or agent who is registered or in good standing with the Canadian Intellectual Property Office, but not registered as a patent agent under § 11.6(c), may represent parties located in Canada if he or she has been authorized to do so by the OED Director. Before undertaking to represent an applicant, registrant, or party before the Office, and before filing a paper with the Office, a Canadian attorney or agent who is not registered with the Office and in good standing as a patent agent under § 11.6(c) must file an application for and be granted reciprocal recognition to practice before the Office in trademark cases, pursuant to § 11.14(f) of this chapter. The application for reciprocal recognition must include the fee required by § 1.21(a)(1)(i) of this chapter, and proof that the attorney or agent satisfies the requirements of 35 U.S.C. 32 and 37 CFR 11.14(c). *See* notice at 73 FR 47650 (Aug. 14, 2008). The OED Director must grant the request for reciprocal recognition before representation is undertaken and before the Canadian attorney or agent files an application or other document in the Office.

Once recognized by OED, the Canadian attorney or agent may only represent parties who are located in Canada. He or she cannot represent Canadian nationals who are not located in Canada. Thus, for example, a Canadian attorney or agent may not represent a Canadian national who resides in California and has access to a mailing address in Canada.

Section 2.17(g)(1) is added to provide that the Office considers a power of attorney to end with respect to a pending application when the mark is registered, when ownership changes, or when the application is abandoned. This is consistent with TMEP section 602.01.

Section 2.17(g)(2) provides that the Office considers a power of attorney filed after registration to end when the registration is cancelled or expired, or when ownership changes. If the power was filed in connection with an affidavit under section 8, 12(c), 15 or 71 of the Trademark Act, renewal application under section 9 of the Act, or request for amendment or correction under section 7 of the Act, the power is deemed to end upon acceptance or final rejection of the filing.

Section 2.18 is reorganized to clarify the procedures for establishing and changing a correspondence address.

Section 2.18(a)(2) provides that if a qualified practitioner transmits a document(s) on behalf of an applicant or registrant, the Office will send correspondence to the practitioner transmitting the document(s) only if the applicant or registrant is not already represented by another qualified practitioner from a different firm. This is consistent with TMEP sections 602.07, 603.01, and 603.02(a).

Section 2.18(a)(6) provides that the Office will send correspondence to only one address in an ex parte matter. This is consistent with current § 2.18(b).

*Comment:* If correspondence is being sent electronically, there would appear to be no reason why the Office cannot send correspondence to more than one e-mail address. The TTAB sends correspondence to more than one e-mail address, as requested by the parties who file papers with the TTAB.

*Response:* The Office has revised § 2.18(a)(6) to indicate that it applies only to ex parte matters. Sending e-mail correspondence to more than one address in an ex parte matter would create confusion. It is important that the Office, as well as any interested third parties, have one specific address to which correspondence concerning an application or registration can be sent. It is also important that an applicant, registrant, or party to a proceeding know where to look for official correspondence and who is responsible for handling incoming communications.

Section 2.18(a)(7) provides that once the Office has recognized a qualified practitioner as the representative of an applicant or registrant, the Office will communicate and conduct business only with that practitioner, or with another qualified practitioner from the same firm. The Office will not conduct business directly with the applicant or registrant, or with another qualified practitioner from a different firm, unless the applicant or registrant files a revocation of the power of attorney under § 2.19(a) and/or a new power of attorney that meets the requirements of § 2.17(c). The rule provides further that a written request to change the correspondence address does not revoke a power of attorney. This is consistent with TMEP sections 601.02, 602.07, and 603.02(a).

*Comment:* One comment suggests that the Office emphasize that where practitioners change law firms, the filing of a change of correspondence address does not revoke any prior powers of attorney or associate power of attorney. The commenter recommends that the rule ''provide for practitioners to file a revocation/power of attorney when changing firms to ensure practitioners from the previous firm will not still be authorized to represent the client.'' Further, since the choice of counsel is determined by the applicant, the commenter recommends ''that the rule [provide] for approval by the applicant of the change in the power of attorney.'' The commenter notes that the revocation will automatically update the correspondence address. Further, this places the burden on the practitioner.

*Response:* Sections 2.18(a)(7) and 2.19(a)(3) explicitly provide that a request to change the correspondence address does not revoke a power of attorney. When more than one qualified practitioner is of record and one of them changes firms, there is no need to obtain a new power of attorney or revocation of the previous power, signed by the client, in every case. If there is ongoing representation by co-counsel at the original firm, the departing attorney should file a request or, if applicable, motion with the TTAB, to withdraw, pursuant to § 2.19(b). When more than one qualified practitioner is of record and one or more of them changes firms, the burden is already on the practitioners to determine who is responsible for handling pending matters, obtain any necessary powers of attorney or revocations from the client, and file the necessary documents in the Office. Rules 2.17(c)(2), 2.18(a)(7) and 2.19(a) require a new power of attorney or revocation of the previous power, signed by the client, in order to effect a change in representation, or to send correspondence to a different firm. When a power is revoked or a practitioner withdraws, this discharges any associate power signed by the practitioner who withdraws or whose power has been revoked.

*Comment:* One commenter suggests that a revocation or new power of attorney should be required only when a power of attorney is of record for the previously recognized practitioner, and not where the previous practitioner was recognized by appearing in person or filing a paper on behalf of the party that

he or she represents. ''We urge the PTO not to adopt a requirement that an applicant/registrant must file a revocation of power of attorney in instances when it has not granted a power of attorney in the first place.''

*Response:* Section 2.17 has long provided three ways in which a practitioner can be recognized as a representative. There is no logical basis for treating the termination of such recognition differently based on the manner in which the representative was recognized.

*Comment:* One comment notes that, until recently, the Office would accept a simple ''change of address of correspondence'' instruction from a qualified practitioner as sufficient to change the address to which it directed correspondence. It is unclear why this procedure was abandoned. The commenter urges the Office to permit either the applicant/registrant or the new qualified practitioner to sign and file a request for ''Change of Address for Correspondence,'' instead of a new power of attorney or revocation of the previous power.

*Response:* When a qualified practitioner represents an applicant or registrant, a new practitioner from a different firm could never properly authorize a change of correspondence address. Prior to 2006, the Office would accept a change of correspondence address signed by an applicant or registrant who was represented by a qualified practitioner, even if no new power of attorney or revocation of the previous power was filed. However, to ensure that the record is clear as to who is authorized to represent applicants and registrants, and to prevent unauthorized parties from taking actions in connection with applications and registrations, the better practice is to require a new power of attorney or revocation of the previous power to change the address to which official correspondence is sent. Since the Madrid Protocol was implemented in 2003, an increasing number of persons who are not qualified under § 11.14 of this chapter (*e.g.,* foreign attorneys) have attempted to represent applicants and registrants. There have also been several cases in which adverse or unauthorized parties have attempted to divert correspondence and/or take inappropriate actions such as express abandonments of applications. Therefore, the Office seeks to ensure that a proper party signs all communications and that the record is clear as to who is authorized to conduct business.

Section 2.18(b)(1) provides that when a physical or e-mail correspondence address changes, the applicant, registrant, or party to a proceeding must file a written request to change the correspondence address. The request should be promptly filed. This is consistent with TMEP section 603.03.

New § 2.18(b)(2) provides that a request to change the correspondence address must be made in writing, signed by the applicant, registrant, or party to a proceeding, someone with legal authority to bind the applicant, registrant, or party (*e.g.,* a corporate officer or general partner of a partnership), or a qualified practitioner, in accordance with § 2.193(e)(9). This is consistent with current § 2.18(b) and TMEP sections 603.02 and 603.02(a).

Section 2.18(b)(3) provides that if an applicant or registrant files a new power of attorney that meets the requirements of § 2.17(c), the Office will change the correspondence address to that of the practitioner named in the power.

Section 2.18(b)(4) provides that if a qualified practitioner transmits a document(s) on behalf of an applicant, registrant, or party to a proceeding who is not already represented by another qualified practitioner, the Office will construe this as including a request to change the correspondence address to that of the practitioner, and will send correspondence to the practitioner. This is consistent with TMEP section 603.02(a).

*Comment:* One commenter understands the rule to mean that the correspondence address of a practitioner filing a document will only be recognized if the Office has not otherwise recognized a qualified practitioner at the time the document is filed.

*Response:* That is correct.

*Comment:* In some instances, applicants/registrants request outside counsel to prepare and file responses to Office actions but do not wish the address for correspondence to be changed to that of counsel. There is no reason for the Office to ''construe'' such a filing as a request for a change of address for correspondence. If that change is desired, it is simple enough for the applicant/registrant or qualified practitioner to include specific instructions in this regard in the filing. Thus, we urge the Office not to adopt a rule that would establish a default procedure by which the filing of such a response would be ''construed'' as including a request for change of correspondence.

*Response:* The Office's practice of corresponding with the attorney of record is consistent with current § 2.18(a), which has been in effect for many years and has worked well. The Office sees no reason to change the practice. If the Office ever did want to change this practice, it would issue another proposed rule, in order to provide notice and solicit comment from practitioners who may have come to rely on existing practice. If an applicant or registrant does not want the correspondence address to be changed to the address of the outside counsel who transmits a response to an Office action, counsel should include clear instructions stating the address to which correspondence should be sent in the response.

Section 2.18(c)(1) is added to provide that even if there is no new power of attorney or written request to change the correspondence address, the Office will change the correspondence address upon the examination of an affidavit under section 8, 12(c), 15 or 71 of the Trademark Act, a renewal application under section 9 of the Act, or a request for amendment or correction under section 7 of the Act. This is consistent with TMEP section 603.02(c). Due to the length of time that may elapse between filings under sections 7, 8, 9, 12(c), 15, and 71 of the Act (which could be ten years or more), the Office automatically enters a new correspondence address upon examination of each filing.

Section 2.18(c)(2) is added to provide that once the Office establishes a correspondence address upon examination of an affidavit, a renewal application or a section 7 request, a written request to change the address in accordance with § 2.18(b)(2) is required to change the address during the pendency of that filing.

*Example 1:* Attorney A transmits an affidavit of use under section 8, and the examiner issues an Office action in connection with the affidavit. If another attorney from a different firm (Attorney B) wants to respond to the Office action, Attorney B must file a new power of attorney and/or revocation of the previous power, signed by the owner of the registration or someone with legal authority to bind the owner, before the Office will act on the response and correspond with Attorney B.

*Example 2:* Attorney A transmits an affidavit of use under section 8, and the Office accepts the affidavit. If Attorney B later files a request for amendment under section 7, the Office will recognize and correspond with Attorney B regardless of whether a new power of attorney or revocation of the previous power is filed.

*Example 3:* Attorney A transmits an affidavit of use under section 8, and the examiner issues an Office action in connection with the affidavit. If Attorney B wants to file a request for amendment under section 7 before the Office accepts or issues a final rejection of the section 8 affidavit, Attorney B must file a new power of attorney and/or revocation of the previous power,

signed by the owner of the registration or someone with legal authority to bind the owner, before the Office will act on the section 7 request and correspond with Attorney B.

Section 2.19(a) is revised to clarify the requirements for revocation of a power of attorney. New § 2.19(a)(1) provides that a request to revoke a power of attorney must be signed by the applicant, registrant, or party to a proceeding, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.,* a corporate officer or general partner of a partnership). This is consistent with TMEP section 602.04.

*Comment:* The proposed rule does not address the situation of unrepresented joint applicants.

*Response:* Section 2.19(a)(1) now states that in the case of joint applicants or joint registrants, all must sign the revocation. This is consistent with § 2.193(e)(3).

Section 2.19(a)(3) states that a request to change the correspondence address does not revoke a power of attorney. This is consistent with § 2.18(a)(7), discussed above.

Section 2.19(a)(4) states that a new power of attorney that meets the requirements of § 2.17(c) will be treated as a revocation of the previous power.

The provision in the current § 2.19(a) that the Office will notify the affected person of the revocation of his or her authorization is removed.

Section 2.19(b) is revised to set forth the requirements for filing a request to withdraw as attorney. This is consistent with TMEP section 602.05. The withdrawing practitioner should file the request soon after notifying the client of his/her intent to withdraw, and must include the application serial number, registration number, or proceeding number; a statement of the reason(s) for the request to withdraw; and either (1) a statement that the practitioner has given due notice to the client that the practitioner is withdrawing from employment and will be filing the necessary documents with the Office; that the client was given notice of the withdrawal at least two months before the expiration of the response period, if applicable; that the practitioner has delivered to the client all documents and property in the practitioner's file concerning the application or registration to which the client is entitled; and that the practitioner has notified the client of any responses that may be due, and of the deadline for response; or (2) if there is more than one qualified practitioner of record, a statement that representation by co-counsel is ongoing.

Section 2.22(a)(11) is amended to change a cross-reference.

Section 2.24 is redesignated as § 2.24(a), and amended to provide that if an applicant is not domiciled in the United States, the applicant may designate a domestic representative (*i.e.,* a person residing in the United States on whom notices or process may be served in proceedings affecting the mark) by either: (1) Setting forth the name and address of the domestic representative in the initial application; or (2) filing a separate designation setting forth the name and address of the domestic representative, signed by the applicant, someone with legal authority to bind the applicant (*e.g.,* a corporate officer or general partner of a partnership), or a qualified practitioner.

Where the initial application sets forth the designation of domestic representative, the designation may be signed by a person authorized to sign the application on behalf of applicant, pursuant to new § 2.193(e)(1). The Office does not question the authority of the signatory, unless the record presents an inconsistency as to the signatory's authority to sign. TMEP section 804.04.

Section 2.24(b) is added to provide that a request to change or revoke a designation of domestic representative must be signed by the applicant, someone with legal authority to bind the applicant, or a qualified practitioner (*e.g.,* a corporate officer or general partner of a partnership).

Section 2.33(a) is amended to remove the definition of ''person properly authorized to sign'' a verification on behalf of applicant, and replace it with a cross-reference to § 2.193(e)(1). The substance of this definition is unchanged.

Section 2.33(d), which provided for signature of verifications in applications filed through TEAS, is removed as unnecessary. Section 2.193(c) sets forth the procedure for signing a TEAS document. This procedure is unchanged.

Section 2.62(b) is amended to add a cross-reference to § 2.193(e)(2).

Section 2.64(b) is amended to add a requirement that a request for reconsideration of a final action be signed by the applicant, someone with legal authority to bind the applicant (*e.g.,* a corporate officer or general partner of a partnership), or a qualified practitioner, in accordance with the requirements of § 2.193(e)(2). This is consistent with current practice.

Section 2.68 is amended to add a requirement that a request for express abandonment of an application be signed by the applicant, someone with legal authority to bind the applicant (*e.g.,* a corporate officer or general partner of a partnership), or a qualified practitioner, in accordance with the requirements of § 2.193(e)(2). This is consistent with TMEP section 718.01.

Sections 2.74(b), 2.76(b)(1), 2.87(f), 2.88(b)(1), 2.89(a)(3), 2.89(b)(3), 2.101(b), 2.102(a), 2.111(b), 2.119(d), and 2.146(c) are amended to add cross-references to § 2.193.

Section 2.153 is amended to require that an affidavit or declaration claiming the benefits of the Act of 1946, pursuant to section 12(c) of the Act, be filed by the current owner and signed by the owner or by a person properly authorized to sign on behalf of the owner. This is consistent with TMEP section 1603.

Section 2.161(b) is amended to remove the definition of ''person properly authorized to sign'' an affidavit or declaration of use or excusable nonuse under section 8 of the Trademark Act (''section 8 affidavit'') and replace it with a cross-reference to § 2.193(e)(1). The substance of this definition is unchanged.

Section 2.163(b), 2.167(a), and 2.171(b) are amended to add cross-references to § 2.193.

Section 2.172 is amended to add a provision that a request for surrender of a registration be filed in the name of the owner of the registration, and signed by the owner, a person with legal authority to bind the owner, or a qualified practitioner. This is consistent with current practice.

Section 2.184(b)(2) is amended to add a cross-reference to § 2.193(e)(2).

Section 2.193(a) is redesignated as § 2.193(g).

Section 2.193(b) is redesignated as § 2.193(h).

Current § 2.193(c)(1) is revised and separated into §§ 2.193(a), (b) and (c).

Section 2.193(a) provides that each piece of correspondence that requires a signature must bear: (1) A handwritten signature personally signed in permanent ink by the person named as the signatory, or a true copy thereof; or (2) an electronic signature that meets the requirements of paragraph (c). The rule makes clear that a handwritten signature must be personally signed by the person named as the signatory, and that an electronic signature must be personally entered by the person named as the signatory.

*Comment:* One comment ''disagree[s] with the proposed change and definition of electronic signatures,'' and asserts that ''[s]ince the attorneys assume liability and responsibility for the signing forms, it is common legal practice for attorneys to authorize others to sign on their behalf.'' To assist with

this proposed change, the commenter requests that the forms be ''portable for signature to allow for easier compliance with this rule.''

*Response:* The requirement that attorneys personally sign documents that they file in the Office is not a change, having previously been required by § 10.18(a) of this chapter. *See Boyds Collection Ltd.* v. *Herrington & Co.,* 65 USPQ2d 2017, 2018, n.4 (TTAB 2003). Section 10.18(a) was recently replaced by § 11.18(a), which requires that ''each piece of correspondence filed by a practitioner in the Office must bear a signature, personally signed by such practitioner.'' *See* notice at 73 FR 47650 (Aug. 14, 2008).

Two methods are already in place that can be used to obtain signatures from clients or reviewers before filing a TEAS document:

- The document can be completed on-line and e-mailed to the signatory for electronic signature from within TEAS. The signatory signs the document and it is automatically returned via TEAS to the party who requested the signature; or
- The document can be filled out on-line, printed in text form, and mailed or faxed to the signatory. The signatory signs the printed document in the traditional pen-and-ink manner. The signature portion, along with a declaration if required, is scanned to create a .jpg or .pdf image file that is attached to the TEAS filing.

Section 2.193(a)(2) provides that the Office will accept a signature that meets the requirements of paragraph (c) on all correspondence, whether filed on paper, by facsimile transmission, or through TEAS or the Electronic System for Trademark Trials and Appeals (''ESTTA''). This is consistent with TMEP section 804.05.

Section 2.193(c) sets forth the requirements for signing a document electronically, previously set forth in § 2.193(c)(1)(iii). The substance is unchanged.

Section 2.193(c)(2) is redesignated as § 2.193(f).

Section 2.193(d) requires that the name of the person who signs a document in connection with a trademark application, registration, or proceeding before the TTAB be set forth in printed or typed form immediately below or adjacent to the signature, or identified elsewhere in the filing (*e.g.,* in a cover letter or other document that accompanies the filing).

Section 2.193(d) is redesignated as § 2.193(i).

Section 2.193(e) sets forth the proper person(s) to sign various types of documents that are commonly filed in connection with trademark applications and registrations.

Section 2.193(e)(1) sets forth the definition of a person who is properly authorized to sign a verification in support of an application for registration, amendment to an application, allegation of use under § 2.76 or § 2.88, request for extension of time to file a statement of use under § 2.89, or an affidavit under section 8, 12(c), 15, or 71 of the Trademark Act. This is consistent with current §§ 2.33(a) and 2.161(b).

Section 2.193(e)(2) provides that responses to Office actions, amendments to applications, requests for reconsideration of final actions, requests for express abandonment, requests to divide, and notices of change of correspondence address in an application or registration must be signed by the owner of the application or registration, someone with legal authority to bind the owner (*e.g.,* a corporate officer or general partner of a partnership), or a qualified practitioner. This is consistent with §§ 2.62(b), 2.64(b), 2.68(a), 2.74(b), 2.87(f), and 2.184(b)(2).

Section 2.193(e)(2)(i) provides that if the owner is represented by a qualified practitioner, the practitioner must sign, except where the owner is required to sign the correspondence. This is consistent with current § 11.18(a). This applies to both in-house and outside counsel.

Section 2.193(e)(2)(ii) provides that if the owner is not represented by a qualified practitioner, the individual owner or someone with legal authority to bind the owner (*e.g.,* a corporate officer or general partner of a partnership) must sign. In the case of joint owners who are not represented by a qualified practitioner, all must sign. This is consistent with TMEP sections 605.02, 712.01 and 712.01(a)(i).

*Comment:* One commenter notes that the requirement for signature by all joint owners creates an additional burden if the document is being composed and sent through TEAS or ESTTA, or if examiner's amendments need to be cleared with each applicant. However, the commenter understands that the percentage of unrepresented joint owners is small and that the Office intends to avoid the situation where one unrepresented joint owner speaks for the other(s) without authorization.

*Response:* Since one joint owner does not have authority to bind another, the Office believes that all must sign.

Section 2.193(e)(3) provides that powers of attorney and revocations of powers of attorney must be signed by the individual applicant or registrant or someone with legal authority to bind the applicant or registrant (*e.g.,* a corporate officer or general partner of a partnership); that in the case of joint applicants or joint registrants, all must sign; that once the applicant or registrant has designated a qualified practitioner(s), the named practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to prosecute the application or registration; that if the applicant or registrant revokes the original power of attorney, the revocation also discharges any associate power signed by the practitioner whose power has been revoked; and that if the practitioner who signed an associate power withdraws, the withdrawal discharges any associate power signed by the withdrawing practitioner upon acceptance of the request for withdrawal by the Office. This is consistent with §§ 2.17(c) and 2.19(a), discussed above.

*Comment:* Under current practice, when an attorney files an application, the on-line power of attorney form can be signed by the filing attorney. The proposed rule would require a change in the on-line form. If the proposed rule is not intended to apply in the initial filing stage, but only to subsequent designations, this distinction should be made clear in the proposed rule.

*Response:* It is not now and never has been acceptable for an attorney to sign a power appointing himself or herself as the attorney of record, even with the initial application. However, if the initial application is accompanied by an improper power of attorney (*e.g.,* a power signed by the designated attorney), the Office generally does not require a properly signed power, because the filing of a power of attorney is not mandatory in a trademark case under current § 2.17(c) (new § 2.17(b)(1)). The Office will disregard the improperly signed power and recognize the attorney who submitted the application based on the attorney's signature and appearance on behalf of the applicant. *See* TMEP section 602.01. When an applicant is already represented by a qualified practitioner, and a new practitioner from a different firm takes over, the Office requires a properly signed power of attorney or revocation of the previous power before recognizing the new attorney.

Section 2.193(e)(4) provides that a petition to revive under § 2.66 must be signed by someone with firsthand knowledge of the facts regarding unintentional delay. This is consistent with current §§ 2.66(b)(2) and (c)(2).

Section 2.193(e)(5) provides that a petition to the Director under § 2.146

must be signed by the petitioner, someone with legal authority to bind the petitioner (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner, in accordance with the following guidelines:

- If the petitioner is represented by a qualified practitioner, the practitioner must sign; or
- If the petitioner is not represented by a qualified practitioner, the individual petitioner or someone with legal authority to bind the petitioner (*e.g.*, a corporate officer or general partner of a partnership) must sign.

Section 2.193(e)(6) provides that a request for correction, amendment, or surrender of a registration must be signed by the owner of the registration, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner; and that in the case of joint owners who are not represented by a qualified practitioner, all must sign.

Section 2.193(e)(7) provides that a renewal application must be signed by the registrant or the registrant's representative. This is consistent with § 2.183(a).

Section 2.193(e)(8) provides that a designation or revocation of a domestic representative must be signed by applicant or registrant, someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner.

Section 2.193(e)(9) provides that a notice of change of correspondence address in an application or registration must be signed by the applicant or registrant, someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner, in accordance with the following guidelines:

- If the applicant or registrant is represented by a qualified practitioner, the practitioner must sign; or
- If the applicant or registrant is not represented by a qualified practitioner, the individual applicant or registrant or someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership) must sign.

Section 2.193(e)(10) provides that the person transmitting paper documents to the Office may sign a cover letter or transmittal letter, and that the Office neither requires cover letters nor questions the authority of a person who signs a communication that merely transmits documents. This is consistent with TMEP section 605.03.

*Comment:* One commenter notes that when TTAB documents are filed through ESTTA, the electronic filing cover sheet must be signed by a person with authority. If not properly signed, the filing may be rejected if the attached documents are signed by an unauthorized person.

*Response:* The Office has revised § 2.193(e)(10) to indicate that it applies only to paper documents. For documents filed through TEAS, no cover letter or transmittal letter is generated. In ESTTA, the system generates a filing form that either stands alone and serves as the paper being filed, or is integrated with one or more attachments into a single, combined filing. As the commenter has correctly noted, the Board views the ESTTA filing form and any attachments thereto as comprising a single document, and the signer of the ESTTA form is responsible for the content of the attachments. *See PPG Industries, Inc.* v. *Guardian Industries Corp.*, 73 USPQ2d 1926 (TTAB 2005) regarding signature of ESTTA documents.

Section 11.18(a) is amended to add cross-references to §§ 1.4(d)(2) and 2.193(a).

**Rulemaking Requirements**

*Executive Order 12866:* This rule has been determined not to be significant for purposes of Executive Order 12866.

*Administrative Procedure Act:* This rule merely involves rules of agency practice and procedure within the meaning of 5 U.S.C. 553(b)(A). Therefore, this rule may be adopted without prior notice and opportunity for public comment under 5 U.S.C. 553(b) and (c), or thirty-day advance publication under 5 U.S.C. 553(d). However, the Office has chosen to seek public comment before implementing the rule.

*Regulatory Flexibility Act:* The Deputy General Counsel for General Law of the United States Patent and Trademark Office hereby certifies to the Chief Counsel for Advocacy of the Small Business Administration that this final rule, Changes in Requirements for Signature of Documents, Recognition of Representatives, and Establishing and Changing the Correspondence Address in Trademark Cases (RIN 0651–AC26), will not have a significant impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)).

As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. *See* 5 U.S.C. 603.

The rules clarify certain requirements for signature of documents filed in the Office, recognition of representatives, and establishing and changing the correspondence address in trademark cases. In large part, the rule changes merely codify existing practice. Although the rules may affect trademark applicants or registrants, because they codify the existing practice of the Office, the changes set forth in this notice will not have a significant economic impact on a substantial number of small entities.

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

*Executive Order 13132:* This rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

*Paperwork Reduction Act:* This rule involves information collection requirements which are subject to review by the Office of Management and Budget (''OMB'') under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information in this rule have been reviewed and previously approved by the OMB under *OMB control numbers:* 0651–0054, 0651–0027, and 0651–0040.

The United States Patent and Trademark Office is not resubmitting an information collection package to OMB for its review and approval because the changes in this rule will not affect the information collection requirements associated with the information collections under OMB control numbers 0651–0054, 0651–0027, and 0651–0040. The changes in this notice are limited to amending the rules of practice to codify current practice with respect to the proper party to sign various documents and current procedures for appointment, revocation, or withdrawal of attorneys and domestic representatives.

Interested persons are requested to send comments regarding these information collections, including suggestions for reduction of this burden, to: (1) The Office of Information and Regulatory Affairs, Office of Management and Budget, New

Executive Office Building, Room 10202, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for the Patent and Trademark Office; and (2) Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313–1451 (*Attn:* Mary Hannon).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

**List of Subjects**

*37 CFR Part 2*

Administrative practice and procedure, Trademarks.

*37 CFR Part 11*

Administrative practice and procedure, Lawyers.

■ For the reasons given in the preamble and under the authority contained in 5 U.S.C. 500, 15 U.S.C. 1123 and 35 U.S.C. 2 and 32, the Office is amending parts 2 and 11 of title 37 as follows:

## PART 2—RULES OF PRACTICE IN TRADEMARK CASES

■ 1. The authority citation for 37 CFR Part 2 continues to read as follows:

**Authority:** 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

■ 2. Revise § 2.17 to read as follows:

### § 2.17 Recognition for representation.

(a) *Authority to practice in trademark cases.* Only an individual qualified to practice under § 11.14 of this chapter may represent an applicant, registrant, or party to a proceeding before the Office in a trademark case.

(b)(1) *Recognition of practitioner as representative.* To be recognized as a representative in a trademark case, a practitioner qualified under § 11.14 of this chapter may:

(i) File a power of attorney that meets the requirements of paragraph (c) of this section;

(ii) Sign a document on behalf of an applicant, registrant, or party to a proceeding who is not already represented by a practitioner qualified under § 11.14 of this chapter from a different firm; or

(iii) Appear in person on behalf of an applicant, registrant, or party to a proceeding who is not already represented by a practitioner qualified under § 11.14 of this chapter from a different firm.

(2) *Signature as certificate of authorization to represent.* When a practitioner qualified under § 11.14 of this chapter appears in person or signs a document pursuant to paragraph (b) of this section, his or her personal appearance or signature shall constitute a representation to the Office that he or she is authorized to represent the person or entity on whose behalf he or she acts. The Office may require further proof of authority to act in a representative capacity.

(c) *Requirements for power of attorney.* A power of attorney must:

(1) Designate by name at least one practitioner meeting the requirements of § 11.14 of this chapter; and

(2) Be signed by the individual applicant, registrant, or party to a proceeding pending before the Office, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership). In the case of joint applicants or joint registrants, all must sign. Once the applicant, registrant, or party has designated a practitioner(s) qualified to practice under § 11.14 of this chapter, that practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to represent the applicant, registrant, or party. If the applicant, registrant, or party revokes the original power of attorney (§ 2.19(a)), the revocation discharges any associate power signed by the practitioner whose power has been revoked. If the practitioner who signed an associate power withdraws (§ 2.19(b)), the withdrawal discharges any associate power signed by the withdrawing practitioner upon acceptance of the request for withdrawal by the Office.

(d) *Power of attorney relating to multiple applications or registrations.* (1) The owner of an application or registration may appoint a practitioner(s) qualified to practice under § 11.14 of this chapter for up to twenty applications or registrations that have the identical owner name and attorney through TEAS.

(2) The owner of an application or registration may file a power of attorney that relates to more than one trademark application or registration, or to all existing and future applications and registrations of that owner, on paper. A person relying on such a power of attorney must:

(i) Include a copy of the previously filed power of attorney; or

(ii) Refer to the power of attorney, specifying the filing date of the previously filed power of attorney; the application serial number (if known), registration number, or inter partes proceeding number for which the original power of attorney was filed; and the name of the person who signed the power of attorney; or, if the application serial number is not known, submit a copy of the application or a copy of the mark, and specify the filing date.

(e) *Canadian attorneys and agents.* (1) A Canadian patent agent who is registered and in good standing as a patent agent under § 11.6(c) may represent parties located in Canada before the Office in trademark matters.

(2) A Canadian attorney or agent who is registered or in good standing with the Canadian Intellectual Property Office, but not registered as a patent agent under § 11.6(c), may represent parties located in Canada if he or she has been authorized to do so by the Director of the Office of Enrollment and Discipline, pursuant to § 11.14(f) of this chapter.

(f) *Non-lawyers.* A non-lawyer may not act as a representative except in the limited circumstances set forth in § 11.14(b) of this chapter. Before any non-lawyer who meets the requirements of § 11.14(b) of this chapter may take action of any kind with respect to an application, registration or proceeding, a written authorization must be filed, signed by the applicant, registrant, or party to the proceeding, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership).

(g) *Duration of power of attorney.* (1) For purposes of recognition as a representative, the Office considers a power of attorney filed while an application is pending to end when the mark registers, when ownership changes, or when the application is abandoned.

(2) The Office considers a power of attorney filed after registration to end when the mark is cancelled or expired, or when ownership changes. If the power was filed in connection with an affidavit under section 8, 12(c), 15 or 71 of the Trademark Act, renewal application under section 9 of the Act, or request for amendment or correction under section 7 of the Act, the power is deemed to end upon acceptance or final rejection of the filing.

■ 3. Revise § 2.18 to read as follows:

### § 2.18 Correspondence, with whom held.

(a) *Establishing the correspondence address.* (1) If a written power of attorney that meets the requirements of § 2.17 is filed, the Office will send correspondence to the practitioner designated in the power.

(2) If a practitioner qualified under § 11.14 of this chapter transmits a document(s) on behalf of an applicant,

registrant, or party to a proceeding who is not already represented by another qualified practitioner from a different firm, the Office will send correspondence to the practitioner transmitting the documents.

(3) If an application, registration or proceeding is not being prosecuted by a practitioner qualified under § 11.14 of this chapter and the applicant, registrant, or party to the proceeding designates a correspondence address in writing, the Office will send correspondence to the designated address if appropriate.

(4) If an application, registration or proceeding is not being prosecuted by a practitioner qualified under § 11.14 of this chapter and the applicant, registrant, or party to the proceeding has not designated a correspondence address in writing, but a domestic representative has been appointed, the Office will send correspondence to the domestic representative if appropriate.

(5) If the application, registration or proceeding is not being prosecuted by a practitioner qualified under § 11.14 of this chapter, the applicant, registrant, or party to the proceeding has not designated a correspondence address, and no domestic representative has been appointed, the Office will send correspondence directly to the applicant, registrant, or party to the proceeding.

(6) The Office will send correspondence to only one address in an ex parte matter.

(7) Once the Office has recognized a practitioner qualified under § 11.14 of this chapter as the representative of an applicant or registrant, the Office will communicate and conduct business only with that practitioner, or with another qualified practitioner from the same firm. The Office will not conduct business directly with the applicant or registrant, or with another practitioner from a different firm, unless the applicant or registrant files a revocation of the power of attorney under § 2.19(a), and/or a new power of attorney that meets the requirements of § 2.17(c). A written request to change the correspondence address does not revoke a power of attorney.

(b) *Changing the correspondence address*. (1) If a physical or e-mail correspondence address changes, the applicant, registrant, or party to a proceeding must file a written request to change the correspondence address. The request should be promptly filed.

(2) A request to change the correspondence address must be made in writing, signed by the applicant, registrant, or party to a proceeding, someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with § 2.193(e)(9).

(3) If an applicant or registrant files a new power of attorney that meets the requirements of § 2.17(c), the Office will change the correspondence address to that of the practitioner named in the power.

(4) If a practitioner qualified under § 11.14 of this chapter transmits a document(s) on behalf of an applicant, registrant, or party to a proceeding who is not already represented by another qualified practitioner, the Office will construe this as including a request to change the correspondence address to that of the practitioner, and will send correspondence to the practitioner.

(c) *Post registration filings under sections 7, 8, 9, 12(c), 15, and 71*. (1) Even if there is no new power of attorney or written request to change the correspondence address, the Office will change the correspondence address upon the examination of an affidavit under section 8, 12(c), 15 or 71 of the Trademark Act, renewal application under section 9 of the Act, or request for amendment or correction under section 7 of the Act. If a practitioner qualified under § 11.14 of this chapter transmits the affidavit, renewal application, or section 7 request, the Office will send correspondence to the practitioner. If the owner of the registration is not represented by a qualified practitioner, the Office will send correspondence directly to the owner, or to the domestic representative if appropriate, in accordance with paragraph (a).

(2) Once the Office establishes a correspondence address upon examination of an affidavit, renewal application, or section 7 request, a written request to change the address in accordance with the requirements of paragraph (b)(2) of this section is required to change the address during the pendency of that filing.

■ 4. Revise § 2.19 to read as follows:

**§ 2.19 Revocation or withdrawal of attorney.**

(a) *Revocation*. (1) Authority to represent an applicant, registrant or party to a proceeding before the Office may be revoked at any stage in the proceedings of a trademark case, upon written notification signed by the applicant, registrant, or party to the proceeding, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership). In the case of joint applicants or joint registrants, all must sign.

(2) When a power of attorney is revoked, the Office will communicate directly with the applicant, registrant, or party to the proceeding, or with the new attorney or domestic representative if appropriate.

(3) A request to change the correspondence address does not revoke a power of attorney.

(4) A new power of attorney that meets the requirements of § 2.17(c) will be treated as a revocation of the previous power.

(b) *Withdrawal of attorney*. If the requirements of § 10.40 of this chapter are met, a practitioner authorized to represent an applicant, registrant, or party to a proceeding in a trademark case may withdraw upon application to and approval by the Director or, when applicable, upon motion granted by the Trademark Trial and Appeal Board. The practitioner should file the request to withdraw soon after the practitioner notifies the client of his/her intent to withdraw. The request must include the following:

(1) The application serial number, registration number, or proceeding number;

(2) A statement of the reason(s) for the request to withdraw; and

(3) Either

(i) A statement that the practitioner has given notice to the client that the practitioner is withdrawing from employment and will be filing the necessary documents with the Office; that the client was given notice of the withdrawal at least two months before the expiration of the response period, if applicable; that the practitioner has delivered to the client all documents and property in the practitioner's file concerning the application, registration or proceeding to which the client is entitled; and that the practitioner has notified the client of any responses that may be due, and of the deadline for response; or

(ii) If more than one qualified practitioner is of record, a statement that representation by co-counsel is ongoing.

■ 5. Revise § 2.22(a)(11) to read as follows:

**§ 2.22 Filing requirements for a TEAS Plus application.**

(a) * * *

(11) A verified statement that meets the requirements of § 2.33, dated and signed by a person properly authorized to sign on behalf of the owner pursuant to § 2.193(e)(1);

* * * * *

■ 6. Revise § 2.24 to read as follows:

**§ 2.24 Designation and revocation of domestic representative by foreign applicant.**

(a)(1) If an applicant is not domiciled in the United States, the applicant may designate a domestic representative (*i.e.*, a person residing in the United States on whom notices or process in proceedings affecting the mark may be served) by either:

(i) Setting forth the name and address of the domestic representative in the initial application; or

(ii) Filing a separate designation setting forth the name and address of the domestic representative, signed by the applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter.

(2) If the applicant does not file a document designating the name and address of a person residing in the United States on whom notices or process in proceedings affecting the mark may be served, or if the last person designated cannot be found at the address given in the designation, then notices or process in proceedings affecting the mark may be served on the Director.

(3) The mere designation of a domestic representative does not authorize the person designated to represent the applicant unless qualified under § 11.14 of this chapter.

(b) A request to change or revoke a designation of domestic representative must be signed by the applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter.

■ 7. Amend § 2.33 by revising paragraph (a) to read as follows, and removing and reserving paragraph (d):

**§ 2.33 Verified statement.**

(a) The application must include a statement that is signed in accordance with the requirements of § 2.193 and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant under § 2.193(e)(1).

* * * * *

■ 8. Revise § 2.62(b) to read as follows:

**§ 2.62 Procedure for filing response.**

* * * * *

(b) *Signature.* The response must be signed by the applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the requirements of § 2.193(e)(2).

■ 9. Revise § 2.64(b) to read as follows:

**§ 2.64 Final action.**

* * * * *

(b) During the period between a final action and expiration of the time for filing an appeal, the applicant may request the examiner to reconsider the final action. The request must be signed by the applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14, in accordance with the requirements of § 2.193(e)(2). The filing of a request for reconsideration will not extend the time for filing an appeal or petitioning the Director, but normally the examiner will reply to a request for reconsideration before the end of the six-month period if the request is filed within three months after the date of the final action. The Office will enter amendments accompanying requests for reconsideration after final action if the amendments comply with the rules of practice in trademark cases and the Act.

* * * * *

■ 10. Revise § 2.68 to read as follows:

**§ 2.68 Express abandonment (withdrawal) of application.**

(a) *Written document required.* An applicant may expressly abandon an application by filing a written request for abandonment or withdrawal of the application, signed by the applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the requirements of § 2.193(e)(2).

(b) *Rights in the mark not affected.* Except as provided in § 2.135, the fact that an application has been expressly abandoned shall not, in any proceeding in the Office, affect any rights that the applicant may have in the mark in the abandoned application.

■ 11. Revise § 2.74(b) to read as follows:

**§ 2.74 Form and signature of amendment.**

* * * * *

(b) *Signature.* A request for amendment of an application must be signed by the applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the requirements of § 2.193(e)(2). If the amendment requires verification, the verification must be sworn to or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant under § 2.193(e)(1).

■ 12. Revise § 2.76(b)(1) introductory text to read as follows:

**§ 2.76 Amendment to allege use.**

* * * * *

(b) * * *

(1) A statement that is signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant (*see* § 2.193(e)(1)) that:

* * * * *

■ 13. Revise § 2.87(f) to read as follows:

**§ 2.87 Dividing an application.**

* * * * *

(f) *Signature.* The request to divide must be signed by the applicant, someone with legal authority to bind the applicant (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 11.14, in accordance with the requirements of § 2.193(e)(2).

* * * * *

■ 14. Revise § 2.88(b)(1) introductory text to read as follows:

**§ 2.88 Filing statement of use after notice of allowance.**

* * * * *

(b) * * *

(1) A statement that is signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant (*see* § 2.193(e)(1)) that:

* * * * *

■ 15. Revise § 2.89(a)(3) and (b)(3) to read as follows:

**§ 2.89 Extensions of time for filing a statement of use.**

(a) * * *

(3) A statement that the applicant still has a bona fide intention to use the mark in commerce, specifying the relevant goods or services, signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant (*see* § 2.193(e)(1)). If the verification is unsigned or signed by the wrong party, the applicant must submit a substitute verification within six months of the date of issuance of the notice of allowance.

* * * * *

(b) * * *

(3) A statement that the applicant still has a bona fide intention to use the mark in commerce, specifying the relevant goods or services, signed and verified (sworn to) or supported by a declaration under § 2.20 by a person

properly authorized to sign on behalf of the applicant (*see* § 2.193(e)(1)). If the verification is unsigned or signed by the wrong party, the applicant must submit a substitute verification before the expiration of the previously granted extension; and

* * * * *

■ 16. Revise § 2.101(b) introductory text to read as follows:

**§ 2.101 Filing an opposition.**

* * * * *

(b) Any person who believes that he, she or it would be damaged by the registration of a mark on the Principal Register may file an opposition addressed to the Trademark Trial and Appeal Board and must serve a copy of the opposition, including any exhibits, on the attorney of record for the applicant or, if there is no attorney, on the applicant or on the applicant's domestic representative, if one has been appointed, at the correspondence address of record in the Office. The opposer must include with the opposition proof of service pursuant to § 2.119 at the correspondence address of record in the Office. If any service copy of the opposition is returned to the opposer as undeliverable, the opposer must notify the Board within ten days of receipt of the returned copy. The opposition need not be verified, but must be signed by the opposer or the opposer's attorney, as specified in § 11.1 of this chapter, or other authorized representative, as specified in § 11.14(b) of this chapter. Electronic signatures pursuant to § 2.193(c) are required for oppositions filed through ESTTA under paragraphs (b)(1) or (2) of this section.

* * * * *

■ 17. Revise § 2.102(a) introductory text to read as follows:

**§ 2.102 Extension of time for filing an opposition.**

(a) Any person who believes that he, she or it would be damaged by the registration of a mark on the Principal Register may file in the Office a written request, addressed to the Trademark Trial and Appeal Board, to extend the time for filing an opposition. The written request need not be verified, but must be signed by the potential opposer or by the potential opposer's attorney, as specified in § 11.1 of this chapter, or authorized representative, as specified in § 11.14(b) of this chapter. Electronic signatures pursuant to § 2.193(c) are required for electronically filed extension requests.

* * * * *

■ 18. Revise § 2.111(b) to read as follows:

**§ 2.111 Filing petition for cancellation.**

* * * * *

(b) Any person who believes that he, she or it is or will be damaged by a registration may file a petition, addressed to the Trademark Trial and Appeal Board, for cancellation of the registration in whole or in part. Petitioner must serve a copy of the petition, including any exhibits, on the owner of record for the registration, or on the owner's domestic representative of record, if one has been appointed, at the correspondence address of record in the Office. The petitioner must include with the petition for cancellation proof of service, pursuant to § 2.119, on the owner of record, or on the owner's domestic representative of record, if one has been appointed, at the correspondence address of record in the Office. If any service copy of the petition for cancellation is returned to the petitioner as undeliverable, the petitioner must notify the Board within ten days of receipt of the returned copy. The petition for cancellation need not be verified, but must be signed by the petitioner or the petitioner's attorney, as specified in § 11.1 of this chapter, or other authorized representative, as specified in § 11.14(b) of this chapter. Electronic signatures pursuant to § 2.193(c) are required for petitions submitted electronically via ESTTA. The petition for cancellation may be filed at any time in the case of registrations on the Supplemental Register or under the Act of 1920, or registrations under the Act of 1881 or the Act of 1905 which have not been published under section 12(c) of the Act, or on any ground specified in section 14(3) or (5) of the Act. In all other cases, the petition for cancellation and the required fee must be filed within five years from the date of registration of the mark under the Act or from the date of publication under section 12(c) of the Act.

* * * * *

■ 19. Revise § 2.119(d) to read as follows:

**§ 2.119 Service and signing of papers.**

* * * * *

(d) If a party to an inter partes proceeding is not domiciled in the United States and is not represented by an attorney or other authorized representative located in the United States, the party may designate by document filed in the United States Patent and Trademark Office the name and address of a person residing in the United States on whom may be served notices or process in the proceeding. If the party has appointed a domestic representative, official communications of the United States Patent and Trademark Office will be addressed to the domestic representative unless the proceeding is being prosecuted by an attorney at law or other qualified person duly authorized under § 11.14(c) of this subchapter. If the party has not appointed a domestic representative and the proceeding is not being prosecuted by an attorney at law or other qualified person, the Office will send correspondence directly to the party, unless the party designates in writing another address to which correspondence is to be sent. The mere designation of a domestic representative does not authorize the person designated to prosecute the proceeding unless qualified under § 11.14(a), or qualified under § 11.14(b) and authorized under § 2.17(f).

* * * * *

■ 20. Revise § 2.146(c) to read as follows:

**§ 2.146 Petitions to the Director.**

* * * * *

(c) Every petition to the Director shall include a statement of the facts relevant to the petition, the points to be reviewed, the action or relief requested, and the fee required by § 2.6. Any brief in support of the petition shall be embodied in or accompany the petition. The petition must be signed by the petitioner, someone with legal authority to bind the petitioner (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the requirements of § 2.193(e)(5). When facts are to be proved on petition, the petitioner must submit proof in the form of affidavits or declarations in accordance with § 2.20, signed by someone with firsthand knowledge of the facts to be proved, and any exhibits.

* * * * *

■ 21. Revise § 2.153 to read as follows:

**§ 2.153 Publication requirements.**

The owner of a mark registered under the provisions of the Trademark Act of 1881 or 1905 may at any time prior to the expiration of the period for which the registration was issued or renewed, upon the payment of the prescribed fee, file an affidavit or declaration in accordance with § 2.20 setting forth those goods or services in the registration on or in connection with which said mark is in use in commerce, and stating that the owner claims the benefits of the Act of 1946. The affidavit or declaration must be signed by a

person properly authorized to sign on behalf of the owner under § 2.193(e)(1).

■ 22. Revise § 2.161(b) to read as follows:

**§ 2.161 Requirements for a complete affidavit or declaration of continued use or excusable nonuse.**

* * * * *

(b) Include a statement that is signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the owner under § 2.193(e)(1), attesting to the use or excusable nonuse of the mark within the period set forth in section 8 of the Act. The verified statement must be executed on or after the beginning of the filing period specified in § 2.160(a).

* * * * *

■ 23. Revise § 2.163(b) to read as follows:

**§ 2.163 Acknowledgment of receipt of affidavit or declaration, and response to Office action.**

* * * * *

(b) A response to the refusal must be filed within six months of the date of issuance of the Office action, or before the end of the filing period set forth in section 8(a) or section 8(b) of the Act, whichever is later. The response must be signed by the owner, someone with legal authority to bind the owner (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the requirements of § 2.193(e)(2).

* * * * *

■ 24. Revise § 2.167(a) to read as follows:

**§ 2.167 Affidavit or declaration under Section 15.**

* * * * *

(a) Be verified (sworn to) or supported by a declaration under § 2.20, signed by the owner of the registration or a person properly authorized to sign on behalf of the owner under § 2.193(e)(1);

* * * * *

■ 25. Revise § 2.171(b)(1) to read as follows:

**§ 2.171 New certificate on change of ownership.**

* * * * *

(b) * * *

(1) In a registration resulting from an application based on section 1 or section 44 of the Act, if ownership of a registration has changed with respect to some but not all of the goods and/or services, the owner(s) may file a request that the registration be divided into two or more separate registrations. The assignment or other document changing title must be recorded in the Office. The request to divide must include the fee required by § 2.6(a)(8) for each new registration created by the division, and be signed by the owner of the registration, someone with legal authority to bind the owner (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with § 2.193(e)(2) of this chapter.

* * * * *

■ 26. Revise § 2.172 to read as follows:

**§ 2.172 Surrender for cancellation.**

Upon application by the owner, the Director may permit any registration to be surrendered for cancellation. The application for surrender must be signed by the owner of the registration, someone with legal authority to bind the owner (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter. When a registration has more than one class, one or more entire class(es) but fewer than the total number of classes may be surrendered. Deletion of fewer than all the goods or services in a single class constitutes amendment of the registration as to that class (*see* § 2.173), not surrender.

■ 27. Revise § 2.184(b)(2) to read as follows:

**§ 2.184 Refusal of renewal.**

* * * * *

(b) * * *

(2) The response must be signed by the registrant, someone with legal authority to bind the registrant (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 11.14 of this chapter, in accordance with the requirements of § 2.193(e)(2).

* * * * *

■ 28. Revise § 2.193 to read as follows:

**§ 2.193 Trademark correspondence and signature requirements.**

(a) *Signature required.* Each piece of correspondence that requires a signature must bear:

(1) A handwritten signature personally signed in permanent ink by the person named as the signatory, or a true copy thereof; or

(2) An electronic signature that meets the requirements of paragraph (c) of this section, personally entered by the person named as the signatory. The Office will accept an electronic signature that meets the requirements of paragraph (c) of this section on correspondence filed on paper, by facsimile transmission (§ 2.195(c)), or through TEAS or ESTTA.

(b) *Copy of original signature.* If a copy, such as a photocopy or facsimile copy of an original signature is filed, the filer should retain the original as evidence of authenticity. If a question of authenticity arises, the Office may require submission of the original.

(c) *Requirements for electronic signature.* A person signing a document electronically must:

(1) Personally enter any combination of letters, numbers, spaces and/or punctuation marks that he or she has adopted as a signature, placed between two forward slash (''/'') symbols in the signature block on the electronic submission; or

(2) Sign the verified statement using some other form of electronic signature specified by the Director.

(d) *Signatory must be identified.* The name of the person who signs a document in connection with a trademark application, registration, or proceeding before the Trademark Trial and Appeal Board must be set forth in printed or typed form immediately below or adjacent to the signature, or identified elsewhere in the filing (*e.g.,* in a cover letter or other document that accompanies the filing).

(e) *Proper person to sign.* Documents filed in connection with a trademark application or registration must be signed by a proper person. Unless otherwise specified by law, the following requirements apply:

(1) *Verification of facts.* A verification in support of an application for registration, amendment to an application for registration, allegation of use under § 2.76 or § 2.88, request for extension of time to file a statement of use under § 2.89, or an affidavit under section 8, 12(c), 15, or 71 of the Trademark Act must be sworn to or supported by a declaration under § 2.20, signed by the owner or a person properly authorized to sign on behalf of the owner. A person who is properly authorized to verify facts on behalf of an owner is:

(i) A person with legal authority to bind the owner (*e.g.,* a corporate officer or general partner of a partnership);

(ii) A person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the owner; or

(iii) An attorney as defined in § 11.1 of this chapter who has an actual written or verbal power of attorney or an implied power of attorney from the owner.

(2) *Responses, amendments to applications, requests for express*

*abandonment, requests for reconsideration of final actions, and requests to divide.* Responses to Office actions, amendments to applications, requests for express abandonment, requests for reconsideration of final actions, and requests to divide must be signed by the owner of the application or registration, someone with legal authority to bind the owner (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the following guidelines:

(i) If the owner is represented by a practitioner qualified to practice before the Office under § 11.14 of this chapter, the practitioner must sign, except where the owner is required to sign the correspondence; or

(ii) If the owner is not represented by a practitioner qualified to practice under § 11.14 of this chapter, the individual owner or someone with legal authority to bind the owner (*e.g.,* a corporate officer or general partner of a partnership) must sign. In the case of joint owners who are not represented by a qualified practitioner, all must sign.

(3) *Powers of attorney and revocations of powers of attorney.* Powers of attorney and revocations of powers of attorney must be signed by the individual applicant, registrant or party to a proceeding pending before the Office, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.,* a corporate officer or general partner of a partnership). In the case of joint applicants, registrants, or parties, all must sign. Once the applicant, registrant or party has designated a qualified practitioner(s), the named practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to prosecute the application or registration. If the applicant, registrant, or party revokes the original power of attorney, the revocation discharges any associate power signed by the practitioner whose power has been revoked. If the practitioner who signed an associate power withdraws, the withdrawal discharges any associate power signed by the withdrawing practitioner upon acceptance of the request for withdrawal by the Office.

(4) *Petitions to revive under § 2.66.* A petition to revive under § 2.66 must be signed by someone with firsthand knowledge of the facts regarding unintentional delay.

(5) *Petitions to Director under § 2.146.* A petition to the Director under § 2.146 must be signed by the petitioner, someone with legal authority to bind the petitioner (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the following guidelines:

(i) If the petitioner is represented by a practitioner qualified to practice before the Office under § 11.14 of this chapter, the practitioner must sign; or

(ii) If the petitioner is not represented by a practitioner authorized to practice before the Office under § 11.14 of this chapter, the individual petitioner or someone with legal authority to bind the petitioner (*e.g.,* a corporate officer or general partner of a partnership) must sign. In the case of joint petitioners, all must sign.

(6) *Requests for correction, amendment or surrender of registrations.* A request for correction, amendment or surrender of a registration must be signed by the owner of the registration, someone with legal authority to bind the owner (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice before the Office under § 11.14 of this chapter. In the case of joint owners who are not represented by a qualified practitioner, all must sign.

(7) *Renewal applications.* A renewal application must be signed by the registrant or the registrant's representative.

(8) *Designations and revocations of domestic representative.* A designation or revocation of a domestic representative must be signed by the applicant or registrant, someone with legal authority to bind the applicant or registrant (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter. In the case of joint applicants or registrants, all must sign.

(9) *Requests to change correspondence address in an application or registration.* A notice of change of correspondence address in an application or registration must be signed by the applicant or registrant, someone with legal authority to bind the applicant or registrant (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the following guidelines:

(i) If the applicant or registrant is represented by a practitioner qualified to practice before the Office under § 11.14 of this chapter, the practitioner must sign; or

(ii) If the applicant or registrant is not represented by a practitioner qualified to practice before the Office under § 11.14, the individual applicant or registrant or someone with legal authority to bind the applicant or registrant (*e.g.,* a corporate officer or general partner of a partnership) must sign. In the case of joint applicants or joint registrants, all must sign.

(10) *Cover letters.* A person transmitting paper documents to the Office may sign a cover letter or transmittal letter. The Office neither requires cover letters nor questions the authority of a person who signs a communication that merely transmits paper documents.

(f) *Signature as certification.* The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any document by any person, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this chapter. Violations of § 11.18(b) of this chapter may jeopardize the validity of the application or registration, and may result in the imposition of sanctions under § 11.18(c) of this chapter. Any practitioner violating § 11.18(b) of this chapter may also be subject to disciplinary action. *See* §§ 10.23(c)(15) and 11.18(d) of this chapter.

(g) *Separate copies for separate files.* (1) Since each file must be complete in itself, a separate copy of every document to be filed in connection with a trademark application, registration, or inter partes proceeding must be furnished for each file to which the document pertains, even though the contents of the documents filed in multiple files may be identical.

(2) Parties should not file duplicate copies of correspondence in a single application, registration, or proceeding file, unless the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence.

(h) *Separate documents for separate branches of the Office.* Since different branches or sections of the Office may consider different matters, each distinct subject, inquiry or order must be contained in a separate document to avoid confusion and delay in answering correspondence.

(i) *Certified documents required by statute.* When a statute requires that a document be certified, a copy or facsimile transmission of the certification is not acceptable.

## PART 11—REPRESENTATION OF OTHERS BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

■ 29. The authority citation for 37 CFR Part 11 continues to read as follows:

**Authority:** 5 U.S.C. 500, 15 U.S.C. 1123, 35 U.S.C. 2(b)(2), 32.

■ 30. Revise § 11.18(a) to read as follows:

**§ 11.18 Signature and certificate for correspondence filed in the Office.**

(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, and all documents filed with a hearing officer in a disciplinary proceeding, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Office must bear a signature, personally signed or inserted by such practitioner, in compliance with § 1.4(d)(1), § 1.4(d)(2), or § 2.193(a) of this chapter.

* * * * *

Dated: October 15, 2009.

**David J. Kappos,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. E9–25460 Filed 10–23–09; 8:45 am]

**BILLING CODE 3510–16–P**

## GENERAL SERVICES ADMINISTRATION

## 41 CFR Part 301–11

**[FTR Amendment 2009–07; FTR Case 2009–308; Docket Number 2009–0015, Sequence 1]**

**RIN 3090–AI97**

## Federal Travel Regulation (FTR); Updated Meal Cost Table for Furnished Meal(s) Adjustments

**AGENCY:** Office of Governmentwide Policy, General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** 5 U.S.C. 5702 authorizes the General Services Administration (GSA) to establish per diem allowances within the continental United States (CONUS) for the reimbursement for actual and necessary expenses of official travel. After a recent comprehensive meals and incidental expenses (M&IE) study, GSA is amending the Federal Travel Regulation in regards to the allocated meal costs. The new costs are broken out in the table § 301–11.18 by continental breakfast/breakfast, lunch, and dinner for the use of travelers who have had a meal(s) furnished by the Government or included in the registration fee, and who then must deduct the meal(s) before submitting the voucher for reimbursement. GSA is also updating the incidental expense rate.

**DATES:** *Effective Date:* October 26, 2009.

*Applicability Date:* This final rule is applicable for official travel performed on and after October 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat (MVR), Room 4041, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Jill Denning, Office of Governmentwide Policy, at (202) 208–7642 or e-mail at *jill.denning@gsa.gov*. Please cite FTR Amendment 2009–07; FTR case 2009–308.

**SUPPLEMENTARY INFORMATION:**

### A. Background

GSA periodically reviews the M&IE allowances throughout the continental United States (CONUS) to ensure the rates reflect the prices charged at local eating establishments. The GSA's Office of Governmentwide Policy (OGP) has recently completed a comprehensive M&IE study. This final rule amends the Federal Travel Regulation in regards to the allocated meal costs which must be adjusted when a meal(s) is furnished by the Government or is included in the registration fee, along with amending the incidental expense rate.

### B. Executive Order 12866

This is not a significant regulatory action, and therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This final rule is not a major rule under 5 U.S.C. 804.

### C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment, therefore the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* does not apply.

### D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final changes to the FTR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

### E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates to agency management and personnel.

### List of Subjects in 41 CFR Part 301–11

Government employees, Travel and transportation expenses.

Dated: September 1, 2009.

**Paul F. Prouty,**

*Acting Administrator of General Services.*

■ For the reasons set forth in the preamble, pursuant to 5 U.S.C. 5707, GSA amends 41 CFR parts 301–11 as follows:

## PART 301–11—PER DIEM EXPENSES

■ 1. The authority citation for 41 CFR part 301–11 continues to read as follows:

**Authority:** 5 U.S.C. 5707.

■ 2. Revise the table in § 301–11.18, paragraph (a), to read as follows:

**§ 301–11.18 What M&IE rate will I receive if a meal(s) is furnished by the Government or is included in the registration fee?**

(a) * * *

| Total M&IE | $46 | $51 | $56 | $61 | $66 | $71 |
|---|---|---|---|---|---|---|
| Continental Breakfast/Breakfast | 7 | 8 | 9 | 10 | 11 | 12 |
| Lunch | 11 | 12 | 13 | 15 | 16 | 18 |
| Dinner | 23 | 26 | 29 | 31 | 34 | 36 |
| Incidentals | 5 | 5 | 5 | 5 | 5 | 5 |

* * * * *

[FR Doc. E9–25727 Filed 10–23–09; 8:45 am]

**BILLING CODE 6820–14–P**

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 501

**[Docket No. 09–06]**

**RIN 3072–AC37**

### Recodification of the Shipping Act as Positive Law

*Correction*

In rule document E9–22659 beginning on page 50713 in the issue of Thursday, October 1, 2009 make the following correction:

**§501.24 [Corrected]**

On page 50714 in the table for §501.24(e), in the Add column, the text should read:

''section 5 of the Shipping Act of 1984 (46 U.S.C. 40301(d)–(e), 40302–40303, 40305).''

[FR Doc. Z9–22659 Filed 10–23–09; 8:45 am]

BILLING CODE 1505–01–D

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

**[CG Docket No. 03–123; DA 08–2808]**

### Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; extension of waiver.

**SUMMARY:** In this document, the Consumer and Governmental Affairs Bureau (Bureau) extends for an additional year waivers of certain Telecommunications Relay Services (TRS) mandatory minimum standards for Video Relay Service (VRS) and Internet Protocol Relay (IP Relay). The waived TRS mandatory minimum standards are: One-line voice carry over (VCO); VCO-to-teletypewriter (TTY); VCO-to-VCO; one-line hearing carry over (HCO); HCO-to-TTY; HCO-to-HCO; call release; pay-per-call (900) calls; types of calls; equal access to interexchange carriers; and speech-to-speech (STS). Also, in this document, the Bureau grants a limited extension of the waiver of the speed dialing requirement for IP Relay. The Bureau extends the waivers for one year (four months in the case of speed dialing for IP Relay) because the record demonstrates that it is technologically infeasible for VRS and IP Relay providers to offer these services at this time.

**DATES:** The waivers of certain TRS mandatory minimum standards for VRS and IP Relay will expire on January 1, 2010, except the limited extension of the wavier of the speed dialing requirement for IP Relay, which expired on May 1, 2009.

**ADDRESSES:** Parties may submit documentation related to the waivers, identified by [CG Docket No. 03–123 and/or DA 08–2808], by mail, to: Dana Wilson, Consumer and Governmental Affairs Bureau, Disability Rights Office, 445 12th Street, SW., Room 3–C418, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Gregory Hlibok, Consumer and Governmental Affairs Bureau, Disability Rights Office at (866) 954–4053 (voice), (202) 418–0431 (TTY), or e-mail *Gregory.Hlibok@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This is a summary of the Bureau Order, document DA 08–2808, adopted and released on December 24, 2008, extending certain waivers of TRS mandatory minimum standards to January 1, 2010, and extending waiver of the speed dialing requirement for IP Relay until May 1, 2009. The full text of document DA 08–2808, and copies of any subsequently filed documents in this matter, will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. Document DA 08–2808, and copies of subsequently filed documents in this matter, also may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at its Web site *http://www.bcpiweb.com* or by calling 1–800–378–3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY). Document DA 08–2808 also can be downloaded in Word and Portable Document Format (PDF) at *http://www.fcc.gov/cgb/dro/trs.html.*

### Synopsis

1. The Commission, in various orders, has waived several TRS mandatory minimum standards for VRS and IP Relay either because, as Internet-based services, it is not technologically feasible to meet the requirement or, in the case of VRS, because VRS is a video-based service and the communication is via sign language and not text. Most recently, in the *2007 TRS Waiver Order,* the Commission extended certain waivers until January 1, 2009. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket No. 03–123, Order, adopted and released on December 26, 2007, published at 73 FR 9031, February 19, 2008 (*2007 TRS Waiver Order*). These waivers were conditioned on the filing of annual reports, due April 16, 2008, addressing whether it was necessary for the waivers to remain in effect. All VRS and IP Relay providers have filed reports detailing their progress in meeting the waived requirements. The Bureau reviewed these reports in reaching the conclusions below.

2. *One-line VCO, VCO-to-TTY, and VCO-to-VCO.* VCO is a type of traditional TTY-based TRS that can be used by persons with a hearing disability but who can speak. *See* 47 CFR 64.601(27); 47 CFR 64.604(a)(3)(v). The Commission waived these requirements for IP Relay providers because the voice leg of a VCO call could not be supported over the Internet. The Commission similarly waived these requirements for VRS. The Bureau extends the waivers of these requirements for one year. The Bureau notes that the April 16, 2008 waiver reports reflected that VRS and IP Relay providers cannot provide these services because the Internet cannot support the voice leg of a VCO call with the necessary call quality. These waivers were again conditioned on the filing of reports, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.

3. *One-line HCO, HCO-to-TTY, and HCO-to-HCO.* One-line HCO is a type of traditional TTY-based TRS that can be used by persons with a speech disability but who can hear. *See* 47 CFR 64.604(9); 47 CFR 64.604(a)(3)(v). For the same reason the Commission waived the VCO requirements for IP Relay, it did so with respect to the HCO requirements. The Commission similarly waived these requirements for VRS. Consistent with the Bureau's treatment of VCO, and for the same reasons, the Bureau extends the waivers of these requirements for one year. The Bureau also notes that the April 16, 2008 waiver reports reflected that VRS and IP Relay providers could not provide these services. These waivers were also conditioned on the filing of reports, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.

4. *Call Release.* Call release allows a communications assistant (CA) to set up a TTY-to-TTY call that, once established, does not require the CA to relay the conversation. *See* 47 CFR 64.604(a)(3)(vi). The Commission waived this requirement for VRS and IP Relay. The Bureau extends the waivers of this requirement for one year due to technological infeasibility. This conclusion is supported by the providers' April 16, 2008 waiver reports, which reflect that the Internet leg of the call (via video or text) cannot support call release functionality. These waivers were also conditioned on the filing of reports, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.

5. *Pay-Per-Call (900) calls.* Pay-per-call (900) calls are calls that the person making the call pays for at a charge greater than the basic cost of the call. *See* 47 CFR 64.604(a)(3)(iv). The Commission waived this requirement for VRS and IP Relay. The Bureau extends the waivers of this requirement for VRS and IP Relay for one year. The providers' April 16, 2008 waiver reports reflected that there was still no billing mechanism available to handle the charges associated with pay-per-calls. These waivers were also conditioned on the filing of reports, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.

6. *Types of Calls (Operated Assisted Calls and Long Distance Calls).* Commission rules require TRS providers to handle any type of call normally handled by common carriers. *See* 47 CFR 64.604(a)(3). The requirement that VRS providers offer operator-assisted calls and bill certain types of calls to the end user has been waived because it was not possible to determine if a VRS call is local or long distance. The providers' April 16, 2008 waiver reports reflected that it remained technologically infeasible for VRS providers to offer operator-assisted calls and to bill for certain types of long distance calls because one leg of the VRS call is transmitted over the Internet. Based on the record, the Bureau therefore extends waivers of this requirement for VRS for one year as long as providers allow calls to be placed using calling cards and/or provide free long distance calls. This waiver was also conditioned on the filing of a report, due April 16, 2009, addressing whether it is necessary for the waiver to remain in effect. Although this issue has not been raised, the Bureau understands that IP Relay providers, for the same reasons as VRS providers, cannot provide there services. Therefore, to avoid any future uncertainty or compliance issues, the Bureau waives on its own motion this requirement for IP Relay as long as the providers allow calls to be placed using calling cards and/or to provide free long distance calls. The Bureau notes, however, that with the advent of ten-digit numbering for VRS and IP Relay, which became effective December 31, 2008, providers will be able to determine the geographic location of both parties to the call. Therefore, in their April 2009 waiver report, providers were to specifically address the effect of the numbering and registered location requirements on the continued need for this waiver.

7. *Equal Access to Interexchange Carriers.* The TRS rules require that providers offer TRS users their interexchange carrier of choice to the same extent that such access is provided to voice users. *See* 47 CFR 64.604(b)(3). The Commission has waived this requirement for VRS providers, noting that it was not possible to determine if a call is long distance and, in any event, the providers could not automatically route the calls to the caller's long distance carrier of choice. The Commission also noted that this waiver was contingent on VRS providers providing long distance services free of charge to the caller. The Commission waived this requirement for IP Relay indefinitely.

8. The providers' April 16, 2008 waiver reports again reflected that because they cannot determine whether a particular call is local or long distance, they cannot offer carrier of choice but instead do not charge consumers for long distance. Based on the record, the Bureau therefore extends this waiver for VRS for one year as long as the providers provide free long distance calls. This waiver was also conditioned on the filing of a report, due April 16, 2009, addressing whether it is necessary for the waiver to remain in effect. Again, however, as noted above, providers were to specifically address the effect of the numbering and registered location requirements on the continuing need for this waiver.

9. *Speech-to-Speech.* In 2000, the Commission recognized STS as a form of TRS and required that it be offered as a mandatory service. The Commission waived this requirement indefinitely for VRS, noting that STS is speech-based service, whereas VRS is a visual service using interpreters to interpret in sign language over a video connection. The requirement for IP Relay was waived until January 1, 2009, because of the technical difficulties with respect to voice-initiated calls and the Internet. The Bureau extends the waiver of this requirement for IP Relay for one year. Providers continued to report that this service, like the VCO and HCO services, cannot be provided via IP Relay because of erratic voice quality. The waiver was also conditioned on the filing of a report, due April 16, 2009, addressing whether it is necessary for the waiver to remain in effect.

10. *Speed Dialing.* Speed dialing allows a TRS user to give the CA a ''short-hand'' name or number (*e.g.,* ''call Mom'') for the user's most frequently called telephone numbers. *See* 47 CFR 64.604(a)(3)(vi). This feature permits a person making a TRS call through a CA to place the call without having to remember or locate the number he or she desires to call. The Commission waived this requirement for IP Relay. The waiver of the speed dialing requirement for VRS expired on April 30, 2008. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket No. 03–123, Order, adopted and released on January 8, 2008, published at 73 FR 9031, February 19, 2008.

11. Based on the record, the Bureau granted a limited extension of this requirement for IP Relay until April 30, 2009. The record indicated that all IP Relay providers except AT&T are offering speed dialing. In November 2008, AT&T filed a request to extend this waiver for 90 days, noting that it has recently ''upgraded'' its service ''from a web-based service to an IM-based service,'' and is phasing out use of its web-based IP Relay service that lacks a speed dialing feature. AT&T therefore requested a waiver of the speed dialing feature ''solely [for] its web-based IP Relay service through March 31, 2009, at which time AT&T will have ceased providing the service.'' AT&T asserted that granting the limited waiver is in the public interest, as it allows existing users of its web-based service a reasonable timeframe to migrate to other types of IP Relay services that offer a speed dialing feature, such as AT&T's IM-based IP Relay service. The Bureau agreed that, in these circumstances, a limited 90 day extension of the waiver of the speed dialing requirement for AT&T's Web-based IP Relay service was appropriate. For this reason, the Bureau granted AT&T's request for an extension of this waiver through April 30, 2009. After that date, all IP Relay providers must offer this feature.

**Ordering Clauses**

12. Pursuant to section 225 of the Communications Act of 1934, as amended, 47 U.S.C. 225, and §§ 0.141,

0.361, and 1.3 of the Commission's rules, 47 CFR 0.141, 0.361, and 1.3, document DA 08–2808 *is adopted.*

13. For VRS, the waivers of the one-line VCO, VCO-to-TTY, and VCO-to-VCO; one-line HCO, HCO-to-TTY, and HCO-to-HCO; call release; pay-per-call (900) calls, types of calls, and equal access to interexchange carrier requirements are hereby extended for one year, until January 1, 2010, conditioned on the filing of a report, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.

14. For IP Relay, the waivers of the one-line VCO, VCO-to-TTY, and VCO-to-VCO; one-line HCO, HCO-to-TTY, and HCO-to-HCO; call release; pay-per-call (900) calls; and STS requirements are hereby extended for one year until January 1, 2010, conditioned on the filing of a report, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect. The waiver of the speed dialing requirement for IP Relay is extended until May 1, 2009.

15. AT&T's Request for Extension of Waiver is granted.

Federal Communications Commission.

**Mark Stone,**

*Deputy Chief, Consumer and Governmental Affairs Bureau.*

[FR Doc. E9–25690 Filed 10–23–09; 8:45 am]

BILLING CODE 6712–01–P

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 532 and 552

**[GSAR Amendment 2009–13; GSAR Case 2006–G515 (Change 41) Docket 2008–0007; Sequence 8]**

**RIN 3090–AI75**

## General Services Administration Acquisition Regulation; GSAR Case 2006–G515; Rewrite of GSAR Part 532, Contract Financing

**AGENCIES:** General Services Administration (GSA), Office of Acquisition Policy.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to update Part 532, Contract Financing, of the regulation. This project is part of the GSAM rewrite Project, in which all parts of the regulation are being reviewed and updated to include new statutes, legislation, and policies.

**DATES:** *Effective Date:* November 25, 2009.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Edward Chambers, Procurement Analyst, at (202) 501–3221. For information pertaining to status or publication schedules, contact the Regulatory Secretariat (VPR), Room 4041, 1800 F Street, NW., Washington, DC 20405, (202) 501–4755. Please cite Amendment 2009–13, GSAR case 2006–G515 (Change 41).

**SUPPLEMENTARY INFORMATION:**

### A. Background

The GSA is amending the GSA Acquisition Regulation (GSAR) to update the text addressing contract financing. This rule is a result of the GSA Acquisition Manual (GSAM) rewrite initiative undertaken by GSA to revise the GSAM to maintain consistency with the Federal Acquisition Regulation (FAR) and implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can utilize when entering into and administering contractual relationships. The GSAM incorporates the GSAR as well as internal agency acquisition policy.

The GSA will rewrite each part of the GSAR and GSAM, and as each GSAR part is rewritten, will publish it in the **Federal Register**.

This rule covers the rewrite of GSAR Part 532, Contract Financing. A proposed rule was published in the **Federal Register** at 73 FR 58515 on October 7, 2008. Three comment letters, with 23 comments, were received in response to the proposed rule.

Many of the comments apply solely to construction and architect-engineer contracts. Two of these comments were referred to the GSAM Part 536 team for consideration in the rewrite of that part. These dealt with the Public Building Service's unique requirement for progress payment meetings and the need to have contractor involvement in such meetings. These comments will be addressed in the final rule for GSAM Part 536, Construction and Architect-Engineer Contracts. The responses to the balance of the construction-related comments were coordinated with the GSAM Part 536 team.

*Comment:* The commenter believes that GSA Form 1142, Release of Claims, is an unauthorized form. Commenter notes that there is no Office of Management and Budget (OMB) control number and no indication that a Regulatory Flexibility Act analysis was ever performed. Commenter also notes that the form fails to advise contractors that, by signing the form, they forfeit certain rights.

*Response:* Currently, use of this form is prescribed at GSAR 532.904(a). The commenter is correct that there is no OMB control number on the GSA Form 1142, and GSAM Part 532 drafters cannot find any record of a Regulatory Flexibility Act analysis ever having been performed for this pre-GSAM Rewrite requirement. Further, the form has not been revised since December 1974. The material on the ''form'' is minimal, and neither the FAR nor the GSAM require specific wording for the contractor's release of claims. Therefore, the GSA Form 1142 will be cancelled, and GSAR 532.904(a) of the proposed rule is deleted.

*Comment:* Given that the requirement for a release of claims stems from FAR 52.232–26 and 52.232–27, commenter believes it would be more appropriate for the FAR Council to develop a standard form to be used by all agencies in accordance with FAR 1.304(c), because it is not just pertinent to GSA.

*Response:* This comment pertains to whether the GSA Form 1142 should be retained or a Standard Form should be designed as a FAR Part 32 change. Given that neither FAR clause designates specific wording for the contractor's release of claims, it does not appear to be an appropriate candidate for a standard form.

*Comment:* Commenter believes that the FAR Council should consider allowing contractors to submit the release jointly along with the electronic submission of a final invoice request.

*Response:* This is outside the scope of the GSAM Rewrite.

*Comment:* Commenter believes that, under GSAR 532.904, contracting officers' repeated attempts to obtain release of claims from contractors could be considered coercion penalizing contractors by withholding funds. Commenter thinks that GSAM should justify the reasonableness of withholding final payments.

*Response:* Because the GSA Form 1142 has been cancelled, the balance of GSAR 532.904(a) should also be deleted. Further, obtaining a release of claims is a FAR requirement, not a GSA requirement.

*Comment:* Commenter believes that the GSAM should provide guidance for contracting officers to initiate an action for architect-engineer (A–E) design services in advance of approved appropriations. Many find nothing in the FAR that precludes contracting officers from selecting an A–E using Brooks Act procedures through the solicitation and negotiation phase up to

award when the appropriations request is included in the President's Budget.

*Response:* There is currently appropriate guidance on contracting in advance of funds in FAR Subpart 32.7 and GSAM Subpart 532.7. There is no reason to treat A–E design services differently.

*Comment:* Commenter states that contractors experience numerous problems attempting to submit invoices electronically to GSA for payment. Frequently, commenter claims, GSA has failed to enter obligations into Pegasys which, in turn, prohibits contractors from being able to submit a pay request and establish a receipt date for purposes of computing interest, which appears to be in direct violation of FAR 32.907(f).

*Response:* This comment is outside the scope of the GSAM Rewrite. The commenter appears to have issues with Pegasys, which is a financial system, not a contracting system.

*Comment:* Commenter recommends that GSA include in its invoicing system a citation to FAR 32.909(b) that suggests that contractors contact GSA small business specialist or representative from the Office of Small and Disadvantaged Business Utilization to obtain additional assistance related to payment issues, late payment interest penalties, and information on the Prompt Payment Act.

*Response:* FAR 1.304(b) states that ''(a)gency acquisition regulations shall not * * * (u)nnecessarily repeat, paraphrase, or otherwise restate material contained in the FAR or higher-level agency acquisition regulations.'' Therefore, the commenter's recommendation is not accepted.

*Comment:* Commenter suggests that, to eliminate confusion and ensure consistency, all GSA contractors should be permitted to submit invoices electronically, including those for construction contracts awarded on an SF 1442. Invoices for construction contracts awarded on a GSA Form 300 as a task order against an indefinite delivery/indefinite quantity contract are permitted to be submitted electronically. All construction payments are 14-day pay.

*Response:* The GSA Form 300 was cancelled in connection with the rewrite of GSAR Part 513. Therefore, using the cancelled form as a reason to revise the invoicing rules for contracts awarded using another form is moot. Further, authority to submit invoices electronically is provided by Office of the Chief Financial Officer, not the GSAM.

*Comment:* Commenter states that, per FAR 32.103, retainage should not be used as a substitute for good contract management, and the contracting officer should not withhold funds without cause.

*Response:* We agree with the commenter but do not propose to revise the GSAM as a result.

*Comment:* Commenter addresses GSA Form 2419 using the same rationale as commenter used for the GSA Form 1142. Just like the Release of Claims form, commenter says, it would seem more appropriate for the FAR Council to develop a standard form to be used by all agencies in accordance with FAR 1.304(c) in lieu of GSA's Certification of Progress Payment, Form 2419, since the requirement is set forth for all construction contracts under FAR 32.904.

*Response:* While we agree with the commenter that it would make sense for the FAR to prescribe a standard form in lieu of the GSA Form 2419, Certification of Progress Payments Under Fixed-Price Construction Contracts, the FAR does not currently do so. The GSA form will be retained unless or until a standard form is prescribed in the FAR.

The commenter likens the GSA Form 2419 to the GSA Form 1142, but the two forms are different in two very important ways. First, the clause at FAR 52.232–5, Payments Under Fixed-Price Construction Contracts, provides exact language that must be used in the certification. Second, the GSA Form 2419 does have an OMB clearance and has been through the Paperwork Reduction Act and Regulatory Flexibility Act review process.

*Comment:* The proposed rule, at GSAR 532.905(a), required contractors to submit invoices or vouchers concurrently to the Office of the Chief Financial Officer and the contracting officer for approval. The GSA's Office of General Counsel questioned the requirement for contractors to submit more than one copy to the Government, given that the contracting officer is considered to be the ''one-face'' to the public. The Office of General Counsel recommended that any internal distribution of contractors' invoices or vouchers should be an internal procedural matter.

*Response:* Agree. The GSAR at 532.905(a) has been revised.

*Comment:* Commenter recommends that any rejection of invoices should ''cite the specific section of FAR 32.905(b)(1) that is in non-compliance'' and also advise contractors of their rights under the disputes clause.

*Response:* FAR 32.905(b)(3) currently requires the designated billing office, if the invoice does not comply with the requirements of FAR 32.905(b)(1), to return it ''with the reasons why it is not a proper invoice.'' Given that FAR 1.304(b) prohibits agency acquisition regulations from unnecessarily repeating the FAR, there will not be a change made to the GSAM as a result of this comment.

*Comment:* Commenter states that GSA has collected electronic funds transfer information from contractors using a form that has not been approved by OMB for this information collection. Further, there is no indication that GSA is ensuring the financial information collected is protected as privileged and confidential in accordance with FAR 32.1104.

*Response:* The form described is not prescribed by GSAM. This comment is outside the scope of the GSAM Rewrite. Commenter should direct her concerns to the GSA Office of the Chief Financial Officer.

*Comment:* Commenter recommends that the reference to FAR 52.232–25(a)(6)(i), at GSAR 532.905(a)(1), should be corrected to 52.232–25(a)(5)(i).

*Response:* Agree.

*Comment:* Commenter refers to GSAR 532.905(a)(3), stating that FAR 52.232–26(a)(4)(i)(B) does not give the option of entering an alternative to the 7-day constructive approval for prompt payment. Further, the instructions for the FAR clause state ''insert the clause'', not ''insert a clause substantially the same as.''

*Response:* Agree. The authority at 532.905(a)(3) to select longer periods of time is deleted.

*Comment:* Commenter refers to 532.905(b)(1), stating that FAR 52.232–27(a)(1)(i)(A) does not give the option of entering an alternative to the 14-day period for payment. Further, the instructions for the FAR clause state ''insert the clause,'' not ''insert a clause substantially the same as.''

*Response:* Agree. The authority at 532.905(b)(1) to select longer periods is deleted.

*Comment:* GSAR 532.905(b)(2) and FAR 52.232–27(a)(4)(i) does not give the option of entering an alternative to the 7-day period for constructive approval for prompt payment. Further, the instructions state ''insert the clause'', not ''insert a clause substantially the same as.''

*Response:* Agree. The authority at GSAR 532.905(b)(2) to select longer periods is deleted.

*Comment:* With regard to the clause at GSAR 552.232–1, commenter notes that, while this deviation is included in GSAR Part 552, there is no corresponding mention of it in the clause section of Part GSAR 532. The

clause prescription should be added to Part 532.

*Response:* Agree. A new GSAR 532.905(a) will be added as follows: ''GSA has a FAR deviation that allows this agency to use the clause at 552.232–1, Payments, in lieu of the clause at FAR 52.232–1, Payments.''

*Comment:* For the preface to the clause at GSAR 552.232–73, the clause prescription should be revised from GSAR 532.705–1 to 532.705–1(b).

*Response:* Not applicable. The clause at GSAR 552.232–73 has been deleted on the recommendation of GSA's Office of General Counsel.

*Comment:* With regard to the new clause GSAR 552.232–7007, Limitation of Government's Obligation, commenter strongly believes that authorizing incremental funding of fixed-price, time-and-materials, and labor-hour contracts is ill advised. Commenter believes that limiting the Government's obligation to pay (*i.e.,* conditioning the payment requirement on the availability of funds) is antithetical to the notion of fixed-price contracts. It would also transfer from the Government to the contractor the burden of tracking the costs of contract performance.

*Response:* Agree. We could not find any agency FAR supplement that authorizes use of incremental funding on time-and-materials or labor-hour contracts. We note that DoD carefully circumscribes the use of incremental funding on fixed-price contracts. Effectively, the same limits already had been provided for GSA under Acquisition Letter V–07–04, dated June 12, 2007. The proposed clause at GSAR 552.232–7007, Limitation of Government's Obligation, and its prescription at 532.705–1(c), have been deleted from the final rule.

*Comment:* If GSAR 552.232–7007 is retained, commercial-item contracts should be exempted from its use.

*Response:* We agree that commercial-item contractors do not have the accounting systems needed to track the Government's funds expenditures and should not be required to take on this risk. Although DoD authorizes the use of incremental funding on fixed-price contracts, as the commenter points out, DoD does not award many contracts under FAR Part 12 and therefore does not have any need to address this circumstance. The proposed clause at GSAR 552.232–7007 has been deleted from the final rule.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

The General Services Administration certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because this rule does not add any new contract clauses and, in fact, simplifies agency contract financing rules by eliminating 12 contract clauses from the current GSAR Part 532. For these reasons, it is expected that the number of entities impacted by this rule will be minimal. Therefore, a Regulatory Flexibility Analysis was not performed.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. Chapter 35, *et seq.*

**List of Subjects in 48 CFR Parts 532 and 552**

Government procurement.

Dated: October 20, 2009.

**David A. Drabkin,**

*Senior Procurement Executive, Office of Acquisition Policy, General Services Administration.*

■ Therefore, GSA amends 48 CFR parts 532 and 552 as set forth below:

■ 1. The authority citation for 48 CFR parts 532 and 552 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

## PART 532—CONTRACT FINANCING

■ 2. Revise section 532.111 to read as follows:

**532.111 Contract clauses for non-commercial purchases.**

For contracts that include the clause at FAR 52.232–5, Payments Under Fixed-Price Construction Contracts, the contracting officer shall provide the contractor with GSA Form 2419, Certification of Progress Payments Under Fixed-Price Construction Contracts, to be used to make the certification required by FAR 52.232–5(c).

### Subpart 532.2 [Removed]

■ 3. Remove Subpart 532.2.

### Subpart 532.7 [Removed]

■ 4. Remove Subpart 532.7.

**532.902 [Removed]**

■ 5. Remove section 532.902.

■ 6. Add section 532.904 to read as follows:

**532.904 Determining payment due dates.**

Payment due dates for construction contracts are addressed at FAR 32.904(d). The following procedures apply to construction and building service contracts:

(a) The amount of final payment must include, as appropriate, deductions to cover any of the following:

(1) Liquidated damages for late completion.

(2) Liquidated damages for labor violations.

(3) Amounts withheld for improper payment of labor wages.

(4) The amount of unilateral change orders covering defects and omissions.

(5) The agreed-upon dollar amount in a Deficiency Report, which is included in all applicable Operation and Maintenance (O&M) service contracts.

(b) When the contract is for the performance of building services, the contracting officer shall include the clause at 552.232–72, Final Payment Under Building Services Contracts.

■ 7. Revise section 532.905 to read as follows:

**532.905 Payment documentation and process.**

For contracts of the type shown in 532.7201(a)(1) through (4):

(a) Contractors are to submit invoices or vouchers to the contracting officer for approval. Invoices must be annotated with the date of receipt, as required by FAR 32.905. That date will be used to determine interest penalties for late payments. The contracting officer or designee must review the processing of invoices or vouchers before payment to determine if the items and amounts claimed are consistent with the contract terms and represent prudent business transactions. The contracting officer must ensure that these payments are commensurate with physical and technical progress under the contract. If the contractor has not deducted questionable amounts from the invoice or amounts required to be withheld, the contracting officer must make the required deduction, except as provided in 532.7203. Subject to 532.7201, the contracting officer must note approval of any payment on (or attached to) the invoice or voucher submitted by the contractor and forward the invoice or voucher to the appropriate contract

finance office for retention after certification and scheduling for payment by a disbursing office.

(b) See GSAM 532.7203 for the handling of audit findings.

**532.905–70 [Removed]**

■ 8. Remove section 532.905–70.

**532.905–71 [Removed]**

■ 9. Remove section 532.905–71.

■ 10. Revise section 532.908 to read as follows:

**532.908 Contract clauses.**

(a) GSA has a FAR deviation that allows this agency to use the clause at 552.232–1, Payments, in lieu of the clause at FAR 52.232–1, Payments.

(b) *General.* Before exercising the authority to modify the date for constructive acceptance or constructive approval of progress payments in paragraph (a)(5)(i) of the clause at FAR 52.232–25, Prompt Payment, the contracting officer must prepare a written justification explaining why a longer period is necessary. An official one level above the contracting officer must approve the justification. The time needed should be determined on a case-by-case basis, but the specified constructive acceptance period shall not exceed 30 days.

(c) *Stock, Special Order, and Schedules Programs.* (1) GSA has obtained a FAR Deviation to authorize payment within 10 days of receipt of a proper invoice. The authority applies only to:

(i) Orders placed by GSA under the referenced programs;

(ii) That include FAR 52.232–33, Mandatory Information for Electronic Funds Transfer Payment; and

(iii) For which the order is placed, and the contractor submits invoices, using EDI in accordance with the Trading Partner Agreement.

(2) If the contract is for commercial items and will include FAR 52.212–4, use the clause with its Alternate II. If the contract is not for commercial items, use the clause at 552.232–25, Prompt Payment, instead of FAR 52.232–25.

■ 11. Revise the heading in Subpart 532.70 to read as follows:

## Subpart 532.70—Authorizing Payment by Government Charge Card

**532.7001 [Removed]**

■ 12. Remove section 532.7001.

■ 13. Revise section 532.7003 to read as follows:

**532.7003 Contract clause.**

For indefinite-delivery, indefinite-quantity (IDIQ) contracts other than Schedules, insert the clause at 552.232–77, Payment By Government Charge Card, if the contract will provide for payment by Government charge card as an alternative method of payment for orders. For Schedule contracts that provide for payment using the Government charge card, use the clause(s) prescribed at Part 538.

## Subpart 532.71 [Removed]

■ 14. Remove subpart 532.71.

## PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 15. Add section 552.212–4 to read as follows:

**552.212–4 Contract Terms and Conditions—Commercial Items.**

*Alternate II (FAR Deviation) NOV 2009.* When a commercial item contract is contemplated and the contract will include the clause at FAR 52.212–4, insert this Alternate II instead of subparagraph (g)(2) of the FAR clause.

(g)(2) The due date for making invoice payments by the designated payment office is the later of the following two events:

(i) The 10th day after the designated billing office receives a proper invoice from the Contractor. If the designated billing office fails to annotate the invoice with the date of receipt at the time of receipt, the invoice payment due date shall be the 10th day after the date of the Contractor's invoice; provided the Contractor submitted a proper invoice and no disagreement exists over quantity, quality, or Contractor compliance with contract requirements.

(ii) The 10th day after Government acceptance of supplies delivered or services performed by the Contractor.

■ 16. Amend section 552.232–1 by revising the date of the clause and paragraph (c) to read as follows:

**552.232–1 Payments.**

* * * * *

**Payments (NOV 2009) (Deviation FAR 52.232–1)**

* * * * *

(c) When processing payment, GSA's Finance Office will automatically generate the 12 digit invoice number using the PDN assigned to the contract, followed by an abbreviated month and year of service (*e.g.,* 84261554JUN7, for June 2007). The PDN appears on the contract award document.

**552.232–8 [Removed]**

■ 17. Remove section 552.232–8.

**552.232–25 [Amended]**

■ 18. Amend section 552.232–25 by—

■ a. Removing from the introductory paragraph ''532.908(a)(2)'' and adding ''532.908(c)(2)'' in its place;

■ b. Removing from the clause heading ''(Jul 1998)'' and adding (NOV 2009) in its place; and

■ c. Removing from paragraph (a)(1)(i) ''Federal Supply Service (FSS)'' and adding ''Federal Acquisition Service (FAS)'' in its place.

**552.232–70 [Removed]**

■ 19. Remove section 552.232–70.

**552.232–71 [Removed]**

■ 20. Remove section 552.232–71.

■ 21. Amend section 552.232–72 by revising the section heading, the introductory paragraph, and the clause heading to read as follows:

**552.232–72 Final Payment Under Building Services Contracts.**

As prescribed in 532.904(c), insert the following clause:

**Final Payment Under Building Services Contracts (NOV 2009)**

* * * * *

**552.232–73 [Removed]**

■ 22. Remove section 552.232–73.

**552.232–74 [Removed]**

■ 23. Remove section 552.232–74.

**552.232–75 [Removed]**

■ 24. Remove section 552.232–75.

**552.232–76 [Removed]**

■ 25. Remove section 552.232–76.

■ 26. Amend section 552.232–77 by revising the section heading, adding an introductory paragraph, and revising the clause heading, and paragraphs (a) and (c); and removing Alternate I.

The revised text reads as follows:

**552.232–77 Payment By Government Charge Card.**

**Payment By Government Charge Card (NOV 2009)**

As prescribed in 532.7003, insert the following clause:

(a) *Definitions.* ''Governmentwide commercial purchase card'' means a uniquely numbered charge card issued by a contractor under the GSA SmartPay® program contract for Fleet, Travel, and Purchase Card Services to named individual Government employees or entities to pay for official Government purchases.

* * * * *

(c) The Contractor shall not process a transaction for payment using the charge card until the purchased supplies have been shipped or services performed. Unless the cardholder requests correction or replacement of a defective or faulty item

under other contract requirements, the Contractor must immediately credit a cardholder's account for items returned as defective or faulty.

* * * * *

**552.232–78 [Removed]**

■ 27. Remove section 552.232–78.

**552.232–79 [Removed]**

■ 28. Remove section 552.232–79.

**552.232–81 [Removed]**

■ 29. Remove section 552.232–81.

**552.232–82 [Removed]**

■ 30. Remove section 552.232–82.

**552.232–83 [Removed]**

■ 31. Remove section 552.232–83.

[FR Doc. E9–25606 Filed 10–23–09; 8:45 am]

BILLING CODE 6820–61–P

# Proposed Rules

Federal Register
Vol. 74, No. 205
Monday, October 26, 2009

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 91

**[Document Number AMS–ST–09–0016]**

## Changes in Hourly Fee Rates for Science and Technology Laboratory Services—Fiscal Years 2010–2012

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Agricultural Marketing Service (AMS) proposes changes in annual standard, appeal, overtime, and holiday hourly fee rates for fiscal years 2010–2012 for Science and Technology (S&T) Laboratory Services in order to recover anticipated laboratory program costs. The Agency is proposing to raise these rates to reflect, among other factors, national and locality pay increases for Federal employees and inflation, operating costs, instrumentation and training, equipment maintenance costs, and program and agency administrative overhead costs. This action also proposes miscellaneous changes for clarity.

*Comments:* Comments must be received on or before November 25, 2009.

**ADDRESSES:** Send comments to James V. Falk, Docket Manager, USDA, AMS, Science and Technology Programs, 1400 Independence Avenue, SW., Mail Stop 0272, Washington, DC 20250–0272; telephone (202) 690–4089; fax (202) 720–4631, or *Internet: http://www.regulations.gov* or *e-mail: James.falk@ams.usda.gov*. Comments should reference the document number and the date and page number of this issue of the **Federal Register**.

Submitted comments will be available for public inspection during regular business hours in Room 1090 South Building, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC or can be viewed at: *http://www.regulations.gov*. All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Dr. Robert L. Epstein, Deputy Administrator, Science and Technology Programs, Agricultural Marketing Service, United States Department of Agriculture, Mail Stop 0270, 1400 Independence Avenue, SW., Washington, DC 20250–0270, telephone number (202) 720–5231; fax (202) 720–6496, and *e-mail: Robert.epstein@ams.usda.gov*.

**SUPPLEMENTARY INFORMATION:**

### Background

Science and Technology (S&T) Programs has been performing voluntary laboratory services under the Agricultural Marketing Act of 1946 (AMA), as amended (7 U.S.C. 1621–1627), for the AMS commodity programs (Fruit and Vegetable, Cotton and Tobacco, Livestock and Seed, Poultry, and Dairy) and applicable stakeholders in these industries since its inception on August 17, 1988. Before that time, voluntary laboratory testing was provided for on a separate user fee basis under the various AMS commodity programs. The current standard hourly rate of $67.00, the appeal or overtime hourly rate of $78.00 and the holiday hourly rate of $89.00 have been in effect since the March 30, 2007 final rule (72 FR 15011) was published. The standard fee rate for laboratory services is proposed to be increased to $78.00 per hour in fiscal year 2010, $81.00 per hour in fiscal year 2011, and $83.00 per hour in fiscal year 2012. The appeal and overtime hourly fee rate for laboratory services outside the normal business hours are proposed to increase to $93 in FY 2010, to $96 in FY 2011, and to $99 in FY 2012. The holiday hourly fee rate for laboratory services during designated federal holidays are proposed to increase to $108 in FY 2010, to $111 in FY 2011, and to $115 in FY 2012. An increase in the premium hourly rates over the three fiscal years for laboratory services performed on appeal samples, overtime basis, and holidays is also needed since Science and Technology laboratory personnel may be required to work extended hours of service at the time and a half pay or the double hourly pay on legal holidays to accommodate clients. This is due to stakeholder demand for immediate test results. Generally, the processing of all laboratory samples is continuous over a 24/7 timeframe due to the recent introduction of automated devices on several sample process equipment and analytical instruments.

The Agency proposes to recover the actual cost of services for multiple fiscal years (FY 2010 through FY 2012) covered by this proposed rule. This proposed rule updates S&T Programs' facility addresses. It clarifies that results of analyses and laboratory determinations provided by AMS laboratory services apply to the submitted samples only and do not represent the quality, condition or disposition of the lot from which the sample was derived.

Federal salaries with national and locality pay adjustments and choices in benefits are made available on an annual basis by the Office of Personnel Management (OPM). Operational costs include expenses for rents, communications, utilities, medical examinations, safety equipment, sample preparation equipment, training, trash and hazardous waste disposal, travel and transportation costs. There have been certain large capital improvement expenditures in the laboratories in recent years due to unfunded legal mandates. These expenditures include costs for the counter-terrorism Food Emergency Response Network (FERN) and the capital improvements for the Environmental Management Systems (EMS) in accordance with the applicable mandates for Federal laboratories of Executive Order 13423 of January 24, 2007, Strengthening Federal Environmental, Energy, and Transportation Management (72 FR 3919). These capital improvement costs are included in the normal operations of the Science and Technology field service laboratories. In addition, operational costs include expenses for office and laboratory supplies, chemicals, reagents, hazardous waste removal, and a Laboratory Information Management System (LIMS). Infrastructure costs are mainly

laboratory instruments and capital equipment with service and maintenance contracts and replacement spare parts. Infrastructure expenses include consumable supply costs associated directly with the proper operation of analytical instruments and laboratory equipment. Stakeholders demand that AMS provide cost effective and timely product testing requiring modern and sometimes automated instrumentation. These instruments are expensive and undergo equipment capitalization for determining costs. Equipment capitalization is the determined cost per year to replace the equipment after its useful service life has been established. Agency overhead is the pro-rated share, attributable to a particular service, of the agency's management and support costs. Overhead expenditures are allocated across the Agency for each direct hour of laboratory service.

There are essentially three standard hourly fee rate increases being proposed for the basic laboratory services—$67 to $78 per hour or 16.4 percent in fiscal year 2010, $78 to $81 per hour or 3.8 percent in fiscal year 2011 and $81 to $83 per hour or 2.5 percent in fiscal year 2012. The rate increases for overtime and appeals are $78 to $93 per hour or 19.2 percent, $93 to $96 per hour or 3.2 percent, and $96 to $99 per hour or 3.1 percent in fiscal years 2010, 2011, and 2012, respectively. The rate increases for legal holiday service are $89 to $108 per hour or 21.3 percent, $108 to $111 per hour or 2.8 percent, and $111 to $115 per hour or 3.6 percent in fiscal years 2010, 2011, and 2012, respectively. This is a voluntary program and the costs to each user would be proportional to their use of laboratory services each year. The increased fees will cover inflation and national and locality pay raises but will not support any new budgetary initiative. The revised hourly fee rates will apply to voluntary laboratory services that are provided for five types of analytical testing: microbiological, physical, residue chemistry, proximate analysis for composition, and biomolecular (DNA-based) testing. A user fee system, using set hourly rates for three fiscal years, is proposed by this rulemaking to ensure that AMS properly recovers its full costs for providing voluntary laboratory services in a timely manner, and that all stakeholders have advance notice of their estimated laboratory fees so that they can make reasonable cost assumptions when formulating their annual budgets.

The largest cost of operations for the AMS laboratory programs is payroll and employee benefits. This obligation is projected to amount to $3,848,000 or 57.6 percent of the total laboratory costs for FY 2010. Recent cross-training of the employees in the laboratories has resulted in the reduction of staff from 67 individuals in FY 2007 to 50 current individuals in FY 2009 as ongoing efforts to limit program costs are implemented. AMS calculated its projected increases in salaries and inflation in fiscal years 2010 through 2012. The estimate for increases in salaries for fiscal year 2009 as the base year and the succeeding years are from the Office of Management and Budget's (OMB) ''Federal Pay Raise Assumptions'' table. The fiscal year pay adjustments are increased by 3 percent in the following tables of calculated proposed new hourly fee rates for laboratory program services for FY 2010 through FY 2012. The OMB Federal pay raise assumptions (including geographical pay differentials) state that in the development of civilian government personnel costs a yearly percentage (3%) increase shall be used. This information comes from the table, ''Federal Pay Raise Assumptions'', of the Office of Management and Budget's Fiscal Year 2007 Budget and beyond which is available at *http://www.whitehouse.gov/omb/memoranda/fy2007/m07-02.pdf*.

Inflation for FY 2009 and subsequent years is estimated to be 3.5 percent. In Tables 2 through 10 below a yearly 3.5 percent inflation rate is used in the calculations for hourly fee rate determinations for laboratory program services because the 2007 annual average for the base Consumer Price Index for all Urban Consumers (CPI–U): U.S. city average for service costs is listed as *246.848* in Table 3A. of the referenced Web site and there is a most recent annual average increase of 3.5% to *255.498* for the CPI–U provided for the change in service costs. This estimate for inflation percent (3.5%) can be obtained from Table 3A, ''Consumer Price Index for all Urban Consumers (CPI–U): U.S. city average, detailed expenditure categories'', which is available at *http://www.bls.gov/cpi/cpid08av.pdf*.

The Agency will initiate, when necessary, another rulemaking to adjust any fee established, if estimated increases for pay and inflation do not adequately cover the Agency's costs of providing the services. The cost of providing laboratory services includes both direct and not explicit overhead costs. Direct costs include the cost of salaries, employee benefits, operation costs, equipment service and replacements, security, training needs, and infrastructure cost. The Agency is able to estimate the employee benefits attributable to overtime work and has included these in the fee rate calculations.

The current and proposed fees for standard, appeal, overtime and legal holiday voluntary laboratory services are listed by type of service in Table 1 below. The first increases ranging from 16.4 to 21.3 percent, from the current rates to the fiscal year 2010 rates, are larger than the subsequent 2011 and 2012 fiscal year increases (2.5 to 3.8 percent range) because these are the first hourly rate increases proposed since last set on March 30, 2007. Therefore, it includes the actual increases in salaries and inflation that have occurred since that date. It also includes changes in personnel numbers and the promotions and within-grade pay step increases for General Schedule (GS) salaries granted worthy employees, and new employee position pay costs.

With this proposed action, the AMS would amend its regulations to provide for three annual differing fee increases in one action. Table 1 shows the summary of the current rates and the proposed hourly fee rates for fiscal years 2010 through 2012 for the four different types of services (regular laboratory, appeal, overtime, and legal holiday work) that Science and Technology Programs employees perform.

TABLE 1—CURRENT AND NEW HOURLY FEE RATES (PER HOUR) BY TYPE OF SERVICE

| Service | Current rate | FY 2010 rate [1] | FY 2011 rate [2] | FY 2012 rate [3] |
|---|---|---|---|---|
| Laboratory | $67.00 | $78.00 | $81.00 | $83.00 |
| Appeal | 78.00 | 93.00 | 96.00 | 99.00 |
| Overtime | 78.00 | 93.00 | 96.00 | 99.00 |
| Legal Holiday | 89.00 | 108.00 | 111.00 | 115.00 |

[1 2 3] Hourly values for FY 2010–FY 2012 are rounded off to nearest whole dollar.

With this proposed action, the AMS would amend its regulations to provide for three annual fee increases in one action. In AMS's analysis of projected costs set forth in Tables 2 through 10 below, AMS has identified the basis for the increases in the cost of voluntary hourly fee rates for laboratory services for fiscal year 2010 through fiscal year 2012. These fee increases are essential for the continued sound financial management of the Agency's budget. In order to enhance the transparency of the hourly fee rates in the aforementioned Tables 2 through 10 for fiscal year 2010, fiscal year 2011 and fiscal year 2012, a description is provided of each fee charge category.

TABLE 2—CALCULATIONS FOR THE STANDARD HOURLY RATE FOR LABORATORY PROGRAM SERVICES FOR FY 2010

| Laboratory services | Apportioned fee rate |
|---|---|
| Base Time: | |
| Actual FY 2009 Salaries [1] @ $3,029,744 | $29.13 |
| FY 2010 Pay Adjustment [2] = [Actual FY 2009 Salaries ($29.13)] × 0.03 (3%) | 0.87 |
| Benefits [3] | 6.99 |
| Operational Costs [4] | 22.38 |
| Infrastructure Cost [5] | 13.08 |
| Agency Overhead [6] | 4.81 |
| FY 2010 Inflation [7] (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| Total Rate Per Hour—Base Time | 78.46 |

[1] Actual cost of FY 2009 salaries ($3,029,744) ÷ (2,080 program hours times 50 program employees) = $29.13 unit cost.
[2] Actual cost of FY 2010 pay adjustment ($90,892) ÷ (2,080 program hours times 50 program employees) = $0.87 unit cost
[3] Actual cost of benefits ($727,364) ÷ (2,080 program hours times 50 program employees) = $6.99 unit cost.
[4] Actual cost of operational costs ($2,328,000) ÷ (2,080 program hours times 50 program employees) = $22.38 unit cost.
[5] Actual cost of infrastructure ($1,360,000) ÷ (2,080 program hours times 50 program employees) = $13.08 unit cost.
[6] Actual cost of Agency overhead ($500,000) ÷ (2,080 program hours times 50 program employees) = $4.81 unit cost.
[7] Cost of FY 2010 Inflation ($125,000) ÷ (2,080 program hours times 50 program employees) = $1.20 unit cost.

In order to project the hourly fee rates for the laboratory program services for fiscal years 2010 through 2012, the current fiscal year 2009 is used as a base. The total base time hourly fee rate calculation (Table 2) for fiscal year 2010 begins with the actual salaries for fiscal year 2009 ($3,029,744) and adds the fiscal year 2010 projected pay adjustments (3 percent) and the fiscal year 2010 cost of employee benefits ($727, 364). Table 2 contains footnotes 1–7 that provide the common mathematical formula used to calculate the apportioned rate for each fee charge category for fiscal year 2010. The formula uses the actual cost or projected cost in dollars for the applicable fiscal year for each individual fee charge category divided by the available program hours (2,080 hours) and further divided by the number of laboratory service program employees (50 people). The formula derives the apportioned fee rate for each fee charge category (salaries with pay adjustment, benefits, operational costs, infrastructure cost, agency overhead and inflation factor at 3.5 percent rate). The same formula that is used in Table 2 and that is indicated in its footnotes is also applied in the other tables to derive each category unit rate with the different actual costs or variable projected costs to be inserted in the formula equation for the applicable fiscal year. *See* Table 3 through Table 10 below for additional proposed hourly fee rate calculations for laboratory program services for fiscal years 2010 through 2012 to be rounded off to whole number dollar amounts.

Table 3 through Table 4 shows the calculations of the total standard hourly fee rates to be rounded off to $81 and $83 for fiscal years 2011 through 2012, respectively.

TABLE 3—CALCULATIONS FOR THE STANDARD HOURLY RATE FOR LABORATORY PROGRAM SERVICES FOR FY 2011

| Laboratory services | Apportioned fee rate |
|---|---|
| Base Time: | |
| Projected FY 2010 Salaries = Actual FY 2009 ($29.13) + FY 2010 Pay Adjustment ($0.87) | $30.00 |
| FY 2011 Pay Adjustment = [FY 2010 Salaries ($30.00)] × 0.03 (3%) | 0.90 |
| Benefits | 6.99 |
| Operational Costs | 22.38 |
| Infrastructure Cost | 13.08 |
| Agency Overhead | 4.81 |
| FY 2010 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| FY 2011 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| Total Rate Per Hour—Base Time | 80.56 |

TABLE 4—CALCULATIONS FOR THE STANDARD HOURLY RATE FOR LABORATORY PROGRAM SERVICES FOR FY 2012

| Laboratory services | Apportioned fee rate |
|---|---|
| Base Time: | |
| Projected FY 2011 Salaries = FY 2010 ($30.00) + FY 2011 Pay Adjustment ($0.90) | $30.90 |
| FY 2012 Pay Adjustment = [FY 2011 Salaries ($30.90)] × 0.03 (3%) | 0.93 |

TABLE 4—CALCULATIONS FOR THE STANDARD HOURLY RATE FOR LABORATORY PROGRAM SERVICES FOR FY 2012—Continued

| Laboratory services | Apportioned fee rate |
|---|---|
| Benefits | 6.99 |
| Operational Costs | 22.38 |
| Infrastructure Cost | 13.08 |
| Agency Overhead | 4.81 |
| FY 2010 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| FY 2011 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| FY 2012 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| Total Rate Per Hour—Base Time | 82.69 |

Table 5 through Table 7 show the calculations of the total appeal and total overtime hourly fee rates to be rounded off to whole dollar amounts for fiscal years 2010 through 2012. These tables incorporate the differentials in costs associated with the necessity of laboratory personnel to work extended hours of service at the time and a half pay doing either overtime or appeal sample testing. Federal employee rates of premium pay are described in part 551 of Title 5 of the Code of Federal Regulations (CFR) for the Office of Personnel Management (OPM). Section 551.512(a) specifies that Federal employees are entitled to receive overtime premium pay, when overtime work is performed, at one and one-half times the employee's hourly rate of basic pay.

TABLE 5—CALCULATIONS FOR THE APPEAL AND OVERTIME HOURLY RATES FOR LABORATORY PROGRAM SERVICES FOR FY 2010

| Laboratory services | Apportioned fee rate |
|---|---|
| Appeal and Overtime Rates: Projected Salaries @ 1.5 (time and a half) FY 2009 Salaries @ 1.5 = [Actual 2009 Salaries ($29.13)] × 1.5 | $43.70 |
| FY 2010 Pay Adjustment = FY 2009 Salaries @ 1.5 ($43.70) × 0.03 (3%) | 1.31 |
| Benefits | 6.99 |
| Operational Costs | 22.38 |
| Infrastructure Cost | 13.08 |
| Agency Overhead | 4.81 |
| FY 2010 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| Total Rate Per Hour—Appeal and Overtime | 93.47 |

TABLE 6—CALCULATIONS FOR THE APPEAL AND OVERTIME HOURLY RATES FOR LABORATORY PROGRAM SERVICES FOR FY 2011

| Laboratory services | Apportioned fee rate |
|---|---|
| Appeal and Overtime Rates: Projected Salaries @ 1.5 (time and a half) FY 2010 Salaries @ 1.5 = [Actual FY 2009 Salaries ($29.13) + FY 2010 Pay Adjustment ($0.87)] × 1.5 | $45.00 |
| FY 2011 Pay Adjustment = FY 2010 Salaries @ 1.5 ($45.00) × 0.03 (3%) | 1.35 |
| Benefits | 6.99 |
| Operational Costs | 22.38 |
| Infrastructure Cost | 13.08 |
| Agency Overhead | 4.81 |
| FY 2010 Inflation (3.5%) | 1.20 |
| FY 2011 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| Total Rate Per Hour—Appeal and Overtime | 96.01 |

TABLE 7—CALCULATIONS FOR THE APPEAL AND OVERTIME HOURLY RATES FOR LABORATORY PROGRAM SERVICES FOR FY 2012

| Laboratory services | Apportioned fee rate |
|---|---|
| Appeal and Overtime Rates: Projected Salaries @ 1.5 (time and a half) FY 2011 Salaries @ 1.5 = [Projected FY 2010 Salaries ($30.00) + FY 2011 Pay Adjustment ($0.90)] × 1.5 | $46.35 |
| FY 2012 Pay Adjustment = FY 2011 Salaries @ 1.5 ($46.35) × 0.03 (3%) | 1.39 |
| Benefits | 6.99 |
| Operational Costs | 22.38 |
| Infrastructure Cost | 13.08 |

TABLE 7—CALCULATIONS FOR THE APPEAL AND OVERTIME HOURLY RATES FOR LABORATORY PROGRAM SERVICES FOR FY 2012—Continued

| Laboratory services | Apportioned fee rate |
|---|---|
| Agency Overhead | 4.81 |
| FY 2010 Inflation (3.5%) | 1.20 |
| FY 2011 Inflation (3.5%) | 1.20 |
| FY 2012 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| Total Rate Per Hour—Appeal and Overtime | 98.60 |

Table 8 through Table 10 shows the calculations of the total legal holiday hourly fee rates to be rounded off to whole dollar amounts for fiscal years 2010 through 2012. These tables incorporate the differentials in costs associated with the necessity of laboratory personnel to work extended hours of service at the double hourly pay rate doing sample testing on a Federal holiday or a designated day for the Federal holiday. Accordingly, 5 CFR, part 532, section 532.507 (a) specifies that Federal employees are entitled to receive holiday premium pay, which is not overtime work, at double the employee's hourly rate of basic pay.

TABLE 8—CALCULATIONS FOR THE FEDERAL HOLIDAY HOURLY RATE FOR LABORATORY PROGRAM SERVICES FOR FY 2010

| Laboratory services | Apportioned fee rate |
|---|---|
| Holiday Rate: Projected Salaries @ 2.0 (double time). | |
| FY 2009 Salaries @ 2.0 = [Actual 2009 Salaries ($29.13)] × 2.0 | $58.26 |
| FY 2010 Pay Adjustment = FY 2009 Salaries @ 2.0 ($58.26) × 0.03 (3%) | 1.75 |
| Benefits | 6.99 |
| Operational Costs | 22.38 |
| Infrastructure Cost | 13.08 |
| Agency Overhead | 4.81 |
| FY 2010 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| Total Rate Per Hour—Holidays | 108.47 |

TABLE 9—CALCULATIONS FOR THE FEDERAL HOLIDAY HOURLY RATE FOR LABORATORY PROGRAM SERVICES FOR FY 2011

| Laboratory services | Apportioned fee rate |
|---|---|
| Holiday Rate: Projected Salaries @ 2.0 (double time). | |
| FY 2010 Salaries @ 2.0 = [Actual FY 2009 Salaries ($29.13) + FY 2010 Pay Adjustment ($0.87)] × 2.0 | $60.00 |
| FY 2011 Pay Adjustment = FY 2010 Salaries @ 2.0 ($60.00) × 0.03 (3%) | 1.80 |
| Benefits | 6.99 |
| Operational Costs | 22.38 |
| Infrastructure Cost | 13.08 |
| Agency Overhead | 4.81 |
| FY 2010 Inflation (3.5%) | 1.20 |
| FY 2011 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |
| Total Rate Per Hour—Holidays | 111.46 |

TABLE 10—CALCULATIONS FOR THE FEDERAL HOLIDAY HOURLY RATE FOR LABORATORY PROGRAM SERVICES FOR FY 2012

| Laboratory services | Apportioned fee rate |
|---|---|
| Holiday Rate: Projected Salaries @ 2.0 (double time). | |
| FY 2011 Salaries @ 2.0 = [Projected FY 2010 Salaries ($30.00) + FY 2011 Pay Adjustment ($0.90)] × 2.0 | $61.80 |
| FY 2012 Pay Adjustment = FY 2011 Salaries @ 2.0 ($61.80) × 0.03 (3%) | 1.85 |
| Benefits | 6.99 |
| Operational Costs | 22.38 |
| Infrastructure Cost | 13.08 |
| Agency Overhead | 4.81 |
| FY 2010 Inflation (3.5%) | 1.20 |
| FY 2011 Inflation (3.5%) | 1.20 |
| FY 2012 Inflation (3.5%) = [Costs excluding infrastructure and payroll = $34.18] × 0.035 | 1.20 |

TABLE 10—CALCULATIONS FOR THE FEDERAL HOLIDAY HOURLY RATE FOR LABORATORY PROGRAM SERVICES FOR FY 2012—Continued

| Laboratory services | Apportioned fee rate |
|---|---|
| Total Rate Per Hour—Holidays | 114.51 |

**Executive Order 12866**

This proposed rule has been determined to be not significant for purposes of Executive Order 12866; and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

**Civil Justice Reform (Executive Order 12988)**

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule or the application of its provisions.

**Regulatory Flexibility Act**

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) AMS has considered the economic impact of this action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small businesses. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. There are 499 current stakeholders who voluntarily use the AMS laboratory services annually. Such users of services include food processors, handlers, growers, government agencies, and exporters. The majority of these firms, organizations, and individuals are small businesses under the criteria established by the Small Business Administration (13 CFR 121.201). The increases in annual hourly fee rates as stated will not significantly affect these small businesses as defined in the RFA because this is a voluntary program and the costs to each user would be proportional to their use of laboratory services each year. Any decision by the current stakeholders to discontinue the use of the AMS laboratory services because of increased fees would not hinder the food processors or industry members from marketing their products, since stakeholders may contract for services with other government agencies or private laboratories. The AMS laboratory testing programs are voluntary, user fee services, conducted under the authority of the AMA.

The AMA authorizes the Secretary of Agriculture to provide Federal analytical testing services that facilitate marketing and trade with the financial necessity that reasonable fees be collected from the users of the services to cover as nearly as possible the costs of maintaining the programs. AMS regularly reviews its user-fee-supported laboratory service programs to determine if the voluntary fees are adequate and reasonable to cover expenses. The most recent review determined that the existing hourly fee rates, which have been in place since March 30, 2007, will not generate sufficient revenue to recover annual operating costs of laboratory programs and will not maintain adequate end-of-year operating reserve balances in FY 2010, FY 2011, and FY 2012. This decline in revenues is due to lower numbers of samples and a reduction in the number of clients by 312 that is attributable mainly to a shift in usage patterns on the part of applicants for testing services and change to government programs. For example, several federal commodity purchasing programs are now relying heavily on vendor certification rather than government laboratory testing; a larger percentage of aflatoxin analyses and microbiological testing are performed by approved or designated private laboratories; and food and fiber product testing is decreasing due to changing importer country requirements. For analytical purposes, projected collections are based on calculations using an effective date of October 1, 2009 for the proposed fiscal year 2010 user fees. Without a fee increase, FY 2010 revenues are projected at $6,421,000; obligations are projected at $6,676,000, for a fiscal year loss of $256,000 and a depleted trust fund to an 8.0 month end-of-year reserve balance of $4,449,000. In fiscal years 2011 and 2012 additional operating losses for the laboratories are projected. If there are no proposed hourly rate changes agreed upon, the FY 2011 and FY 2012 end-of-year reserve balances will decline from $4,449,000 to $3,984,000 (6.9 months operating reserve), and $3,568,000 (6.0 months operating reserve), respectively. However, a minimum operating reserve of 11.1 months or an end-of-year trust fund balance amount of $6,173,000 is needed for FY 2010 based on the current shut down analysis and prior experiences, including the permanent closing of the S&T Midwestern Laboratory in Chicago, Illinois on June 30, 2000. The AMS estimates that the raised hourly fee rates in this proposed rule will yield $1,228,000 overall in additional laboratory testing program revenues during FY 2010. This will increase the end-of-year available capital assets in the trust fund from $4,704,000 or 8.8 months of permitted operations in FY 2009 to $5,677,000 or 10.2 months of permitted operations in FY 2010. By forgoing the purchase of new models of analytical equipment and instruments employing up to date technology to replace aging ones in the laboratories, a $500,000 savings in the costs of operations could take place in FY 2010. This will enable AMS to replenish program reserves to an 11 month level, $6,177,000, for FY 2010 that is called for by Agency policy and prudent financial management. With increased revenue from the hourly rate changes, program reserves can be maintained at this level in subsequent fiscal years 2011 and 2012.

This proposed action will raise the fees charged to users of AMS laboratory program services. The Agency expects this rule will yield revised revenues at an estimated $7,649,000 in FY 2010, $7,986,000 in FY 2011, and $8,211,000 in FY 2012 attributable to the increased fee changes to cover the full cost of routine laboratory services, appeal requests, overtime, and legal holiday services for Science and Technology customers and other program stakeholders. This proposal would allow AMS to continue to offer laboratory testing services under the Agricultural Marketing Act of 1946 as amended, to facilitate marketing and allow products to obtain grade designations or meet marketing standards. As such, the program provides a viable option for a wide variety of stakeholders by delivering scientific and analytical support services to the diversified agricultural and food processing community and provides a valuable resource for those

businesses and industries that wish to use a USDA shield. By proposing a three year fee increase over FYs 2010, 2011, and 2012 the Agency would help ensure that the fee increases are effective at the beginning of each fiscal year on October 1. An increase over three fiscal years would permit customers and other program stakeholders an opportunity to plan for annual changes in costs of laboratory service and to incorporate them into their budgetary plans.

Finally, this proposed rule updates S&T Programs' facility addresses. It provides clarification that results of analyses and laboratory determinations provided by AMS laboratory services apply to the submitted sample only and do not represent the quality, condition or disposition of the lot from which the sample was derived.

**Paperwork Reduction Act**

This proposed rule contains no new information collection or recordkeeping requirements that are subject to the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). AMS is committed to implementation of the Government Paperwork Elimination Act which provides for the use of information resources to improve the efficiency and effectiveness of governmental operations, including providing the public with the option of submitting information or transacting business electronically to the extent practicable. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

**Unfunded Mandate Analysis**

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of UMRA, the Department generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of UMRA generally requires that the Department identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) that impose costs on State, local, or tribal governments or to the private sector of $100 million or more in any one year. Thus, this rule is not subject to the requirements of section 202 and 205 of UMRA.

**Comments**

A thirty day comment period is provided for interested persons to comment on this proposed action. All comments received by November 25, 2009 will be considered. Thirty days is deemed appropriate because it's preferable to have any fee increase, if adopted, to be in place as close as possible to the beginning of the 2010 fiscal year, October 1, 2009.

**List of Subjects in 7 CFR Part 91**

Administrative practice and procedure, Agricultural commodities, Laboratories, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Agricultural Marketing Service proposes to amend part 91 of Title 7, chapter I, subchapter E, of the Code of Federal Regulations as follows:

## PART 91—SERVICES AND GENERAL INFORMATION

1. The authority citation part 91 continues to read as follows:

**Authority:** 7 U.S.C. 1622, 1624.

2. Section 91.5 is revised to read as follows:

### § 91.5 Where services are offered.

(a) Services are offered to applicants at the Science and Technology laboratories and facilities as listed below.

(1) *Science and Technology Programs National Science Laboratory.* A variety of proximate for composition, chemical, physical, microbiological and biomolecular (DNA-based) tests and laboratory analyses performed on fruits and vegetables, poultry, dairy and dairy products, juices, fish, vegetative seed and oilseed, honey, meat and meat products, fiber products and processed foods are performed at the Science and Technology Programs (S&T) laboratory located at: USDA, AMS, Science and Technology Programs, National Science Laboratory (NSL), 801 Summit Crossing Place, Suite B, Gastonia, North Carolina 28054–2193.

(2) *Science and Technology (S&T) Programs Science Specialty Laboratories.* The specialty satellite laboratories performing aflatoxin and other testing on peanuts, peanut products, dried fruits, grains, edible seeds, tree nuts, shelled corn products, oilseed products, olive oil, vegetable oils, juices, citrus products, and other commodities are located as follows:

(i) USDA, AMS, Science & Technology, Citrus Laboratory, 98 Third Street, SW., Winter Haven, Florida 33880–2905.

(ii) USDA, AMS, Science & Technology, Science Specialty Laboratory, 6567 Chancey Mill Road, Blakely, Georgia 39823–2785.

(3) *Program laboratories.* Laboratory services are available in all areas covered by cooperative agreements providing for this laboratory work and entered on behalf of the Department with cooperating Federal or State laboratory agencies pursuant to authority contained in Act(s) of Congress. Also, services may be provided in other areas not covered by a cooperative agreement if the Administrator determines that it is possible to provide such laboratory services.

(4) *Other alternative laboratories.* Laboratory analyses may be conducted at alternative Science and Technology Programs laboratories and can be reached from any commodity market in which a laboratory facility is located to the extent laboratory personnel are available.

(5) *The Plant Variety Protection (PVP) Office.* The PVP office and plant examination facility of the Science and Technology programs issues certificates of protection to developers of novel varieties of plants which reproduce sexually. The PVP office is located as follows: USDA, AMS, Science & Technology Programs, Plant Variety Protection Office, National Agricultural Library Building, Room 401, 10301 Baltimore Boulevard, Beltsville, MD 20705–2351.

(6) *Science and Technology Programs Headquarters Offices.* The examination, licensure, quality assurance reviews, laboratory approval/certification and consultation services are provided by headquarters staff located in Washington, DC. The main headquarters office is located as follow: USDA, AMS, Science and Technology Programs, Office of the Deputy Administrator, South Agriculture Bldg., Mail Stop 0270, 1400 Independence Ave., SW., Washington, DC 20250–0270.

(7) *Statistics Branch Office.* The Statistics Branch office of Science and Technology Programs (S&T) provides statistical services to the Agency and other agencies within the USDA. In addition, the Statistics Branch office generates sample plans and performs consulting services for research studies in joint efforts with or in a leading role with other program areas of AMS or of

the USDA. The Statistics Branch office is located as follows: USDA, AMS, S&T Statistics Branch, 0603 South Agriculture Bldg., Mail Stop 0223, 1400 Independence Ave., SW., Washington, DC 20250–0223.

(8) *Technical Services Branch Office*. The Technical Services Branch office of Science and Technology (S&T) provides technical support services to all Agency programs and other agencies within the USDA. In addition, the Technical Services Branch office provides certification and approval services of private and State government laboratories as well as oversees quality assurance programs; import and export certification of laboratory tested commodities. The Technical Services Branch mailing address is as follows: USDA, AMS, S&T Technical Services Branch, South Agriculture Bldg., Mail Stop 0272, 1400 Independence Ave., SW., Washington, DC 20250–0272. The Technical Services Branch office is located as follows: USDA, AMS, Science and Technology Technical Services Branch, Room 0604 South Agriculture Bldg., 1400 Independence Ave., SW., Washington, DC 20250.

(9) *Monitoring Programs Office*. Services afforded by the Pesticide Data Program (PDP) and Microbiological Data Program (MDP) are provided by USDA, AMS, Science and Technology Monitoring Programs Office, 8609 Sudley Road, Suite 206, Manassas, VA 20110–8411.

(10*) Pesticide Records Branch Office*. Services afforded by the Federal Pesticide Record Keeping Program for restricted-use pesticides by private certified applicators are provided by USDA, AMS, Science and Technology, Pesticide Records Branch, 8609 Sudley Road, Suite 203, Manassas, VA 20110–8411.

(b) The addresses of the various laboratories and offices appear in the pertinent parts of this subchapter. A prospective applicant may obtain a current listing of addresses and telephone numbers of Science and Technology Programs laboratories, offices, and facilities by addressing an inquiry to the Administrative Officer, Science and Technology Programs, Agricultural Marketing Service, United States Department of Agriculture (USDA), 1400 Independence Ave., SW., Room 0725 South Agriculture Building, Mail Stop 0271, Washington, DC 20250–0271.

3. Section 91.24 is revised to read as follows:

**§ 91.24 Reports of test results.**

(a) Results of analyses are provided, in writing, by facsimile, by e-mail or other electronic means to the applicant.

(b) Results of analyses and laboratory determinations provided by AMS laboratory services apply to the submitted sample only and do not represent the quality, condition or disposition of the lot from which the sample was derived.

(c) Applicants may call the appropriate Science and Technology laboratory for interim or final results prior to issuance of the formal report. The advance results may be telegraphed, e-mailed, telephoned, or sent by facsimile to the applicant. Any additional expense for advance information shall be borne by the requesting party.

(d) A letter report in lieu of an official certificate of analysis may be issued by a laboratory representative when such action appears to be more suitable than a certificate: Provided, that, issuance of such report is approved by the Deputy Administrator.

4. Section 91.25 is revised to read as follows:

**§ 91.25 Certificate requirements.**

Certificates of analysis and other memoranda concerning laboratory service and the reporting of results should have the following requirements:

(a) Certificates of analysis shall be on standard printed forms approved by the Deputy Administrator;

(b) Shall be printed in English;

(c) Shall have results typewritten, computer generated, or handwritten in ink and shall be clearly legible;

(d) Shall show the results of laboratory tests in a uniform, accurate, and concise manner with abbreviations identified on the form;

(e) Shall show the information required by §§ 91.26–91.29; and

(f) Show only such other information and statements of fact as are provided in the instructions authorized by the Deputy Administrator.

5. Section 91.37 is revised to read as follows:

**§ 91.37 Standard hourly fee rate for laboratory testing, analysis, and other services.**

(a) The standard hourly fee rate in this section for the individual laboratory analyses cover the costs of Science and Technology laboratory services, including issuance of certificates and personnel and overhead costs other than the commodity inspection fees referred to in 7 CFR 52.42 through 52.46, 52.48 through 52.51, 55.510 through 55.530, 55.560 through 55.570, 58.38 through 58.43, 58.45 through 58.46, 70.71 through 70.72, and 70.75 through 70.78. The hourly fee rates in this part 91 apply to all commodity and processed commodity products. The new fiscal year for Science and Technology Programs commences on October 1 of each calendar year. The rate for laboratory services is $78.00 per hour in fiscal year 2010, $81.00 per hour in fiscal year 2011, and $83.00 per hour in fiscal year 2012.

(b) Printed updated schedules of the laboratory testing fees for processed fruits and vegetables (7 CFR part 93), poultry and egg products (7 CFR part 94), and meat and meat products (7 CFR part 98) will be available for distribution to Science and Technology's constituents and stakeholders by the individual Laboratory Directors of Science and Technology laboratories listed in § 91.5. These single test laboratory fee schedules are based upon the applicable hourly fee rate stated in § 91.37 (a).

(c) Except as otherwise provided in this section, charges will be made at the applicable hourly rate stated in § 91.37 (a) for the time required to perform the service. A charge will be made for service pursuant to each request or certificate issued.

(d) When a laboratory test service is provided for AMS by a commercial or State government laboratory, the applicant will be assessed a fee which covers the costs to the Science and Technology program for the service provided.

(e) When Science and Technology staff provides applied and developmental research and training activities for microbiological, physical, chemical, and biomolecular analyses on agricultural commodities the applicant will be charged a fee on a reimbursable cost to AMS basis.

6. Section 91.38 is revised to read as follows:

**§ 91.38 Additional fees for appeal of analysis.**

(a) The applicant for appeal sample testing will be charged a fee at the hourly rate for laboratory service that appears in this paragraph. The new fiscal year for Science and Technology Programs commences on October 1 of each calendar year. The appeal rate for laboratory service is $93.00 per hour in fiscal year 2010, $96.00 per hour in fiscal year 2011, and $99.00 per hour in fiscal year 2012.

(b) The appeal fee will not be waived for any reason if analytical testing was completed in addition to the original analysis.

7. Section 91.39 is revised to read as follows:

**§ 91.39 Premium hourly fee rates for overtime and legal holiday service.**

(a) When analytical testing in a Science and Technology facility requires the services of laboratory personnel beyond their regularly assigned tour of duty on any day or on a day outside the established schedule, such services are considered as overtime work. When analytical testing in a Science and Technology facility requires the services of laboratory personnel on a Federal holiday or a day designated in lieu of such a holiday, such services are considered holiday work. Laboratory analyses initiated at the request of the applicant to be rendered on Federal holidays, and on an overtime basis will be charged fees at hourly rates for laboratory service that appear in this paragraph. The new fiscal year for Science and Technology Programs commences on October 1 of each calendar year. The laboratory analysis rate for overtime service is $93.00 per hour in fiscal year 2010, $96.00 per hour in fiscal year 2011, and $99.00 per hour in fiscal year 2012. The laboratory analysis rate for Federal holiday or designed holiday service is $108.00 per hour in fiscal year 2010, $111.00 per hour in fiscal year 2011, and $115.00 per hour in fiscal year 2012.

(b) Information on legal holidays or what constitutes overtime service at a particular Science and Technology laboratory is available from the Laboratory Director or facility manager.

Dated: October 20, 2009.

**Rayne Pegg,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E9–25632 Filed 10–23–09; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

### 9 CFR Part 206

**RIN 0580–AB06**

### Swine Contract Library

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** On August 11, 2003, the Grain Inspection, Packers and Stockyards Administration (GIPSA) implemented new Subtitle B of Title II of the Packers and Stockyards Act which was added by the Livestock Mandatory Reporting Act of 1999 (1999 Act), by establishing the Swine Contract Library (SCL). The statutory authority for the library lapsed on September 30, 2005. On October 5, 2006, the Livestock Mandatory Reporting Reauthorization Act (Reauthorization Act) reauthorized the 1999 Act until September 30, 2010, and also amended the swine reporting requirements of the 1999 Act. This proposed rulemaking would re-establish the regulatory authority for the library's continued operation and incorporate certain changes contained within the Reauthorization Act that impact the SCL, as well as make other changes to enhance the library's overall effectiveness and efficiency in response to input from regulated entities and the public. We also intend to request a 3-year extension of and revision to the currently approved information collection in support of the reporting and recordkeeping requirements for the SCL program. This approval is required under the Paperwork Reduction Act.

**DATES:** We will consider comments we receive by December 28, 2009.

**ADDRESSES:** We invite you to submit comments on this proposed rule. You may submit comments by any of the following methods:

- *E-Mail: comments.gipsa@usda.gov.*
- *Mail:* Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1643–S, Washington, DC 20250–3604.
- *Fax:* (202) 690–2173.
- *Hand Deliver or Courier:* Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1643–S, Washington, DC 20250–3604.
- *Internet:* Go to *http://www.regulation.gov* and follow the on-line instructions.

*Instructions:* All comments should make reference to the date and page number of this issue of the **Federal Register.** Regulatory analyses and other documents relating to this action will be available for public inspection in Room 1643–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604, during regular business hours (7 CFR 1.27(b)). Please call a member of the GIPSA Management Support Staff at (202) 720–7486 to view the comments reviewed.

**FOR FURTHER INFORMATION CONTACT:** S. Brett Offutt, Director, Policy and Litigation Division, P&SP, GIPSA, 1400 Independence Ave., SW., Washington, DC 20250, (202) 720–7363, or via E-mail at *s.brett.offutt@usda.gov.*

**SUPPLEMENTARY INFORMATION:**

**Background**

GIPSA is responsible for the enforcement of the Packers and Stockyards Act of 1921 (7 U.S.C. 181 *et seq.*) (P&S Act or Act). Under authority delegated to GIPSA by the Secretary of Agriculture (Secretary) in Section 407(a) of the P&S Act (7 U.S.C. 228), we are authorized to create regulations necessary to carry out the provisions of the Act.

The 1999 Act (Pub. L. 106–78) amended Title II of the P&S Act to include Subtitle B—Swine Packer Marketing Contracts. The 1999 Act mandated the creation and maintenance of a library of marketing contracts offered by certain packers to producers for the purchase of swine. To implement this legislation, GIPSA established the SCL and promulgated SCL regulations (9 CFR Part 206) requiring that packers, as defined in Subtitle B, Title II, of the P&S Act, file example marketing contracts with GIPSA along with monthly estimates of the number of swine to be delivered under contract. GIPSA compiles this information and makes summary reports available to the public.

On October 22, 2004, the 1999 Act expired and was not reauthorized until December 3, 2004 (Pub. L. 108–444). Authority for the 1999 Act was extended, however, to September 30, 2005. The 1999 Act lapsed again in 2005 and was reauthorized and amended on October 5, 2006, when the Reauthorization Act (Pub. L. 109–296) was signed into law. The 1999 Act is scheduled to once again expire on September 30, 2010.

When the 1999 Act expired in October 2004, GIPSA asked swine packers to continue to comply with the SCL regulations voluntarily. With the information submitted voluntarily by packers, GIPSA has continued to make summary reports available to the public.

This proposed rule would re-establish authority for the SCL regulations (9 CFR Part 206) by amending the regulations' authority citation to include Subtitle B of Title II of the P&S Act (7 U.S.C. 198–198b). In addition to amending the SCL regulations to make them consistent with the Reauthorization Act, we would also amend the SCL regulations to incorporate suggestions received from the public and regulated entities. Specifically, we propose to:

(1) Revise the definition of ''packer'' to be consistent with the Reauthorization Act;

(2) Revise the definitions of several contract types;

(3) Add definitions of terms used in several contract types to describe the

market price that is being paid for swine;

(4) Add a new requirement that an example contract submission, a notification of contract expiration, and a notification of a contract withdrawal include a standard cover sheet; and

(5) Add a waiver for packers that do not utilize marketing contracts.

The purpose of these amendments is to make the information collected more uniform and more useful, while reducing the burden on the reporting entities.

**Description of Proposed Amendments**

The SCL final rule was published in the **Federal Register** (68 FR 47802) on August 11, 2003, and became effective on September 10, 2003. We have not amended these regulations since the implementation of the library. The following describes the proposed changes to the 2003 SCL regulations required by the Reauthorization Act, along with changes that have been requested by regulated entities.

**Definitions**

In section 206.1, we propose to revise the definitions of ''packer,'' ''other market formula purchase,'' ''other purchase arrangement,'' and ''swine or pork market formula purchase,'' and add new definitions for several terms that are used currently in contracts to describe the market price being paid for swine. While the definition of ''packer'' would be revised to make the SCL regulations consistent with the Reauthorization Act, other existing definitions would be revised and new definitions added to make the SCL regulations consistent with the definitions used by USDA's Agricultural Marketing Service (AMS) in its mandatory price reporting program regulations, and to respond to suggestions received from regulated entities.

Under the 1999 Act, the term ''packer'' was defined as only those persons purchasing and slaughtering an average of at least 100,000 swine per year at a federally inspected swine processing plant during the immediately preceding 5 calendar years. The Reauthorization Act, however, amended the term ''packer'' to include those persons who slaughter an average of at least 200,000 sows, boars or combination thereof per year during the immediately preceding 5 calendar years. In addition, the Reauthorization Act separated the reporting requirements for sows and boars from barrows and gilts. Because boars and sows fall under the original definition of the term ''swine'' in the 1999 Act's provisions that authorize the Swine Contract Library, slaughterers of at least 100,000 boars and sows at a single federally inspected processing plant would continue to be subject to the SCL regulations. The Reauthorization Act expanded the definition of the term ''packer'' to include not only federally inspected swine processing plants of a certain size, but also persons who slaughter a certain number of sows and boars at multiple plants. We believe that the proposed revised definition of the term ''packer'' reflects Congressional intent to have persons who slaughter less than 100,000 swine at one plant, but slaughter at least 200,000 boars and sows total at multiple small plants, report prices under the mandatory reporting requirements. We have identified only one firm that would be affected by this change in the definition of the term ''packer'' in the SCL.

Because there is no legislative history for the Reauthorization Act to assist us in interpreting the intended meaning of the amended definition of the term ''packer,'' we are proposing a definition that would be consistent with the term as defined in the 2003 SCL regulations. That definition, which meets the requirements of the 1999 Act, excludes small packers who do not purchase large numbers of swine and likely would not use marketing contracts to make those purchases.[1] Therefore, we propose to include in the definition of the term ''packer'' only those persons who purchase at least 200,000 sows, boars, or some combination thereof per year and have those animals slaughtered at federally inspected swine processing plants. We believe that our proposed revised definition of the term ''packer'' would continue to exclude small sow and boar packers.

In our proposal, we also distinguish between the terms ''packer'' and ''plant'' in our revised definition of the term ''packer'' to show that a packer is a person, or entity that purchases swine for slaughter and a plant is a facility where the swine are slaughtered. We also propose to add the phrase ''alone or in combination with other plants'' after the phrase ''slaughtering capacity'' to § 206.2(a), 206.2(b), 206.3(a) and 206.3(b) of the regulations to reflect the revised definition of the term ''packer.''

Because the Reauthorization Act redefined the term ''packer'' to include a person who slaughters sows, boars, or some combination thereof, the terms ''boar'' and ''sow,'' which are defined in section 231 of the AMA (7 U.S.C. 1635i), would be added to the definitions in the SCL regulations.

[1] 68 FR 47802, 47802–02 (2003).

Based on the usage of the terms ''floor,'' ''window,'' and ''ceiling'' prices in the amended definition of ''other purchase arrangement,'' and ''swine or pork market formula purchase,'' in section 206.1 of the regulations, we propose that definitions for the terms ''floor price,'' ''window price,'' and ''ceiling price'' be added to the regulations for clarity.

The term ''floor price'' would be defined as the minimum market price for swine; the term ''ceiling price'' would be the maximum market price for swine; and, the term ''window price'' would be the range of market prices paid for swine between the ''floor price'' and the ''ceiling price.'' The proposed definitions of these terms provide for adjustments in the market price.

We also propose to revise the definitions for the terms ''swine or pork market formula purchase,'' ''other market formula purchase,'' and ''other purchase arrangement,'' all of which refer to categories of contracts. Swine packers that are required to report under both the 1999 Act and the SCL have requested that we make these changes so that they can use the same contract types for reporting the estimated swine contract deliveries to GIPSA, and reporting actual swine deliveries to USDA's Agricultural Marketing Service (AMS). Regulated entities have told us that it is contrary to the purpose of price discovery to have different definitions for different mandatory price reporting systems, as well as an unnecessary burden for reporting entities.

Based on the request received from the industry, we propose to:

(1) Revise the definition of the term ''other market formula purchase'' to remove specific examples of this type of contract and state that the pricing could include a formula based on futures or options. This change would make the definition consistent with AMS mandatory price reporting regulations;

(2) Revise the definition of the term ''other purchase arrangement'' to specify that this category includes long term contract agreements, fixed price contracts, cost of production formulas, and formula purchases with a floor, window (range or spread), or ceiling price; and

(3) Revise the definition of the term ''swine or pork market formula purchase'' to add references to floor, window, or ceiling prices. The proposed change would clarify that a formula purchase with a floor, window, or ceiling price is not considered to be a swine or pork market formula purchase.

The proposed changes to the definition of the term ''other purchase arrangement'' would make the SCL

definition consistent with the AMS definition. The proposed amendments to the other definitions listed above clarify that GIPSA does not consider a contract with a floor, window or ceiling price, or formula based on the cost of production to be a type of market purchase. As a result of these changes in definitions, categorization of some existing contracts would change. For example, a contract in which the formula contains a floor or ceiling price would be categorized as an ''other purchase arrangement'' rather than a ''swine or pork market formula.'' A contract in which the base price is determined by the cost of production, including formulas based on feed markets, would be an ''other purchase arrangement'' rather than an ''other market formula.'' These revised definitions would appear both in the regulations and on the cover sheet for contract submissions.

Furthermore, in our administration of the SCL, approximately 25 percent of packers currently subject to the SCL regulations have reported that they do not use marketing contracts and have reported the estimates of swine to be delivered under contract as zero each month. Swine packers who buy swine on the spot market or who contract with growers to produce swine might not have any marketing contracts and therefore would have no contracts to submit. But, these packers are still required to submit a monthly report. GIPSA believes that monthly reports filled with zeroes do not provide information that is relevant to the price discovery process. An annual waiver would reduce the burden on regulated entities and reduce the number of essentially blank entries in the SCL database. Therefore, we propose to amend § 206.3, ''Monthly Report,'' to include a new procedure that would allow swine packers who do not use any marketing contracts to file a yearly waiver request.

**Options Considered**

This rulemaking is necessary to give the SCL regulations the force and effect of law. This proposal is possible now that the statute creating the SCL has been reauthorized. When the authorizing legislation lapsed, GIPSA requested that packers who are required to report under the SCL continue to submit their reports voluntarily, and many packers did so. Now that the 1999 Act has been reauthorized, the statutory basis for enforcing the SCL regulations again exists. In order to effectively resume the SCL program, this rulemaking is necessary.

We considered one alternative to the proposed changes in the definitions, which was to ask packers to continue to voluntarily comply with regulations that are not enforceable and are no longer consistent with the authorizing legislation. Since that is not a viable option, we have no alternative but to revise the SCL regulations to carry out provisions of the P&S Act.

We considered not waiving the requirement that packers who do not purchase swine under contract report information to GIPSA for the SCL. However, we did not see value in filling GIPSA's SCL database with blank monthly reports. We also considered a waiver of longer than 1 year, but did not wish to provide such a blanket waiver since business conditions change over time. Packers with a waiver who commence purchasing swine under marketing contracts would be required to begin filing contracts on the first business day of the following month as described in § 206.2, and commence submitting monthly reports as required by § 206.3 of the regulations.

**Effects on Regulated Entities**

If these proposed regulations are implemented, the reporting burden for most packers should remain about the same or slightly less than the reporting burden under the expired regulations. Swine packers would have to comply with regulations that they have complied with in the past. We anticipate that 35 swine packers that operate or have swine slaughtered at 55 plants would be required to comply with the SCL regulations. This represents only 8.5 percent of all federally inspected swine plants; the others do not meet the size and capacity definition of ''packer'' for the purpose of the proposed rule. Nearly half of the 35 swine packers now comply with the SCL requirements voluntarily. Three of the entities that would be subject to this proposed rule are new respondents, and their anticipated burden is under 4 hours to initiate the reporting process. For the 32 remaining swine packers, the expected burden is .25 hours per packing plant to submit an example of each new or amended contract to GIPSA.

The proposed change in the definition of the term ''packer'' would require reporting by one additional firm. That firm would otherwise not meet the previous size and capacity definition of ''packer.''

This proposal should benefit swine producers by increasing their knowledge about contract terms and the number of swine under contract, improve market transparency, and give swine producers the ability to make more informed marketing decisions. Market transparency facilitates market efficiency by reducing price information search costs for market participants. Availability of market information may also contribute to considerations of equity and fairness in the marketplace.

**Executive Order 12866 and Regulatory Flexibility Act**

The Office of Management and Budget (OMB) has designated this rule as not significant for the purposes of Executive Order 12866.

We have determined that this rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Therefore, an initial regulatory flexibility analysis has not been provided. This rule will apply to approximately 35 packers operating at 55 plants. This represents only 8.5 percent of all federally inspected swine plants; the others are too small to meet the size and capacity definition of the term ''packer'' for the purpose of this proposed rule. Of those 35 packers, 18 have fewer than 500 employees and will therefore meet the applicable size standard for small entities in the Small Business Administration (SBA) regulations (13 CFR 121.201). For the North American Industry Classification System (NAICS) code 311611 ''Animal (except poultry) Slaughtering,'' the SBA size standard is 500 employees. However, the firms to which this rule applies are the largest of the firms in this industry that meet the size standard for small businesses. We estimate that eight of those 18 small entities would be eligible for an annual waiver, thus reducing the required reporting burden on those entities from 12 monthly reports to one annual waiver request. For the remaining 10 small entities that are not eligible for a waiver, the requirement to submit marketing contracts to GIPSA is estimated at .25 hours (15 minutes) per contract, and the monthly report is estimated to average 2 hours per report prepared and submitted by mail or facsimile, and 1 hour per report prepared and submitted electronically, which does not represent a significant economic burden or impact.

The proposed change in the definition of the term ''packer'' would require one additional firm. That firm would otherwise not meet the previous size and capacity definition of ''packer.''

This proposed rule requires swine packers to submit certain information to GIPSA. It does not impose any restrictions on the form, timing, or

location of contracts in which regulated entities may engage. It places no additional burden or limit on current or future business relationships into which affected firms may enter.

We have considered the effects of this rulemaking action under the Regulatory Flexibility Act and we believe that it will not have a significant economic impact on a substantial number of small entities. We welcome comments on the cost of compliance with this rule, and particularly on the impact of this proposed rule on any small entities. We also welcome comments on alternatives to the proposed rule that could achieve the same purpose with less cost or burden.

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. These actions are not intended to have retroactive effect. This rule will not pre-empt state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. In addition, the 1999 Act, as amended, does not restrict or modify the authority of the Secretary to administer or enforce the Packers and Stockyards Act of 1921 (7 U.S.C. 181 *et seq.*). There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule.

**Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), GIPSA is also requesting an extension for and revision to a currently approved information collection in support of the reporting and recordkeeping requirements under the SCL program.

*Title:* Swine Contract Library.

*OMB Number:* 0580–0021.

*Expiration Date of Approval:* October 31, 2009.

*Type of Request:* Extension and revision of a currently approved information collection.

Abstract: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is responsible for maintaining the Swine Contract Library (SCL), which is authorized by the Packers and Stockyards Act and requires that certain swine packers submit procurement contracts and delivery estimates to GIPSA. Congress reauthorized the SCL on October 5, 2006, and this information collection describes the requirements as they exist in that 2006 reauthorization. The information collection and recordkeeping requirements for the SCL are essential to maintaining the mandatory library of swine marketing contracts and reporting the number of swine that are contracted for delivery. Thirty-five packers are currently required to file contracts and report certain information on deliveries. These packers operate or they have swine slaughtered at a total of 55 plants. We expect the overall number of swine packers and plants to remain relatively constant, but the specific swine packers required to report under the SCL will vary with consolidation and construction within the industry.

Packers are required to report information for individual plants even in instances when a particular company owned or used the slaughtering services of more than one plant. The information collection burden estimates provided below are based on time and cost requirements at the plant level, so packers that report for more than one plant would bear a cost that would be a multiple of the per-plant estimates.

We understand from discussions with packers complying with current reporting requirements that reporting packers have adapted pre-existing data and information systems to provide the required information.

There are two types of information collections required for the Swine Contract Library discussed below.

The first information collection requirement consists of submitting example contracts. Initially, a packer submits example contracts currently in effect or available for each swine processing plant that is subject to the regulations. Subsequently, a packer submits example contracts for any offered, new, or amended contracts that vary from contracts submitted previously in regard to the base price determination, the application of a ledger or accrual account, carcass merit premium and discount schedules (including the determination of the lean percent or other merits of the carcass that is used to determine the amount of the premiums and discounts and how those premiums and discounts are applied), or the use and amount of noncarcass merit premiums or discounts. The initial submission of example contracts requires more time than subsequent filings of new contracts or changes, as packers initially need to review all their contracts to identify the unique types that need to be represented by an example submitted to GIPSA.

Thereafter, subsequent filings require a minimal amount of effort on the part of packers, as only example contracts that represent a new or different type need to be filed with GIPSA. An optional contract submission cover sheet is available, but not required, for submitting example contracts. Approximately one-half of the packers currently subject to the regulations use Form P&SP 342, Contract Submission Cover Sheet. This cover sheet is required for entering the contract into our system; if a contract is submitted without a cover sheet, one is completed by GIPSA staff.

The required submission of contracts includes both written and verbal contracts. Packers have added documentation of verbal contracts to their existing recordkeeping systems in order to comply with this requirement. The optional form that is available (P&SP–343), but not required for reporting verbal contracts, is used by 10 packers; 1 packer that relies heavily on verbal contracts uses this optional form exclusively to document its verbal contracts. Of 579 contract files on file with GIPSA in the SCL, the optional verbal contract sheet was used by packers to document 157 verbal contracts.

The second information collection requirement is a monthly filing of summary information on *Form P&SP 341, Monthly Report: Estimates of Swine To Be Delivered Under Contract.* The form for the monthly filing is simple and brief. For new packers required to start reporting, this data should be readily available to packers in their existing record system. We encourage electronic submission of data to GIPSA and provide information on how that can be accomplished effectively. In 2008, approximately 90 percent of monthly reports were submitted via the Web site, with the remaining 10 percent submitted via fax or by mail.

The estimates of time requirements used for the burden estimates below were developed in consultation with GIPSA personnel who are knowledgeable of the industry's recordkeeping practices. The estimates also reflect our experience in assembling large amounts of data during the course of numerous investigations using data collected from the industry. Estimates of time requirements and hourly wage costs for developing electronic recordkeeping and reporting systems are based on our experience in developing similar systems in consultation with our automated information systems staff.

**Contract Submission Cover Sheet (Form P&SP–342)**

*Estimate of Burden:* The reporting burden for submission of contracts is estimated to include 4 hours per plant for an initial review of all contracts to categorize them into types and to identify unique examples, plus an additional 0.25 hours per unique contract identified to submit an example

of that contract. After the initial filing, the reporting burden is estimated to include 0.25 hours per plant to submit an example of each new or amended contract.

*Respondents:* Swine packers that are required to report information for the Swine Contract Library.

*Estimated Number of Respondents:* 35 swine packers (55 plants total).

*Estimated Number of Responses per Plant:* The number of responses per plant varies. Some plants would have no contracts, while others could have up to 80 contracts. We receive an average of six example contracts per plant per year for offered contracts and amended existing or available contracts.

*Estimated Total Annual Burden on Respondents:* The initial filing of examples of existing contracts by all plants newly subject to the regulations combined is estimated to be 5.5 hours. Based on changes in the industry, we anticipate that one new plant would become subject to the regulations each year. The burden is calculated as follows: 4 hours per plant for initial review × 1 new plant = 4 hours for initial review; 0.25 hours per contract × 6 example contracts per plant × 1 new plant = 1.5 hours; 4 hours + 1.5 hours = 5.5 total hours.

Thereafter, we expect the burden to be 82.5 total hours annually for all subsequent filings of examples of offered or amended existing or available contracts by all plants combined, based on an average of 6 offered or amended existing or available contracts annually. The burden is calculated as follows: 0.25 hours per contract × 6 example contracts per plant × 55 plants = 82.5 hours.

The initial review of 55 plants × 1 respondent per plant × 4 hours = 220 hours.

Total Cost: We expect an initial filing cost of $138 for the one new plant required to report, which is calculated as follows: 5.5 hours × $25 per hour = $138. Thereafter, we expect a total cost of $2,063 annually for all plants combined for submission of subsequent filings. This is calculated as follows: 82.5 hours × $25 per hour = $2,063.

**Monthly Report: Estimate of Swine To Be Delivered Under Contract (Form P&SP–341)**

*Estimate of Burden:* The reporting burden for compiling data, completing and submitting the monthly report form is estimated to average 2 hours per report prepared and submitted manually by mail or facsimile, and 1 hour per report prepared and submitted electronically. There would be an estimated additional one-time set up burden of 1 hour at a cost of $60 per plant for a packer to create a spreadsheet or a database for recordkeeping and preparing monthly estimates. There would be an estimated additional 2 hour burden at a cost of $60 per hour or $120 per plant for a packer to develop procedures to extract and format the required information and to develop an interface between the packer and GIPSA's electronic recordkeeping systems. The hourly rate for the development of electronic tools is assumed to be high due to the need to use personnel with specialized computer skills.

*Respondents:* Swine packers that are required to report information for the Swine Contract Library.

*Estimated Number of Respondents:* 35 packers (55 plants total).

*Estimated Number of Responses per Plant:* 12 (1 per month for 12 months).

*Estimated Total Annual Burden on Respondents:* 1,320 hours for all plants combined if all plants used manual compiling, preparation, and submission. The annual burden is calculated as follows: 2 hours per response × 55 plants × 12 responses per plant = 1,320.

For plants using electronic compiling, preparation and submission, the annual burden would be 600 hours, which is calculated as follows: 1 hour per response × 50 plants (90% × 55 = 50) × 12 responses per plant = 600 hours.

Total Cost: For all 55 plants, the cost is estimated at $33,000 annually if all plants submit data manually. This is calculated as follows: 1,320 × $25 per hour = $33,000.

For all 55 plants, the cost is estimated at $16,500 annually if all prepared and submitted data electronically. This is calculated as follows: 660 hours × $25 per hour = $16,500.

We estimate an additional one-time set-up cost of $180 if all plants newly subject to the regulations were to utilize only electronic systems for preparing and submitting data. This cost is calculated as follows: 1 hour to build spreadsheet/database + 2 hours to develop electronic interface = 3 hours; then 3 hours total development × $60 per hour × 1 new plant = $180.

The Paperwork Reduction Act also requires GIPSA to measure the recordkeeping burden. Under the P&S Act and regulations, each packer is required to maintain and make available upon request such records as are necessary to verify information on all transactions between the packer and producers from whom the packer obtains swine for slaughter. Records that packers are required to maintain under existing regulations would meet the requirements for verifying the accuracy of information required to be reported for the SCL. These records include original contracts, agreements, receipts, schedules, and other records associated with any transaction related to the purchase, pricing, and delivery of swine for slaughter under the terms of marketing contracts. Additional annual costs of maintaining records would be nominal since packers are required to store and maintain such records in the course of normal business practices and in conformity with existing regulations.

As required by the Paperwork Reduction Act (44 U.S.C. 3506(c)(2)(A)) and its implementing regulations (5 CFR 1320.8(d)(1)(i)), we specifically request comments on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden on the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology.

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

**E-Government Act Compliance**

GIPSA is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

**List of Subjects in 9 CFR Part 206**

Swine, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, we propose to amend 9 CFR Chapter II as follows:

1. Revise Part 206 to read as follows:

## PART 206—SWINE CONTRACT LIBRARY

Sec.
206.1 Definitions.
206.2 Swine contract library.
206.3 Monthly report.

**Authority:** 7 U.S.C. 198–198b; 7 U.S.C. 222.

**§ 206.1 Definitions.**

The definitions in this section apply to the regulations in this part. The definitions in this section do not apply to other regulations issued under the Packers and Stockyards Act (P&S Act) or to the P&S Act as a whole.

*Accrual account.* (Synonymous with the term ''ledger,'' as defined in this section.) An account held by a packer on behalf of a producer that accrues a running positive or negative balance as a result of a pricing determination included in a contract that establishes a minimum and/or maximum level of base price paid. Credits and/or debits for amounts beyond these minimum and/or maximum levels are entered into the account. Further, the contract specifies how the balance in the account affects producer and packer rights and obligations under the contract.

*Base price.* The price paid for swine before the application of any premiums or discounts, expressed in dollars per unit.

*Boar.* A sexually-intact male swine.

*Ceiling price.* The maximum market price that will be paid for swine. Adjustments may be made to the base price if the market price rises above this price.

*Contract.* Any agreement, whether written or verbal, between a packer and a producer for the purchase of swine for slaughter, except a negotiated purchase (as defined in this section).

*Contract type.* The classification of contracts or risk management agreements for the purchase of swine committed to a packer, by the determination of the base price and the presence or absence of an accrual account or ledger (as defined in this section). The contract type categories are:

(1) Swine or pork market formula purchases with a ledger,

(2) Swine or pork market formula purchases without a ledger,

(3) Other market formula purchases with a ledger,

(4) Other market formula purchases without a ledger,

(5) Other purchase arrangements with a ledger, and

(6) Other purchase arrangements without a ledger.

*Floor price.* The minimum market price that will be paid for swine. Adjustments may be made to the base price if the market price falls below this price.

*Formula price.* A price determined by a mathematical formula under which the price established for a specified market serves as the basis for the formula.

*Ledger.* (Synonymous with ''accrual account,'' as defined in this section.) An account held by a packer on behalf of a producer that accrues a running positive or negative balance as a result of a pricing determination included in a contract that establishes a minimum and/or maximum level of base price paid. Credits and/or debits for amounts beyond these minimum and/or maximum levels are entered into the account. Further, the contract specifies how the balance in the account affects producer and packer rights and obligations under the contract.

*Negotiated purchase.* A purchase, commonly known as a ''cash'' or ''spot market'' purchase, of swine by a packer from a producer under which:

(1) The buyer-seller interaction that results in the transaction and the agreement on actual base price occur on the same day; and

(2) The swine are scheduled for delivery to the packer not later than 14 days after the date on which the swine are committed to the packer.

*Noncarcass merit premium or discount.* An increase or decrease in the price for the purchase of swine made available by an individual packer or packing plant, based on any factor other than the characteristics of the carcass, if the actual amount of the premium or discount is known before the purchase and delivery of the swine.

*Other market formula purchase.* A purchase of swine by a packer in which the pricing determination is a formula price based on any market other than the markets for swine, pork, or a pork product. This includes a formula purchase where the price formula is based on one or more futures or options contracts.

*Other purchase arrangement.* A purchase of swine by a packer that is not a negotiated purchase, swine or pork market formula purchase, or other market formula purchase, and does not involve packer-owned swine. This contract type includes long term contract agreements, fixed price contracts, cost of production formulas, and formula purchases with a floor, window or ceiling price.

*Packer.* Any person engaged in the business of buying swine in commerce for purposes of slaughter, of manufacturing or preparing meats or meat food products from swine for sale or shipment in commerce, or of marketing meats or meat food products from swine in an unmanufactured form, acting as a wholesale broker, dealer, or distributor in commerce. The regulations in this part apply only to a packer that meets the conditions in either paragraph (1) or (2) of this definition:

(1) A packer purchasing at least 100,000 swine per year and slaughtering swine at one or more federally inspected processing plants that meet either of the following conditions:

(i) A swine processing plant that slaughtered an average of at least 100,000 head of swine per year during the immediately preceding 5 calendar years, with the average based on those periods in which the plant slaughtered swine; or

(ii) A swine processing plant that did not slaughter swine during the immediately preceding 5 calendar years that has the capacity to slaughter at least 100,000 swine per year, based on plant capacity information.

(2) Any packer purchasing an average of at least 200,000 sows, boars, or any combination thereof, per year and slaughtering at least 200,000 sows, boars, or any combination thereof at one or more federally inspected processing plants during the immediately preceding 5 calendar years, with the average based on those periods in which the plant slaughtered swine.

*Producer.* Any person engaged, either directly or through an intermediary, in the business of selling swine to a packer for slaughter (including the sale of swine from a packer to another packer).

*Sow.* An adult female swine that has produced one or more litters.

*Swine.* A porcine animal raised to be a feeder pig, raised for seedstock, or raised for slaughter.

*Swine or pork market formula purchase.* A purchase of swine by a packer in which the pricing mechanism is a formula price based on a market for swine, pork, or pork product, other than any formula purchase with a floor, window or ceiling price, or a futures or option contract for swine, pork, or a pork product.

*Window price.* The range of market prices that will be paid for swine. Adjustments may be made to the base price if the market prices fall outside this range. The window price contains both the floor and ceiling prices.

**§ 206.2 Swine contract library.**

(a) *Do I need to provide swine contract information?* Each packer, as defined in § 206.1, must provide information for each swine processing plant that it operates or at which it has swine slaughtered that has the slaughtering capacity, alone or in combination with other plants, specified in the definition of packer in § 206.1.

(b) *What existing or available contracts do I need to provide and when are they due?* Each packer must send, to

the Grain Inspection, Packers and Stockyards Administration (GIPSA), an example of each contract it currently has with a producer or producers or that is currently available at each plant that it operates or at which it has swine slaughtered that meets the definition of packer in § 206.1. This initial submission of example contracts is due to GIPSA on the first business day of the month following the determination that the plant has the slaughtering capacity, alone or in combination with other plants, specified in the definition of packer in § 206.1.

(c) *What available contracts do I need to provide and when are they due?* After the initial submission, each packer must send GIPSA an example of each new contract it makes available to a producer or producers within 1 business day of the contract being made available at each plant that it operates or at which it has swine slaughtered that meets the definition of packer in § 206.1.

(d) *What criteria do I use to select example contracts?* For purposes of distinguishing among contracts to determine which contracts may be represented by a single example, contracts will be considered to be the same if they are identical with respect to all of the following four example-contract criteria:

(1) Base price or determination of base price;

(2) Application of a ledger or accrual account (including the terms and conditions of the ledger or accrual account provision);

(3) Carcass merit premium and discount schedules (including the determination of the lean percent or other merits of the carcass that are used to determine the amount of the premiums and discounts and how those premiums and discounts are applied); and

(4) Use and amount of noncarcass merit premiums and discounts.

(e) *Where and how do I send my contracts?* Each packer may submit the example contracts, notifications required by this section, and Form P&SP 342, Contract Submission Cover Sheet, by either of the following two methods:

(1) *Electronic report.* Example contracts and notifications required by this section may be submitted by electronic means. Electronic submission may be by any form of electronic transmission that has been determined to be acceptable to the Administrator. To obtain current options for acceptable methods to submit example contracts electronically, contact GIPSA through the Internet on the GIPSA Web site (*http://www.gipsa.usda.gov*) or at USDA GIPSA, Suite 317, 210 Walnut Street, Des Moines, Iowa 50309.

(2) *Printed report.* Each packer that chooses to submit printed example contracts and notifications must deliver the printed contracts and notifications to USDA GIPSA, Suite 317, 210 Walnut Street, Des Moines, Iowa 50309.

(f) *What information from the swine contract library will be made available to the public?* GIPSA will summarize the information it has received on contract terms, including, but not limited to, base price determination and the schedules of premiums or discounts. GIPSA will make the information available by region and contract type, as defined in § 206.1, for public release 1 month after the initial submission of contracts. Geographic regions will be defined in such a manner to provide as much information as possible while maintaining confidentiality in accordance with section 251 of the Agricultural Marketing Act (7 U.S.C. 1636).

(g) *How can I review information from the swine contract library?* The information will be available on the Internet on the GIPSA Web site (*http://www.gipsa.usda.gov*) and at USDA–GIPSA, Suite 317, 210 Walnut Street, Des Moines, Iowa 50309. The information will be updated as GIPSA receives information from packers.

(h) *What do I need to do when a previously submitted example contract is no longer a valid example due to contract changes, expiration, or withdrawal?* Each packer must submit a new example contract when contract changes result in changes to any of the four example-contract criteria specified in paragraph (d) of this section and notify GIPSA if the new example contract replaces the previously submitted example contract. Each packer must notify GIPSA when an example contract no longer represents any existing or available contract (expired or withdrawn). Each packer must submit these example contracts and notifications within 1 business day of the change, expiration, or withdrawal.

**§ 206.3 Monthly report.**

(a) *Do I need to provide monthly reports?* Each packer, as defined in § 206.1, must provide information for each swine processing plant that it operates or at which it has swine slaughtered that has the slaughtering capacity, alone or in combination with other plants, specified in the definition of packer.

(b) *When is the monthly report due?* Each packer must send a separate monthly report for each plant that has the slaughtering capacity, alone or in combination with other plants specified in the definition of packer in § 206.1. Each packer must deliver the report to the GIPSA Regional Office in Des Moines, Iowa, by the close of business on the 15th of each month, beginning at least 45 days after the initial submission of example contracts. If the 15th day of a month falls on a Saturday, Sunday, or federal holiday, the monthly report is due no later than the close of the next business day following the 15th.

(c) *What information do I need to provide in the monthly report?* The monthly report that each packer files must be reported on Form P&SP–341, which will be available on the Internet on the GIPSA Web site (*http://www.gipsa.usda.gov*) and at USDA GIPSA, Suite 317, 210 Walnut Street, Des Moines, Iowa 50309. In the monthly report, each packer must provide the following information:

(1) *Number of swine to be delivered under existing contracts.* Existing contracts are contracts the packer currently is using for the purchase of swine for slaughter at each plant. Each packer must provide monthly estimates of the number of swine committed to be delivered under all of its existing contracts (even if those contracts are not currently available for renewal or to additional producers) in each contract type as defined in § 206.1.

(2) *Available contracts.* Available contracts are the contracts the packer is currently making available to producers, or is making available for renewal to currently contracted producers, for the purchase of swine for slaughter at each plant. On the monthly report, a packer will indicate each contract type, as defined in § 206.1, that the packer is currently making available.

(3) *Estimates of committed swine.* Each packer must provide an estimate of the total number of swine committed under existing contracts for delivery to each plant for slaughter within each of the following 12 calendar months beginning with the 1st of the month immediately following the due date of the report. The estimate of total swine committed will be reported by contract type as defined in § 206.1.

(4) *Expansion clauses.* Any conditions or circumstances specified by clauses in any existing contracts that could result in an increase in the estimates specified in paragraph (c)(3) of this section. Each packer will identify the expansion clauses in the monthly report by listing a code for the following conditions:

(i) Clauses that allow for a range of the number of swine to be delivered.

(ii) Clauses that require a greater number of swine to be delivered as the contract continues.

(iii) Other clauses that provide for expansion in the numbers of swine to be delivered.

(5) *Maximum estimates of swine.* The packer's estimate of the maximum total number of swine that potentially could be delivered to each plant within each of the following 12 calendar months, if any or all of the types of expansion clauses identified in accordance with the requirement in paragraph (c)(4) of this section are executed. The estimate of maximum potential deliveries must be reported for all existing contracts by contract type as defined in § 206.1.

(d) *What if a contract does not specify the number of swine committed?* To meet the requirements of paragraphs (c)(3) and (c)(5) of this section, the packer must estimate expected and potential deliveries based on the best information available to the packer. Such information might include, for example, the producer's current and projected swine inventories and planned production.

(e) *When do I change previously reported estimates?* Regardless of any estimates for a given future month that may have been previously reported, current estimates of deliveries reported as required by paragraphs (c)(3) and (c)(5) of this section must be based on the most accurate information available at the time each report is prepared.

(f) *Where and how do I send my monthly report?* Each packer must submit monthly reports required by this section by either of the following two methods:

(1) *Electronic report.* Information reported under this section may be reported by electronic means, to the maximum extent practicable. Electronic submission may be by any form of electronic transmission that has been determined to be acceptable to the Administrator. To obtain current options for acceptable methods to submit information electronically, contact GIPSA through the Internet on the GIPSA Web site (*http://www.gipsa.usda.gov*) or at USDA GIPSA, Suite 317, 210 Walnut Street, Des Moines, Iowa 50309.

(2) *Printed report.* Each packer may deliver its printed monthly report to USDA GIPSA, Suite 317, 210 Walnut Street, Des Moines, Iowa 50309.

(g) *What information from monthly reports will be made available to the public and when and how will the information be made available to the public?*

(1) *Availability.* GIPSA will provide a monthly report of estimated deliveries by contract types as reported by packers in accordance with this section, for public release on the first business day of each month. The monthly reports will be available on the Internet on the GIPSA Web site (*http://www.gipsa.usda.gov*) and at USDA GIPSA, Suite 317, 210 Walnut Street, Des Moines, Iowa 50309.

(2) *Regions.* Information in the report will be aggregated and reported by geographic regions. Geographic regions will be defined in such a manner to provide as much information as possible while maintaining confidentiality in accordance with section 251 of the Agricultural Marketing Act (7 U.S.C. 1636) and may be modified from time to time.

(3) *Reported information.* The monthly report will provide the following information:

(i) The existing contract types for each geographic region.

(ii) The contract types currently being made available to additional producers or available for renewal to currently contracted producers in each geographic region.

(iii) The sum of packers' reported estimates of the total number of swine committed by contract for delivery during the next 6 and 12 months beginning with the month the report is published. The report will indicate the number of swine committed by geographic reporting region and by contract type.

(iv) The types of conditions or circumstances as reported by packers that could result in expansion in the numbers of swine to be delivered under the terms of expansion clauses in the contracts at any time during the following 12 calendar months.

(v) The sum of packers' reported estimates of the maximum total number of swine that potentially could be delivered during each of the next 6 and 12 months if all expansion clauses in current contracts are executed. The report will indicate the sum of estimated maximum potential deliveries by geographic reporting region and by contract type.

(h) *Where and how do I file a waiver request?* The waiver request must be submitted in writing and include a statement that the packer does not procure swine using marketing agreements. The packer must send the waiver request to the GIPSA Regional Office in Des Moines, Iowa. If the waiver request is approved, GIPSA will inform the packer in writing that it has been granted a waiver for 12 months following the date of receipt of the waiver request unless the status of the packer changes during that year. The packer will be notified to submit the information required in this part if it begins using marketing agreements during the waiver period or if GIPSA determines that the packer utilizes marketing agreements.

**J. Dudley Butler,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

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## FARM CREDIT ADMINISTRATION

## 12 CFR Chapter VI

**RIN 3052–AC39**

## Statement on Regulatory Burden

**AGENCY:** Farm Credit Administration.

**ACTION:** Final notice of intent.

**SUMMARY:** This notice of intent is part of the Farm Credit Administration's (FCA, Agency, or we) initiative to reduce regulatory burden for Farm Credit System (FCS or System) institutions. Several System institutions responded to our June 2008 notice of intent inviting comments on FCA regulations that may duplicate other requirements, are ineffective, or impose burdens that are greater than the benefits received. In response to some of those comments, we plan to publish a direct final rule separately in the **Federal Register** to make technical changes and corrections to some of our regulations. This notice of intent responds to the comments that address regulatory projects we have identified for FCA consideration and regulations we are not changing at this time.

**FOR FURTHER INFORMATION, CONTACT:**

Jacqueline R. Melvin, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TTY (703) 883–4434; or

Mary Alice Donner, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4020.

### I. Background

On June 23, 2008, we published a notice of intent in the **Federal Register** inviting the public to comment on FCA regulations that may duplicate other requirements, are ineffective, or impose burdens that are greater than the benefits received. *See* 73 FR 35361. We specifically requested comments on regulations concerning (1) assessment and apportionment of administrative expenses, (2) loan policies and

operations, (3) leasing, (4) borrower rights, (5) general provisions, and (6) nondiscrimination in lending. In addition, we received comments on regulations concerning (1) organization, (2) standards of conduct and referral of known and or suspected criminal violations, (3) eligibility and scope of financing, and (4) grounds for appointment of conservators and receivers.

We received letters from AgFirst Farm Credit Bank (AgFirst); AgriBank, FCB (AgriBank); CoBank, ACB (CoBank); Farm Credit Bank of Texas (FCBT); and the Farm Credit Council (FCC) containing comments covering a range of FCA regulations. The purpose of this notice of intent is to inform the public of regulations commented on that will not be changed in connection with this regulatory burden project. Some of the regulations will be retained without amendment because they implement statutory requirements or safety and soundness measures that cannot be changed or need significant further evaluation before we can consider whether changes are appropriate. Many of these comments are the same or similar to those we received and considered (but did not implement) in the past. Other comments concern regulations that will not be changed as part of this regulatory initiative because they are the subject of other regulatory initiatives. For example, since June 2008, we have published proposed rules on director elections and effective interest rates. Some comments concerning those issues will be considered by the Agency in the development of the respective final rule, but not in this regulatory burden notice. FCA's Regulatory Performance Plan (RPP) projects those rules going final in December 2009 and January 2010, respectively. *See http://www.fca.gov/law/perf_plan.html.* Also, a number of the issues raised by commenters are the subject of other regulatory projects scheduled for consideration by the FCA as set forth in the RPP and FCA's semiannual Unified Agenda of Regulatory and Deregulatory Actions published at *www.reginfo.gov.* Those comments will be considered as part of the regulatory process of those projects.

The following section summarizes the comments we received on regulations that (1) we cannot change or are not proposing to change at this time, or (2) we will consider in regulatory projects that have been identified by the FCA.

## II. Regulations That We Are Not Proposing To Change at This Time

### *A. Organization—Director Elections*

*Comments:* AgriBank stated that our regulations governing director elections inappropriately create the impression that FCA, as an arm's-length regulator, is the party most capable of determining how the owners of an institution should choose their representatives on a board of directors. Further, AgriBank stated that stockholders should be allowed to nominate and elect directors in any manner they deem appropriate, as provided in the Farm Credit Act of 1971, as amended (Act), so long as whatever process they choose provides for fair and equitable representation for all stockholders.

*FCA Response:* The FCA published a proposed rule at 74 FR 17612 on April 16, 2009, that would amend FCA rules on System bank and association director elections and other voting procedures. The comment will be addressed in that rulemaking. We are planning to issue a final rule early next year.

### *B. Standards of Conduct and Referral of Known or Suspected Criminal Violations—Joint Officers*

*Comments:* The FCC stated that the FCA should consider revising § 612.2157 prohibiting employment of joint officers by a System bank and one of its affiliated associations because some System institutions have noted that there may be situations in which the best ''business case'' practice for cost-effective operations could be the use of joint officers. AgriBank stated that § 612.2157 prohibits joint officers of a Farm Credit bank and an association in the same district and that such a prohibition prevents a Farm Credit bank and association from voluntarily combining some or all of the operations of the two entities to achieve greater efficiency. AgriBank commented that this regulation prevents the members/owners of these institutions, and their elected directors, from determining the manner in which they choose to operate these interdependent institutions.

*FCA Response:* On May 13, 1994, the FCA published a final rule at 59 FR 24889 prohibiting bank officers from being employed by an association in its district to preserve the integrity and independence of the supervisory process. However, employees other than officers may serve jointly provided each institution appropriately reflects the expense of such employees in its financial statements. As illustrated in its Unified Agenda, the FCA is conducting a review of its Standard of Conduct regulations. In that review, we will consider whether and when waivers of certain standards of conduct provisions may be permitted. This comment will be considered as part of that review.

### *C. Eligibility and Scope of Financing—Financing for Farm-Related Service Businesses*

*Comments:* The FCC stated that we should consider a revision to § 613.3020 regarding eligibility for farm-related service financing. The FCC believes that the Act allows FCA considerable discretion in defining the types of businesses eligible to be considered ''farm-related'' services and that the 50-percent requirement for full financing is too restrictive. To support its comment, the FCC stated that in many cases involving farm-related businesses the service component is so interwoven with the product being provided that an attempt to distinguish the service amount from the value of the product can be arbitrary. The FCC also stated that the FCA should include ''aquatic-related'' service providers as eligible for System financing and that the FCA should undertake a comprehensive review of the statutory authority, removing any impediments to eligibility for System financing that is not based on the Act.

*FCA Response:* This request is beyond the scope of regulatory burden and, while we are not proposing any changes to our regulations at this time, we will consider this comment in any future reviews of § 613.3020.

### *D. Loan Policies and Operations*

*Comments:* We received numerous comments on part 614 regarding FCA regulations on loan policies and operations. The FCC stated that we should review § 614.4040 in regard to the required amortization period for intermediate-term loans and that loan terms should be based on sound lending practices, the borrower's credit strength, and the cash flow analysis of the operation. AgriBank stated that while FCA regulations limit the amortization of intermediate-term loans to 15 years, the Act does not. AgriBank added that prohibiting amortization over a period greater than 15 years prevents production credit associations (PCAs) from being able to meet the needs of creditworthy borrowers who desire such terms. AgriBank further stated that § 614.4040(a) provides that a PCA intermediate-term loan may not be made solely for the purpose of acquiring unimproved real estate, and that this restriction has no statutory basis and creates inconsistency in that it does not apply in situations where the real estate

offered as security is presently owned by the borrower.

*FCA Response:* The Act does not explicitly address amortization limits. The FCA may conduct a review to determine if its regulations concerning intermediate-term loans should be updated. If such a review is conducted, it would include FCA rules concerning amortization. However, we are not proposing any changes at this time.

*Comments:* The FCBT stated that § 614.4165(b) requires Farm Credit banks to develop policies that direct associations to establish young, beginning, and small (YBS) farmers and ranchers programs that ensure coordination with other System institutions and other governmental and private sources of credit and provide reports to the funding bank. Section 614.4165(c) requires YBS programs to contain other minimum components, including a mission statement, quantitative targets, qualitative goals, and methods to ensure safety and soundness. Paragraph (d) provides for the supervising bank to review association programs, but only with respect to the requirements of paragraph (c) and not those of paragraph (b). The FCBT comments that this distinction does not appear to be consistent with the Act, serves no apparent purpose, and results in a confusing and burdensome differentiation in the bank's approval process. The FCBT further stated that the bank's approval of the association's program should be based on compliance with the bank's policy as provided in the statute.

*FCA Response:* We believe Congress intended that YBS programs be developed by the System lenders who have the most knowledge of their territories. The review and approval requirement is mandated by statute, and we developed this section to allow each direct lender association the maximum flexibility in creating a YBS program that takes into consideration the economy and demographics of its territory, as well as its risk-bearing capacity. The review and approval requirement was limited in response to comments from System institutions received during the notice and comment period for § 614.4165. The rule recognizes the changing relationship between the funding banks and their affiliated associations, and that associations operate much more independently from their funding banks. Therefore, we are not proposing any changes to our regulations at this time.

*Comments:* AgriBank stated that our current definition of ''small'' farmers, ranchers, or producers or harvesters of aquatic products (as set forth in revised bookletter BL–040, issued on August 10, 2007) should be modified to be consistent with small borrower reporting utilized by the commercial lending industry, which is based on loan size rather than borrower annual gross farm sales. To support its comment, AgriBank stated that in adopting a loan size approach to small business and small farm reporting, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve Board concluded that the risk of inaccuracy is limited because loan size approximately correlates with the size of a business or farm borrower.

*FCA Response:* The FCA has defined YBS borrowers in a manner to minimize burden on the System lenders by using characteristics such as age, number of years farming, and gross farm sales. These characteristics are most relevant to farming and are consistent with the definition of small farmer used by the United States Department of Agriculture. We believe our definition of small farmer is the least burdensome one to meet the purposes of, and measure performance under, section 4.19 of the Act. Therefore, we are not proposing any changes to our definition at this time.

*Comment:* CoBank stated that the FCA should amend the definition of ''interests in loans'' in § 614.4325(a)(1) to make clear that it includes not only whole loans, but also participation interests since both types of interests qualify as ''interests in loans.''

*FCA Response:* The FCA's definition of ''interests in loans'' is ownership interests in the principal amount, interest payments, or any aspect of a loan transaction and transactions involving a pool of loans, including servicing rights. We specifically address loan participations in § 614.4330, and to amend the definition of ''interests in loans'' to include loan participations would create redundancies and overlap between the regulatory provisions that could lead to confusion and contribute to regulatory burden. Therefore, we are not proposing any changes to our regulations at this time.

*Comments:* The FCC stated that the existing requirements in § 614.4325(e) for each institution to make an independent judgment on the creditworthiness of the borrower may not be cost-effective, and there may be alternative methods of making appropriate credit decisions regarding purchase of a participation, particularly in cases involving a pool of loans. AgriBank stated that System institutions should be permitted to underwrite loan participations on a composite analysis basis where the purchase of a group or pool of loans would determine the extent of analysis required. AgriBank stated that the analysis could entail evaluation of the originator's or lead lender's underwriting policies and loan-servicing procedures; assessment of financial and operating statements; and review of loan pool characteristics such as secured/unsecured, term, amortization, minimum/maximum size, minimum ownership by pool administrator, industry concentrations, source of loans, pricing strategy, and reporting requirements.

*FCA Response:* The overarching intent of this regulation remains safety and soundness of the System institutions. While we believe that the commenter's suggestion with respect to loan pools may be worthy of further review, more research is necessary; therefore, we are not proposing any changes to our regulations at this time.

*Comments:* CoBank stated that the FCA should consider adding a provision in loan purchases and sales similar to § 614.4325(h) that explicitly authorizes loan sales, including participations, through the use of agents as well. To support its comment, CoBank stated that the FCA has expressly allowed agency relationships where one System institution performs various functions (*e.g.,* underwriting and approval) as agent for a second originating System institution if the loan is designated for sale to the agent and as long as they are based on standards set forth in board policies and in agreements between two System institutions.

*FCA Response:* The authority of an FCS institution to purchase loans is not commensurate with its authority to sell loans. For example, section 1.5(16) of the Act authorizes a Farm Credit bank to sell interests in loans to non-System institutions, but authorizes the bank to purchase or sell interests in loans to System institutions. Further, a System institution has additional fiduciary responsibilities when it purchases loans. For example, § 614.4325(e) requires a purchasing System institution to make an independent judgment on the creditworthiness of the borrower, which judgment may not be delegated to any person not employed by the institution. Section 614.4325(h) addresses the use of an agent to perform some of the unique responsibilities of the purchasing System institution. Because System institutions are not subject to the same regulatory and statutory requirements, or the same fiduciary responsibilities, when they sell loans, a provision parallel to § 614.4325(h) for sales of loans is

unwarranted. Loans and interests in loans may be sold in accordance with each institution's lending authorities as set forth in part 614, subpart A. Use of an agent in the sale of loans would be permissible subject to subpart A and to the institution's own lending authorities and policies. Therefore, we believe that additional regulations addressing the use of agents in the sale of loans are unnecessary.

*Comments:* AgriBank stated that FCA should remove the provision in § 614.4325(h) that obligates a funding bank that serves as agent in a transaction to purchase all loans from the association if the association determines that the loan does not comply with the terms of the agency agreement or the association's loan-underwriting standards. AgriBank commented that the purchase obligation creates a perpetual contingent liability on the funding bank's balance sheet and that it serves no useful purpose and imposes an unacceptable burden. AgriBank suggested that, in the alternative, the regulation should be amended to require the association's exercise of this ''put'' option within a specified period or not more than 12 months, sufficient time to allow the association to make its determination.

*FCA Response:* Section 614.4325(h)(4) provides that if an association's funding bank serves as its agent, the agency agreement must provide that the association can terminate the agreement upon no more than 60 days notice to the bank and that the association may, in its discretion, require the bank to purchase from the association any interest in a loan that the association determines does not comply with the terms of the agency agreement or the association's loan-underwriting standards. This provision ensures safety and soundness by providing a remedy to an association injured by a bank's breach of the agency agreement and minimizes any possible effect of an unequal bargaining position between a bank and an association. While we are not proposing any changes to the regulations at this time, we may consider future rulemaking or guidance that would put a time limit on the exercise of the ''buyback'' option if it would facilitate the accounting of the selling bank.

*Comments:* CoBank stated that § 614.4335(b) should be amended to address the stock purchase requirement that impacts loans designated at closing for sale (either a 100-percent whole or a 100-percent participation interest, including loans closed under an agency agreement under which the FCS agent would purchase a 100-percent participation or whole loan immediately after loan closing). CoBank also stated that the regulation should be amended to permit bylaws to provide that the minimum stock purchase requirement shall not apply to these types of transactions (similar to how secondary market sales are addressed). CoBank commented that such an amendment would address the administrative burden of requiring a $1,000 purchase of an originating lender's equity by customers whose only contact with the originating lender thereafter will be minimal or nonexistent.

*FCA Response:* Section 4.3A(f)(1) of the Act allows a bank or association's bylaws to provide, in the case of a loan that is designated, at the time the loan is made, for sale into a secondary market, that no voting stock or participation certificate purchase requirement shall apply to the borrower for the loan. The regulatory language is parallel to the statutory authority, and to make the change suggested would require further inquiry and notice and comment rulemaking. It is beyond the scope of this regulatory burden initiative, and while we may consider this change in future guidance or rulemaking, we are not proposing any changes to our regulations at this time.

*Comment:* CoBank commented that the FCA should amend § 614.4337(a) to permit the disclosure to borrowers to be made by the purchasing institution with the written consent of the selling institution. In the alternative, CoBank suggested that the regulations should require the selling institution to copy the purchasing institution on its disclosure to the borrower to ensure that the purchasing institution can meet its obligations.

*FCA Response:* The originator of a loan is accountable to the borrower for the disclosure requirements of § 614.4337(a). The Act requires that System banks and associations issue voting stock or participation certificates to borrowers and that System ''qualified lender'' institutions provide borrower rights to certain borrowers. These institutions are in the best position to explain the impact of the sale on these matters. The selling and purchasing institutions can work out notice requirements in the purchase agreement as they deem appropriate. Therefore, we are not proposing any changes to this regulation at this time.

*Comments:* The FCC commented that existing rules regarding loan approval authority should be re-evaluated (§§ 614.4460–4470) to reflect both structural changes in the System (reference to the ''district board''), as well as the relationship between banks and affiliated associations. The FCC further commented that direct lender associations already have extensive procedures for ''official'' loans, in terms of loan underwriting, credit administration, and internal review and reporting, and that a regulatory requirement for bank approval of these loans conflicts with the debtor-creditor relationship between the bank and an association. AgriBank commented that System banks should be removed from the loan approval process for loans made by an association to designated parties because, as direct lenders, associations are fully capable of administering their own loan approval processes and implementing appropriate internal controls, including reporting of loan approval actions to their boards of directors.

*FCA Response:* Sections 614.4460 and 614.4470 of our regulations require a funding bank to approve all loans that it and its associations make to designated parties. On April 24, 1995, the FCA issued a rulemaking eliminating certain prior approvals by the FCA as an arm's-length regulator. *See* 60 FR 20008. Given the passage of time, it may be appropriate to update this section and review the loan approval process in general. This effort would take place in the context of guidance or a rulemaking and is beyond the scope of this regulatory burden initiative.

*Comments:* CoBank stated that the requirement in § 614.4550 that prohibits banks from funding an ''other financing institution (OFI)'' outside of its chartered territory unless proper notification is granted to the bank chartered to serve the territory is unnecessarily restrictive. CoBank also stated that because it is not always clear when an ''application'' is received (could be in stages, withdrawn, resubmitted later, etc.), a dispute could result between the two banks as to whether the notice was properly and timely given. CoBank further states that a fairer and much more workable standard would be that a bank could not enter into a funding relationship with an OFI outside of its territory until 45 days after notification of its intent to commence funding to allow ample time for the ''in territory'' bank to seek its business.

*FCA Response:* Section 614.4550 states that a Farm Credit bank or agricultural credit bank cannot fund, discount, or extend other similar financial assistance to an OFI that maintains its headquarters or has more than 50 percent of its outstanding loan volume to eligible borrowers who conduct agricultural or aquatic operations in the chartered territory of

another Farm Credit bank unless it notifies such bank in writing within 5 business days of receiving the OFI's application for financing. The FCA has previously received similar comments from System institutions concerning the 5-day written notice requirement. As we have previously responded, the 5-day notice requirement has no relationship to the credit approval process, and providing written notice to another bank within 5 days should not be costly or difficult for any bank that receives applications from OFIs outside its chartered territory. We would expect a bank to make a good faith effort to determine when notification should be made, and although we may consider future guidance to this effect, we are not proposing any changes to the regulation at this time.

*Comment:* CoBank states that it sees no reason for a prohibition on two or more Farm Credit banks simultaneously funding an OFI.

*FCA Response:* In the past, we acknowledged that System arguments against this ban may have some merit, but determined that policy concerns justify the FCA's decision to retain it. Generally, each FCS association receives all its funding from one Farm Credit bank, and therefore, the ban on two or more Farm Credit banks simultaneously funding the same OFI is consistent. Further consideration of this issue is outside the scope of regulatory burden.

*E. Leasing—Stock Purchase Requirements*

*Comment:* CoBank requested that the stock purchase requirement exception in § 616.6700 be amended to apply to the Farm Credit Leasing Services Corporation (Leasing Corporation) or its legal successor, upon merger or dissolution of the Leasing Corporation. The Leasing Corporation is wholly owned by CoBank, and CoBank has considered other structures for it.

*FCA Response:* Section 616.6700 provides each System institution making an equipment lease must require the lessee to buy or own stock or a participation certificate in the institution making the lease, but provides an exception from this requirement for the Leasing Corporation. The FCA agrees that the exception may also apply to the Leasing Corporation's legal successor, but will make that determination if and when the Leasing Corporation's structure is changed.

*F. Borrower Rights*

*Comments:* The FCBT stated that the borrower rights requirements of § 617.7015(c) regarding loan sales are unduly restrictive, particularly with respect to parties who have a junior lien or other interest in the loan. The FCBT further states that while the requirements of this regulation could perhaps be justified for some sales to third parties who have no prior interest in or liability on the loan, it is difficult to see how the policies of the Act are served by imposing borrower rights obligations to junior lien holders or family members who may have cosigned or furnished collateral for a borrower's loan.

*FCA Response:* Borrower rights were created to protect the borrower from foreclosure by providing the borrower the opportunity to restructure a distressed loan. Borrower rights are part of the agricultural credit extended by the FCS and belong to the borrower, not the lender. It is therefore the borrower's choice whether to relinquish these rights to facilitate a loan sale. Thus, we do not believe the decision to waive or otherwise relinquish borrower rights should be made when the borrower is in an unequal bargaining position to the lender. As such, §§ 617.7010 and 617.7015 provide limited circumstances when a borrower is in a sufficiently equal bargaining position in which to waive these rights. In the case of loan sales to nonqualified lenders, our rule requires the lender to either make provisions for the borrower to relinquish borrower rights at the time of loan making or to obtain the borrower's release before the loan is sold. We do not believe there is a basis for distinguishing junior lien holders or holders of other interests in the loan with regard to borrower rights.

*Comment:* The FCC commented that the statutory requirements for disclosure of effective interest rates is less restrictive than the regulation and that the FCA should consider the use of standardized representative examples regarding the impact of stock purchase on effective interest rates.

*FCA Response:* Section 4.13(a)(3) of the Act states that, at loan closing, the purchase of borrower stock must be disclosed as a cost of the credit in determining the effective rate of interest on a loan. Section 617.7125(a) states that a qualified lender must calculate the effective interest rate (EIR) on a loan using the discounted cash flow method, showing the effect of time on the value of money. Accordingly, we believe that in order for borrower disclosure to be ''meaningful,'' as is required by statute, the disclosure should take into account the specific loan for which the disclosure is being provided. The EIR disclosure should be derived from the interest rate and related charges applicable to the loan being made to the borrower. We are not proposing changes responsive to this comment at this time.

*Comments:* The FCBT stated that the regulatory disclosure requirements in § 617.7135(a) and (b) could be simplified for FCS institutions without materially harming the interest of borrowers if the notification of changes in the interest rate was the same for all loans, whether or not the rate is tied to an external index. The FCBT also stated that where an interest rate is based on a widely published external index plus a spread, disclosure of a change of rate should not be required merely when the index changes, but should be required only when the change of rate is caused by a change in the spread. AgFirst stated that where the loan transaction is priced with the use of an external index added to a set margin, no additional disclosure should be required as the lender has not modified the interest rate. AgFirst also stated that the cost of mailing the notifications places institutions at a competitive disadvantage relative to other lenders that are not required to disclose changes unless resulting from a modified margin. AgFirst further stated that the additional notification does not provide the borrower any more information than is already available in financial journals or news Web sites for the current value of the index. The FCC believes the disclosure procedures for rate change notices on loans with an external index can be streamlined.

*FCA Response:* On June 19, 2009, we published a proposed rule amending our EIR regulation regarding interest rate changes. *See* 74 FR 29143. Comments discussed above will be considered by the FCA during that rulemaking project.

*G. General Provisions*

*Comment:* The FCBT stated that the requirement in § 618.8025(a) for a Farm Credit bank's board of directors to verify that a System association has performed a feasibility analysis before offering a related service is beyond the Act, is burdensome, and accomplishes very little that could not be performed by FCA.

*FCA Response:* Section 2.5 of the Act authorizes a PCA to offer related services as determined feasible by the board of directors of a Farm Credit bank. Section 2.12(15) of the Act authorizes a Federal land bank association to offer related services that it determines, with Farm Credit bank approval, are feasible. Thus, a Farm Credit bank has a statutory role in the determination of whether a related service program is feasible for an association to offer. Therefore, we are

not proposing any changes to our regulations at this time.

*Comment:* The FCBT commented that the regulatory requirement in § 618.8040(b)(9) is not required by the Act and may be viewed as an imposition on the borrower. Section 618.8040(b)(9) prohibits a bank or association from conditioning the extension of credit or other provision of service on the purchase of insurance sold or endorsed by a bank or association. At the time insurance is offered, a bank or association must present a written notice that the service is optional, and the borrower must sign the notice.

*FCA Response:* Section 4.29(b)(1) of the Act requires FCA regulations to provide that in any case in which insurance is required as a condition for a loan or other financial assistance from a bank or association, notice be given that it is not necessary to purchase the insurance from the bank or association and that the borrower has the option of obtaining the insurance elsewhere. The signed notice gives effect to this statutory requirement and we do not believe it imposes an undue burden on the bank, association, or the borrower. Thus, the FCA believes it is important to continue this requirement and we are not proposing any changes in our regulations at this time.

*Comments:* CoBank stated that FCA should amend § 618.8330(b) to permit disclosure of confidential borrower documents upon the issuance of an administrative subpoena with the proviso that the FCS institution may insist on a judge's order if there is reason to believe that the request is inappropriate under the circumstances. AgFirst stated that the current process related to the production of documents during civil litigation creates unnecessary burdens of time and expense for an association, while affording no additional protection to the borrower. The FCC stated that in regard to the provisions of the regulations on confidentiality of borrower information, the Agency should revisit the requirements as they relate to issuing subpoenas.

*FCA Response:* On August 9, 1999, the FCA published a direct final rule at 64 FR 43046 that allowed a bank or association that is a party to litigation with a borrower to disclose confidential information, and required that if the government, bank or association is not a party to litigation, confidential documents or testimony may be produced only under the lawful order of a court. We believe that this requirement is necessary to protect confidentiality of borrower information because only the judge can impartially decide whether the litigant needs the information in the institution's possession. Therefore, we do not believe this request warrants any change to our regulations at this time.

*H. Disclosure to Shareholders*

*Comment:* The FCC stated that the FCA's regulations that allow associations the option of disclosing information regarding compensation of senior officers in either the annual report or in the annual meeting information statement should be reviewed because System banks should have the similar ability to disclose that information in some other manner to their stockholders.

*FCA Response:* The FCA is currently conducting a review of compensation, retirement programs, and related benefits to consider changes addressing disclosure and compliance requirements for executive compensation, pension, and other benefit programs in the FCS. This comment will be considered in the course of that review.

*I. Conservators, Receivers, and Voluntary Liquidations*

*Comments:* AgriBank stated that § 627.2710(b) prohibits a funding bank from enforcing the terms of its general financing agreement (GFA) upon a default by an association without the prior approval of the FCA. AgriBank commented that this is an unwarranted infringement on the bank-association contractual relationship that places the bank in the precarious position of entering into a lending relationship with an association without the ability to collect the indebtedness due absent the approval of a third-party regulator.

*FCA Response:* This regulation does not prevent or prohibit a funding bank from enforcing the terms of its GFA. The regulation does, however, provide that one of the grounds for appointment of a receiver or conservator is a default by the association on one or more terms of its GFA with its affiliated bank if the FCA determines the default to be material. As we stated in our July 22, 1998, rulemaking, the FCA, not the bank or the association, has the statutory authority for determining the grounds for appointing a conservator or receiver. *See* 63 FR 39219. We cannot delegate that authority to a funding bank, and we will be the authority that determines whether a default of the GFA is materially sufficient to warrant appointment of a conservator or receiver. Due to the significance of a material default of the GFA to an association's financial condition and ability to continue operations, we believe that this is a material safety issue. Thus, we are not proposing any changes to our regulations at this time.

## III. Future Efforts To Reduce Regulatory Burden on FCS Institutions

As noted above, we will consider remaining regulatory burden issues raised during the comment period in separate regulatory projects. We will continue our efforts to remove regulatory burden. However, we will maintain those regulations that are necessary to implement the Act and that are critical for the safety and soundness of the System.

Dated: October 20, 2009.

**Roland E. Smith,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. E9–25668 Filed 10–23–09; 8:45 am]

BILLING CODE 6705–01–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2005–19559; Directorate Identifier 2004–NE–03–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Rolls-Royce plc RB211 Trent 700 Series Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede an existing airworthiness directive (AD) for Rolls-Royce plc (RR) RB211 Trent 700 series turbofan engines. That AD currently requires initial and repetitive borescope inspections of the high pressure-and-intermediate pressure (HP–IP) turbine internal and external oil vent tubes for coking and carbon buildup, and cleaning or replacing the vent tubes if necessary. This proposed AD would require the same actions, but would add additional inspections of the vent flow restrictor. This proposed AD results from further analysis that the cleaning of the vent tubes required by AD 2007–02–05 could lead to loosened carbon fragments, causing a blockage downstream in the vent flow restrictor. We are proposing this AD to prevent internal oil fires due to coking and carbon buildup that could cause uncontained engine failure and damage to the airplane.

**DATES:** We must receive any comments on this proposed AD by December 28, 2009.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Contact Rolls-Royce plc, P.O. Box 31, Derby, England; *telephone:* 011–44–1332–249428; *fax:* 011–44–1332–249223, for the service information identified in this proposed AD.

**FOR FURTHER INFORMATION CONTACT:** James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail: james.lawrence@faa.gov*; telephone (781) 238–7176; fax (781) 238–7199.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2005–19559; Directorate Identifier 2004–NE–03–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

## Discussion

On January 12, 2007, the FAA issued AD 2007–02–05, Amendment 39–14892 (72 FR 2603, January 22, 2007). The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, notified us that an unsafe condition may exist on RB211 Trent 700 series turbofan engines. Since AD 2007–02–05 was issued, EASA advises that further analysis has now identified that previous intervention actions may have exacerbated the problem of carbon formation in the vent pipe. These intervention actions are believed to loosen carbon fragments which are subsequently released during engine operation, leading to blockage downstream in the vent flow restrictor. The resultant reduced vent pipe flow will then cause accelerated carbon buildup inside the pipe and increased likelihood of an internal oil fire.

## Relevant Service Information

We have reviewed and approved the technical contents of Rolls-Royce plc Alert Service Bulletin (ASB) No. RB.211–72–AE302, Revision 7, dated April 30, 2009. That ASB describes procedures for borescope inspections of the HP–IP turbine internal and external oil vent tubes for coking and carbon buildup, and cleaning or replacing the vent tubes if necessary. That ASB also describes procedures for visual inspections of the vent pipe restrictor immediately after pipe cleaning and a high-power engine run. For internal oil vent tubes to pass inspection, they must allow cleaning tool, number HU80298, to pass through them. EASA classified this service bulletin as mandatory and issued AD 2007–0201 and AD 2007–0202 (corrected August 8, 2007), to ensure the airworthiness of these RB211 Trent 700 series turbofan engines in Europe.

## Bilateral Agreement Information

This engine model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Under this bilateral airworthiness agreement, EASA kept us informed of the situation described above. We have examined the findings of the EASA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

## FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. We are proposing this AD, which would require initial and repetitive borescope inspections of the HP–IP turbine internal and external oil vent tubes for coking and carbon buildup, and cleaning or replacing the vent tubes if necessary. This proposed AD would also require visual inspections of the vent flow restrictor immediately after pipe cleaning and a high-power engine run. We are issuing this AD to prevent internal oil fires due to coking and carbon buildup that could cause uncontained engine failure and damage to the airplane. The proposed AD would require that you do these actions using the service information described previously.

## Table 1 Clarification

We found it necessary to clarify the second sentence in the first column of the Initial Inspection Table 1, which we carried forward from AD 2007–02–05. We changed ''Has fewer than 10,000 hours TSN or fewer than 2,500 CSN on the effective date of this AD'' to ''Has fewer than 10,000 hours TSN and fewer than 2,500 CSN on the effective date of this AD.''

## Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 33 engines of U.S. registry. We also estimate that it would take about one work-hour per engine to comply with this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $2,000 per engine. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $68,640.

## Authority for This Rulemaking

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

detail the scope of the Agency's authority.

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

## Regulatory Findings

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

*For the reasons discussed above, I certify that the proposed 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. Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39–14892 (72 FR 2603, January 22, 2007) and by adding a new airworthiness directive, to read as follows:

**Rolls-Royce plc:** Docket No. FAA–2005–19559; Directorate Identifier 2004–NE–03–AD.

### Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by December 28, 2009.

### Affected ADs

(b) This AD supersedes AD 2007–02–05, Amendment 39–14892.

### Applicability

(c) This AD applies to Rolls-Royce plc (RR) RB211 Trent 768–60, RB211 Trent 772–60, and RB211 Trent 772B–60 series turbofan engines. These engines are installed on, but not limited to, Airbus A330–243, –341, –342 and –343 series airplanes.

### Unsafe Condition

(d) This AD results from further analysis that the cleaning of the vent tubes required by AD 2007–02–05 could lead to loosened carbon fragments, causing a blockage downstream in the vent flow restrictor. We are issuing this AD to prevent internal oil fires due to coking and carbon buildup that could cause uncontained engine failure and damage to 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.

### Initial Inspections, Cleaning, and Replacements

(f) Using the schedule in Table 1 of this AD, borescope-inspect and clean as necessary, the high pressure-and-intermediate pressure (HP–IP) turbine internal oil vent tubes, external oil vent tubes, and bearing chamber.

TABLE 1—INITIAL INSPECTION SCHEDULE

| If the engine or the 05 module: | Then initially inspect: |
|---|---|
| Has reached 10,000 hours time-since-new (TSN) or reached 2,500 cycles-since-new (CSN) on the effective date of this AD. | Within 3 months after the effective date of this AD. |
| Has fewer than 10,000 hours TSN and fewer than 2,500 CSN on the effective date of this AD. | Within 3 months after reaching 10,000 hours TSN or 2,500 CSN, whichever occurs first. |
| Is returned for an engine shop visit | Before returning to service. |

(1) If after cleaning, there is still carbon in the vent tube that prevents cleaning tool number HU80298 from passing through the tube, then replace the internal oil vent tube within 10 cycles-in-service (CIS).

(2) If after cleaning, there is still carbon of visible thickness in either of the two external oil vent tubes, then replace the external oil vent tube before further flight.

(3) Use paragraphs 3.A. through 3.A.(7) of the Accomplishment Instructions of RR Alert Service Bulletin (ASB) No. RB.211–72–AE302, Revision 7, dated April 30, 2009, to do the borescope inspections and cleaning of the oil vent tubes and bearing chamber.

### Initial Visual Inspection of the Vent Flow Restrictor

(g) For engines that, on the effective date of this AD, have not accumulated 25 service cycles since the last cleaning and inspection, visually inspect the vent flow restrictor either after a high-power ground run or within 25 service cycles of the last cleaning and inspection.

(h) For engines that, on the effective date of this AD, have accumulated 25 or more service cycles since the last cleaning and inspection, visually inspect the vent flow restrictor either after a high-power ground run or within 25 service cycles after the effective date of this AD.

(i) Use paragraph 3.A.(8) of the Accomplishment Instructions of RR ASB No. RB.211–72–AE302, Revision 7, dated April 30, 2009, to do the visual inspections.

### Repetitive Inspections, Cleaning, and Replacements

(j) Within 6,400 hours time-in-service since last inspection and cleaning, or within 1,600 cycles-since-last inspection and cleaning, or at the next engine shop visit, whichever occurs first, borescope-inspect the HP–IP turbine internal and external oil vent tubes and bearing chamber, and clean the oil vent tubes as necessary.

(1) If after cleaning there is still carbon in the internal oil vent tube that prevents cleaning tool, number HU80298, from passing through the tube, then replace the internal oil vent tube within 10 CIS.

(2) If after cleaning there is still carbon of visible thickness, in either of the two external oil vent tubes, then replace the external oil vent tube before further flight.

(3) Use paragraphs 3.A. through 3.A.(7) of the Accomplishment Instructions of RR ASB No. RB.211–72–AE302, Revision 7, dated April 30, 2009, to do the borescope inspections and cleaning of the oil vent tubes and bearing chamber.

(k) Visually inspect the vent flow restrictor either after a high-power ground run or within 25 service cycles after performing the cleaning and inspection specified in paragraph (f) through (f)(3) of this AD. Use paragraph 3.A.(8) of the Accomplishment Instructions of RR ASB No. RB.211–72–AE302, Revision 7, dated April 30, 2009, to do the visual inspection.

**Definition**

(l) For the purpose of this AD, an engine shop visit is induction of the engine into the engine shop for any cause.

**Alternative Methods of Compliance**

(m) The Manager, Engine 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.

**Related Information**

(n) European Aviation Safety Agency AD 2007–0201, dated August 1, 2007, and AD 2007–0202 (corrected August 8, 2007), also address the subject of this AD. Rolls-Royce plc ASB No. RB.211–72–AE302, Revision 7, dated April 30, 2009, pertains to the subject of this AD. Contact Rolls-Royce plc, P.O. Box 31, Derby, England; *telephone:* 011–44–1332–249428; *fax:* 011–44–1332–249223, for the service information identified in this AD.

(o) Contact James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail: james.lawrence@faa.gov*; telephone (781) 238–7176; fax (781) 238–7199, for more information about this AD.

Issued in Burlington, Massachusetts, on October 16, 2009.

**Robert J. Ganley,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. E9–25645 Filed 10–23–09; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2009–0867; Airspace Docket No. 09–ASW–16]**

**RIN 2120–AA66**

## Proposed Establishment of Area Navigation Route Q–37; Texas

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish a high altitude area navigation (RNAV) route, designated Q–37, extending between the Pueblo, CO, very high frequency omnidirectional range/tactical air navigation (VORTAC) navigation aid and the Fort Stockton, TX, VORTAC. The new route would provide pilots and air traffic controllers with an efficient alternative route around potentially constrained airspace during convective weather events in west Texas.

**DATES:** Comments must be received on or before December 10, 2009.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify FAA Docket No. FAA–2009–0867 and Airspace Docket No. 09–ASW–16 at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2009–0867 and Airspace Docket No. 09–ASW–16) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2009–0867 and Airspace Docket No. 09–ASW–16.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, Operations Support Group, Federal Aviation Administration, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

### The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish a high altitude RNAV route, designated Q–37, between the Pueblo, CO, VORTAC and the Fort Stockton, TX, VORTAC. The new route would provide pilots and air traffic controllers with an efficient alternative route around potentially constrained airspace during convective weather events in west Texas. Additionally, the new route would be integrated into the existing National Playbook Severe Weather Avoidance Plan routes to Houston, TX, terminal airports through Albuquerque Air Route Traffic Control Center's airspace, in lieu of the current process of coordinating tactical modifications to routings with the FAA Air Traffic Control System Command Center.

High altitude RNAV routes are published in paragraph 2006 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this

document will 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. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes an RNAV route to enhance the safe and efficient flow of traffic in the central United States.

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 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 2006—United States Area Navigation Routes*

* * * * *

**Q–37 FST, TX to PUB, CO [New]**

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|---|---|---|
| FST | VORTAC | (Lat. 30°57′08″ N., long. 102°58′33″ W.) |
| CAVRN | WP | (Lat. 31°49′31″ N., long. 104°00′42″ W.) |
| YORUB | WP | (Lat. 32°55′52″ N., long. 104°14′01″ W.) |
| IMMAS | WP | (Lat. 34°54′18″ N., long. 104°18′53″ W.) |
| PUB | VORTAC | (Lat. 38°17′39″ N., long. 104°25′46″ W.) |

* * * * *

Issued in Washington, DC, on October 15, 2009.

**Edith V. Parish,**

*Manager, Airspace and Rules Group.*

[FR Doc. E9–25607 Filed 10–23–09; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 200

**[Docket No. FR–5290–P–01]**

**RIN 2502–AI73**

### Prohibition of the Escrowing of Tax Credit Equity

*Correction*

In proposed rule document E9–24338 beginning on page 52354 in the issue of Friday, October 9, 2009, make the following correction:

**§200.54 [Corrected]**

On page 52356, in §200.54(b), in the third column, in the second line, ''where approved by'' should read ''where approved by the Commissioner in accordance with terms, conditions, and standards established by the Commissioner;''.

[FR Doc. Z9–24338 Filed 10–23–09; 8:45 am]

BILLING CODE 1505–01–D

## 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; request for comments; correction.

**SUMMARY:** The Coast Guard is issuing a correction to an earlier notice that published in the **Federal Register** on Thursday, October 22, 2009, in order to correct the location of the Oakland, CA, public meeting listed in that earlier notice. The public meetings 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. For the Oakland, CA meeting, our earlier notice incorrectly listed the Marriott Oakland City Center, 1001 Broadway, Oakland, CA 94607. The correct location for the Oakland public meeting is the Hilton Oakland Airport, One Hegenberger Road, Oakland, CA 94621.

**DATES:** Public meetings will be held in the 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 December 4, 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 December 4, 2009 or reach the Docket Management Facility by that date.

**ADDRESSES:** The public meetings will be held at the Hilton Oakland Airport, One Hegenberger Road, Oakland, CA 94621,

on October 27, 2009, and the Marriott New York Downtown, 85 West Street at Albany Street, New York, NY 10006, on October 29, 2009.

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.

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 were finalized.

On Tuesday, September 22, 2009, we published a Notice of Public Meeting with the specific locations and details for the first two of the six public meetings (74 FR 48190). Then, on Monday, September 28, 2009, we published a Notice of Public Meeting providing the same information for the second two public meetings and restating the details for the first two public meetings (74 FR 49355). This notice provides those details for the final two public meetings.

On Thursday, October 15, 2009, we published a Notice to extend the periods of public comment on the Notice of Proposed Rulemaking (NPRM) and the Draft Programmatic Environmental Impact Statement (DPEIS) to December 4, 2009 (74 FR 52941). On Thursday, October 22, 2009, we published a Notice of Public Meetings with locations and details for the Oakland, CA and New York, NY public meetings (74 FR 54533).

The location for the Oakland, CA meeting listed in the October 22, 2009 notice was incorrect. The October 27, 2009 meeting will be held at the Hilton Oakland Airport, One Hegenberger Road, Oakland, CA 94621. The phone number for the location is 510–635–5000.

The October 29, 2009 meeting will be held at the Marriott New York Downtown, 85 West Street at Albany Street, New York, NY 10006. The phone number for the location is 212–385–4900.

Live Webcasts (audio and video) of the public meetings will also be broadcast online at *http://ballastwater.us/.*

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: October 22, 2009.

**Mark W. Skolnicki,**

*Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.*

[FR Doc. E9–25807 Filed 10–22–09; 4:15 pm]

**BILLING CODE 4910–15–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

**[Docket No. 0907221160–91168–01]**

**RIN 0648–AY01**

## Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS is proposing a regulatory amendment to the Monkfish Fishery Management Plan (FMP) to allow projects funded through the Monkfish Research Set-Aside (RSA) Program to carryover unused monkfish RSA days-at-sea (DAS) into the following fishing year. Given the most recent information on the status of monkfish stocks, the regulation that prohibits monkfish RSA DAS to be carried over to the next fishing year is no longer necessary. In addition, this action would provide researchers with flexibility to complete research funded through the Monkfish RSA Program.

**DATES:** Written comments must be received no later than 5 p.m. eastern standard time, on November 25, 2009.

**ADDRESSES:** You may submit comments, identified by RIN number 0648–AY01, by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking portal *http://www.regulations.gov.*
- Fax: (978) 281–9135, Attn: Anna Macan.
- Mail: Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Monkfish RSA DAS Regulatory Amendment.''

Instructions: All comments received are part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:**

Anna Macan, Fishery Management Specialist, phone (978) 281–9165, fax (978) 281–9135.

**SUPPLEMENTARY INFORMATION:**

## Background

The monkfish fishery is jointly managed by the New England and Mid-Atlantic Fishery Councils, with the New England Council having the administrative lead. The fishery extends from Maine to North Carolina, and is divided into two management units: The Northern Fishery Management Area (NFMA) and the Southern Fishery Management Area (SFMA).

The Monkfish RSA Program was implemented through Amendment 2 to the Monkfish FMP, and 500 DAS are set aside annually from the total number of DAS allocated to limited access monkfish vessels to encourage vessels to participate in cooperative research. Because the amendment was silent on this issue of whether RSA DAS allocated to a research project should be allowed to be carried over to the following fishing year, during the rulemaking for Amendment 2, NMFS implemented a regulation that prohibited the carryover of unused monkfish RSA DAS (§ 648.92(c)(1)(v)). This regulation was not an element of the RSA program as proposed by the Councils in Amendment 2 to the FMP, but rather was implemented in the final rule for the amendment under NMFS's administrative authority, under section 305(d) of the Magnunson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NMFS took this approach due, in part, to the status of the stock at the time; at the time the amendment was being implemented, monkfish were considered overfished in both areas, with little sign of rebuilding. Since the stock is now considered to be rebuilt, the restriction on carrying over RSA DAS has become less of a concern.

Recent experience has demonstrated that researchers who participate in the monkfish RSA program have often been unable to use all of their allocated RSA DAS within the fishing year for which the grants were issued. Reasons such as unsafe weather conditions, unexpected DAS adjustments (e.g., Framework Adjustment 4 to the FMP), higher than expected fuel costs, and delayed grant approval have caused RSA DAS to go unused, resulting in loss of fishing revenue and corresponding research funding.

Allowing RSA DAS carryover would improve the success of the Monkfish RSA Program and would be consistent with the rationale for allowing commercial DAS carryover, detailed in the original FMP (e.g., to reduce the incentive to operate in unsafe conditions at the end of the fishing year).

NMFS considered four options for how monkfish RSA DAS could be carried over, as follows:

Option 1: Allow a specific number of DAS to be carried over by each project. For example, each project could be allowed to carry over up to four unused DAS to be used in the following fishing year. This option would be consistent with the current carryover policy for commercial vessels (which limits each vessel to four carryover DAS). However, this does not take into account variations in the number of monkfish RSA DAS granted to each project or the number of vessels that may be involved.

Option 2: Allow for a fixed percentage of RSA DAS carryover based on current commercial carryover policy. Because monkfish vessels are currently allowed to carryover 4 of their allocated 31 DAS, representing 13 percent of their base DAS allocation, this 13 percent could be applied to each project's RSA DAS as well. For example, if a project were granted 200 RSA DAS in fishing year (FY) 2009, up to 26 of these DAS could be carried over to FY 2010. Unlike Option 1, this percentage-based scheme would allow for those projects given more RSA DAS the opportunity to carryover more DAS. The carryover percentage for RSA DAS would be adjusted annually with any changes in the carryover allocation to commercial vessels, accounting for changes in the management of the fishery. If carryover DAS are discontinued in the commercial fishery, no rollover DAS would be allowed for RSA.

Option 3: Allow for projects to rollover of all unused RSA DAS into the following fishing year.

Option 4: Status quo, NMFS retains its conservative approach and does not allow for the carryover of RSA DAS.

Option 3, the rollover of all RSA DAS, is NMFS's preferred alternative. The annual allocation of 500 DAS to the monkfish RSA program is a small percentage of the total DAS allocated to the fishery. Since 2006, when the program was first implemented, around 2 percent of the allocated DAS have been RSA DAS. In 2008, only 346.88 (69.38 percent) of the 500 RSA DAS awarded to various projects were used. The unused 2008 RSA DAS of 153.12 days would have represented less than 1 percent of the total 2009 allocated DAS, had the rollover of all unused RSA DAS been allowed in 2009. When considering fishing effort for 2008, the used RSA DAS represented less than 7 percent of the total DAS used. Furthermore, the biological impacts of the 500 RSA DAS have already been assessed in Amendment 2 and because monkfish is considered a data poor stock, the research generated from these projects outweigh any minimal biological impacts associated with rollover of RSA DAS.

The other three non-preferred options either do not allow for the carryover of RSA DAS, or do not allow for all RAS DAS to be carried over. As a result, these options would not maximize the recovery of revenue that is needed to fund the research projects. If RSA funding cannot be realized, researchers may have to abandon their projects or seek support from other sources that often result in a lengthy review process. Therefore, NMFS considers option 3 as the best approach to successfully implement the Monkfish RSA Program. Also, had the 500 monkfish DAS set aside for research instead remained in the commercial fishery pool, some of these DAS would have been able to be carried over to the next fishing year under existing regulations. If carryover DAS are discontinued in the commercial fishery, NMFS would reconsider whether rollover of RSA DAS would be allowed under the Monkfish RSA Program.

## Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is consistent with the Monkfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

The entities affected by this action are research institutions and universities, which are the groups that apply for and are issued grants through the Monkfish RSA Program. The proposed action to allow carryover of monkfish RSA DAS into the next fishing year would provide researchers the flexibility

necessary to complete research projects funded through the Monkfish RSA Program. In recent years, researchers have stated that factors such as regulatory changes, increased fuel costs, and delayed grant approval, have greatly impacted their ability to use all of the monkfish RSA DAS within the fishing year for which they were granted. For example, in fishing year 2007 (the second year of the program), 367 monkfish RSA DAS were allocated, but 296 DAS were used, leaving 71 monkfish RSA DAS unused. However, in fishing year 2008, the number of unused monkfish RSA DAS doubled to 153 out of a total of 500 monkfish RSA DAS allocated.

This action is administrative in nature and will not have any economic impacts on small entities. This action would allow researchers issued grants under the Monkfish RSA Program the ability to fulfill those grant obligations by providing them the opportunity to complete their research projects if, for unforeseen circumstances, they are unable to utilize all of their monkfish RSA DAS during the fishing year for which those DAS were granted. Therefore, because this action makes only a minor administrative change to the Monkfish RSA Program to ensure that this program functions as intended, it will not have any economic effect on small entities.

As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

**List of Subjects in 50 CFR Part 648**

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 20, 2009.

**James W. Balsiger,**

*Acting Assistant Administrator For Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

## PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.92, paragraph (c)(1)(v) is revised to read as follows:

### § 648.92 Effort-control program for monkfish limited access vessels.

* * * * *

(c) * * *

(1) * * *

(v) If the Regional Administrator determines that the annual allocation of research DAS will not be used in its entirety once all of the grant awards have been approved, the Regional Administrator shall reallocate the unallocated research DAS as exempted DAS to be authorized as described in paragraph (c)(2) of this section, and provide notice of the reallocation of DAS in the **Federal Register**. Any allocated research DAS that are not used during the fishing year for which they are granted may be carried over into the next fishing year. Any unallocated research DAS may not be carried over into the next fishing year.

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[FR Doc. E9–25754 Filed 10–23–09; 8:45 am]

BILLING CODE 3510–22–S

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## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 648

**[Docket No. 0907241164–91187–01]**

**RIN 0648–AY09**

## Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This proposed regulatory amendment would authorize the NMFS Northeast Regional Administrator (RA), or the RA's designee, to issue a Letter of Authorization (LOA) to eligible researchers on board federally permitted fishing vessels that plan to temporarily possess fish in a manner not compliant with applicable fishing regulations, for the purpose of collecting scientific data on catch. Currently, federally permitted fishing vessels that carry research personnel during commercial fishing trips for the purpose of collecting catch data before discarding fish that otherwise could not be retained are required to obtain an exempted fishing permit (EFP) in order to conduct their sampling work, which is administratively burdensome and has resulted in the delay and lost opportunity to conduct important fishery research.

**DATES:** Written comments must be received on or before November 25, 2009.

**ADDRESSES:** You may submit comments, identified by 0648–AY09, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking Portal: *http://www.regulations.gov*.
- Mail: Paper, disk, or CD-ROM comments should be sent to Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the Proposed Rule to Modify Northeast Region Experimental Fishing Regulations.''
- Fax: (978) 281–9135; attention Ryan Silva.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Ryan Silva, Cooperative Research Liaison, phone (978) 281–9326, fax (978) 281–9135.

**SUPPLEMENTARY INFORMATION:** This proposed rule would revise portions of the Northeast Region experimental fishing regulations by authorizing the RA, or the RA's designee, to issue an LOA to eligible researchers on board federally permitted fishing vessels that temporarily possess fish species that otherwise could not be retained under the applicable fishing regulations, for the purpose of collecting scientific data on catch. The proposed changes would be enacted under the authority given to the Secretary of Commerce to promulgate regulations to fully carry out the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Northeast Region fishing regulations found at 50 CFR part 648 implement management measures for fisheries operating under 15 fishery management plans (FMPs). These regulations include minimum fish sizes, fish possession limits, and various spatial and temporal fish possession restrictions such as quota and area closures. Federally permitted fishing vessels that carry research personnel during commercial fishing trips for the purpose of collecting catch data before discarding restricted fish are currently required to obtain an EFP in order to conduct their sampling work. An EFP is required primarily because the vessel would be in possession of fish species that otherwise could not be retained, albeit temporarily, in a manner inconsistent

with normal commercial fishing operations. For example, if a vessel were to be intercepted by an enforcement agent and the vessel was in possession of fish that otherwise could not be retained, but had been retained for data collection purposes and had not yet been processed and discarded, the vessel would be in violation of fishing regulations. Although all such fish are discarded once the data have been collected, there would be a period of time when the vessel was in possession of fish that could not legally be retained. In all other respects, the vessels are operating in compliance with commercial fishing regulations.

The requirement to obtain an EFP prior to conducting these types of sampling activities on commercial fishing vessels has raised several issues and concerns within the scientific community, the Regional Fishery Management Councils, and among NMFS Regional Office (RO) and Science Center staff. Due to the time necessary to request and obtain an EFP, these temporary possession EFPs can inhibit the ability of fishery researchers to opportunistically accompany commercial fishing vessels for the purpose of data collection. This has resulted in the delay and lost opportunity to conduct important fishery research, which negatively affects cooperative research efforts and increases the cost of data collection. In addition, the administrative burden on NMFS from processing and overseeing these routine EFPs is substantial.

To mitigate these concerns, this proposed rule would authorize the RA, or the RA's designee, to issue an LOA to eligible researchers on board federally permitted fishing vessels that temporarily possess fish species that could otherwise not be retained under applicable fishing regulations for the purpose of collecting scientific data on catch (temporary possession LOA). Temporary possession LOAs would allow researchers and NMFS to forego the full EFP process, which includes the solicitation of public comment and consultation under applicable laws such as the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA), for each project requesting authorization to collect at-sea catch data. The RA would determine whether the applicant and participating vessels meet the eligibility criteria prior to issuing or denying a temporary possession LOA application. The time to complete the review process would be greatly reduced, which would facilitate important fishery research and reduce lost data collection opportunities, foster collaborative relationships between the fishing industry and the fishery research community, and reduce the cost of at-sea catch data collection. In addition, this would greatly reduce the administrative burden on NMFS that results from processing these routine EFPs.

NMFS would maintain discretion over the vessels and researchers that are issued temporary exemption LOAs. To ensure effective oversight, eligible vessels would need to meet the requirements described below, and EFP oversight policies would apply to all vessels issued a temporary possession LOA. Any additional exemptions beyond temporary possession would need to be obtained through the standard EFP process.

Only personnel from the following bodies would be eligible for a temporary possession LOA: Foreign government agency; U.S. Government agency; U.S. state or territorial agency; university (or other educational institution accredited by a recognized national or international accreditation body); international treaty organization; or scientific institution.

To obtain a temporary possession LOA, an eligible applicant would be required to submit a complete application, similar to an EFP application, which would contain the following information: The date of the application; the applicant's name, mailing address, and telephone number; a statement of the purposes and goals for which the LOA is needed; the name(s) and affiliation of the fishery research technicians that will be collecting the data; a statement demonstrating the qualifications of the research technician that will be collecting the data; the species (target and incidental) expected to be harvested under the LOA; the disposition of all regulated species harvested under the LOA; the approximate time(s) and place(s) fishing would take place; the type, size, and amount of gear to be used; and the signature of the applicant. In addition, for each vessel to be covered by the LOA, as soon as the information is available and before operations begin, the applicant would be required to supply the vessel operator name, the vessel's Federal fishing permit number, and the vessel registration or documentation number.

## Classification

Pursuant to section 305(d) of the Magnuson-Stevens Act, the Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is consistent with the Fishery Management Plans (FMPs) of the Northeast Region, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

> The cooperative research community, which includes principal investigators, research technicians, and commercial fishermen, would be the primary group affected by this rule. It is estimated that approximately 50 individuals would be affected by this rule. It is unlikely that this rule will have any effect on any other entity or business. No regulated entities would incur any additional costs as a result of this rule as these individuals are already required under 50 CFR 600.745 to apply for an EFP. This action would simplify and streamline the process to obtain the necessary documentation.

As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

This proposed rule contains collection-of-information requirements that have already been reviewed and approved by the Office of Management and Budget (OMB) under OMB control number 0648–0309 (''Scientific Research, Exempted Fishing, and Exempted Activity Submissions''). Send comments on these or any other aspects of the collection of information to the Northeast Regional Office at the **ADDRESSES** above, and by e-mail to David__Rostker@omb.eop.gov or fax to (202) 395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

## List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 20, 2009.

**John Oliver,**

*Deputy Assistant Administrator For Operations, National Marine Fisheries Service.*

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

## PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.12, paragraph (d) is added to read as follows:

### § 648.12 Experimental fishing.

* * * * *

(d) *Temporary possession letter of authorization (LOA):* The Regional Administrator (RA), or the RA's designee, may issue an LOA to eligible researchers on board federally permitted fishing vessels on which species of fish that otherwise could not be legally retained would be possessed temporarily for the purpose of collecting catch data. Under this authorization, such species of fish could be retained temporarily for scientific purposes, but shall be discarded as soon as practicable following data collection.

(1) *Eligible activities.* An LOA may be issued by the RA, or the RA's designee, to temporarily exempt a vessel, on which a qualified fishery research technician is collecting catch data, from the following types of fishery regulations: Minimum fish size restrictions; fish possession limits; species quota closures; prohibited fish species, not including species protected under the Endangered Species Act; and gear-specific fish possession restrictions.

(2) *Eligibility criteria.* Only personnel from the following bodies are eligible for a temporary possession LOA: Foreign government agency; U.S. Government agency; U.S. state or territorial agency; university (or other educational institution accredited by a recognized national or international accreditation body); international treaty organization; or scientific institution.

(3) *Application requirements.* To obtain a temporary possession LOA, an eligible applicant, as defined under paragraph (d)(2) of this section, would be required to submit a complete application, which would contain the following information: The date of the application; the applicant's name, mailing address, and telephone number; a statement of the purposes and goals for which the LOA is needed; the name(s) and affiliation of the fishery research technicians that will be collecting the data; a statement demonstrating the qualifications of the research technician that will be collecting the data; the species (target and incidental) expected to be harvested under the LOA; the disposition of all regulated species harvested under the LOA; the approximate time(s) and place(s) fishing would take place; the type, size, and amount of gear to be used; and the signature of the applicant. In addition, for each vessel to be covered by the LOA, as soon as the information is available and before operations begin, the applicant would be required to supply to NMFS the vessel operator name, the vessel's Federal fishing permit number, and the vessel registration or documentation number.

[FR Doc. E9–25713 Filed 10–23–09; 8:45 am]

BILLING CODE 3510–22–S

# Notices

Federal Register

Vol. 74, No. 205

Monday, October 26, 2009

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

## DEPARTMENT OF AGRICULTURE

### Notice of Intent To Seek Approval To Collect Information; Correction

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** The notice to seek comments on the Agricultural Research Services (ARS) intent to seek approval from OMB to collect information on the National Program 216 Technology Transfer Project End-users' Inputs was published in the **Federal Register** on October 20, 2009. The document improperly included the National Agriculture Library in the heading as the issueing agency and did not contain the OMB number and expiration date.

**FOR FURTHER INFORMATION CONTACT:** Bryan Kaphammer, (970) 492–7023.

**SUPPLEMENTARY INFORMATION:**

**Correction**

In the **Federal Register** of October 20, 2009, in FR Doc. E9–25228, on page 53697, in the agency heading ''National Agriculture Library '' is removed and the correct OMB number and the OMB number and expiration date are corrected to read as follows:

*OMB Number:* 0518–XXXX

*Expiration Date:* Three years from the approval date.

Dated: October 20, 2009.

**Yvette Anderson,**

*Federal Register Liaison Officer for Agriculture Research Service.*

[FR Doc. E9–25603 Filed 10–23–09; 8:45 am]

BILLING CODE P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Missouri River Resource Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Helena National Forest's Missouri River (formerly called the Lewis & Clark County Resource Advisory Committee) Resource Advisory Committee (RAC) will meet on Wednesday, November 18, 2009 (and Thursday, November 19, 2009, if additional time is needed) from 6 p.m. until 8 p.m., in Helena, Montana. The purpose of the meeting is to conduct welcomes and introductions, discuss the status of the RAC charter and committee membership vacancies, review and discuss project proposals, make project approval and funding decisions, set a next meeting date and receive public comment on the meeting subjects and proceedings.

**DATES:** Wednesday, November 18, 2009, from 6 p.m. until 8 p.m. (If additional time is needed, RAC will meet again on Thursday, November 19, 2009 from 6 p.m. to 8 p.m.)

**ADDRESSES:** The meeting will be held at the USDA–Helena Ranger District office located at 2001 Poplar, Helena, Montana 59601 (MT 59601).

**FOR FURTHER INFORMATION CONTACT:** Kathy Bushnell, Committee Coordinator, Helena National Forest, 2880 Skyway Drive, Helena, Montana 59602.

*Phone:* 406–495–3747; *E-mail: kbushnell@fs.fed.us.*

**SUPPLEMENTARY INFORMATION:** Agenda items to be covered include: (1) Welcome and introductions; (2) review and approve July meeting minutes; (3) briefly update committee on RAC charter and membership nomination process; (4) review, discuss and approve projects and funding; (5) set next meeting purpose, location and date; (6) and receive public comment. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

*Reminder:* The Lewis & Clark County RAC recently expanded to include Broadwater County and renamed itself the Missouri River RAC to reflect the larger geographic area the committee now represents.

Dated: October 8, 2009.

**Duane Harp,**

*Designated Federal Official.*

[FR Doc. E9–25534 Filed 10–23–09; 8:45 am]

BILLING CODE M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS-2007-0156]**

### Pioneer Hi-Bred International, Inc.; Availability of Petition and Environmental Assessment for Determination of Nonregulated Status for Genetically Engineered High-oleic Soybeans

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice; availability of petition and extension of comment period.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service is extending the public comment period on a petition from Pioneer Hi-Bred International, Inc., seeking a determination of nonregulated status for soybean designated as transformation event 305423, which has been genetically engineered to have higher levels of oleic acid and lower levels of linoleic and linolenic acids in their oil. Due to an Agency oversight, an incorrect version of the Pioneer petition was originally posted on the Internet for review and comment. With this notice, we are advising the public that the correct version of the petition has been posted and is available for review and comment. We are also extending the comment period for the petition, the draft environmental assessment, and the plant pest risk assessment in order to provide the public a full 60 days to consider the petition for determination of nonregulated status and the supporting documents associated with that petition.

**DATES:** We will consider all comments that we receive on or before December 28, 2009.

**ADDRESSES:** You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to (*http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0156*) to submit or view comments and to view supporting and related materials available electronically.
- Postal Mail/Commercial Delivery: Please send two copies of your comment to Docket No. APHIS-2007-0156, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2007-0156.

*Reading Room:* You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

*Other Information:* Additional information about APHIS and its programs is available on the Internet at (*http://www.aphis.usda.gov*).

**FOR FURTHER INFORMATION CONTACT:** Dr. Karen Green, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-0672, email: (*karen.c.green@aphis.usda.gov*). To obtain copies of the petition or the draft environmental assessment, contact Ms. Cindy Eck at (301) 734-0667, email: (*cynthia.a.eck@aphis.usda.gov*). The petition, the draft environmental assessment, and the plant pest risk assessment are also available on the Internet at (*http://www.aphis.usda.gov/brs/aphisdocs/06_35401p.pdf*), (*http://www.aphis.usda.gov/brs/aphisdocs/06_35401p_ea.pdf*), and (*http://www.aphis.usda.gov/brs/aphisdocs/06_35401p_pra.pdf*).

**SUPPLEMENTARY INFORMATION:**

## Background

In a notice[1] published in the **Federal Register** on September 2, 2009 (74 FR 45413-45415, Docket No. APHIS-2007-0156), the Animal and Plant Health Inspection Service (APHIS) announced the availability of a petition from Pioneer Hi-Bred International, Inc., seeking a determination of nonregulated status for soybean designated as transformation event 305423, which has been genetically engineered to have higher levels of oleic acid and lower levels of linoleic and linolenic acids in their oil. In that notice, we indicated to the public that the petition, a draft environmental assessment, and a plant pest risk assessment were available on the Internet, in our Agency reading room, and from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Due to an Agency oversight, an incorrect version of the Pioneer petition was originally posted on the Internet for review and comment. With this notice, we are advising the public that the correct version of the petition has been posted and is available for review and comment. We are also extending the comment period for the petition, the draft environmental assessment, and the plant pest risk assessment in order to provide the public a full 60 days to consider the petition for determination of nonregulated status and the supporting documents associated with that petition. This action will allow interested persons additional time to prepare and submit comments.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. All public comments received regarding the petition and draft environmental assessment will be available for public review. After reviewing and evaluating the comments on the petition, draft environmental assessment, and other data, APHIS will furnish a response to the petitioner, either approving or denying the petition. APHIS will then publish a notice in the **Federal Register** announcing the regulatory status of Pioneer's 305423 soybean and the availability of APHIS' written decision.

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 19th day of October 2009.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E9–25686 Filed 10–23–09; 8:45 am]

BILLING CODE 3410–34–S

[1]To view the notice, petition, draft environmental assessment, plant pest risk assessment, and any comments we have received, go to (*http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0156*).

# ARCTIC RESEARCH COMMISSION

## Meeting

Notice is hereby given that the U.S. Arctic Research Commission will hold its 91st meeting in Cambridge, VA on November 9–11, 2009. The Business Session, open to the public, will convene at 9:30 a.m. Monday, November 9, 2009 in Cambridge, VA. An Executive Session will follow adjournment of the Business Session.

*The Agenda items include:*

(1) Call to order and approval of the Agenda;

(2) Approval of the Minutes of the 90th Meeting;

(3) Commissioners and Staff Reports;

(4) Discussion and presentations concerning Arctic research activities.

The focus of the meeting will be reports and updates on programs and research projects affecting the Arctic.

Any person planning to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs.

*Contact Person for More Information:* John Farrell, Executive Director, U.S. Arctic Research Commission, 703–525–0111 or TDD 703–306–0090.

Yours truly,

**John Farrell,**

*Executive Director.*

[FR Doc. E9–25514 Filed 10–23–09; 8:45 am]

BILLING CODE 7555–01–M

# DEPARTMENT OF COMMERCE

## Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Northwest Region Logbook Family of Forms.

*OMB Control Number:* 0648–271.

*Form Number(s):* NA.

*Type of Request:* Regular submission.

*Number of Respondents:* 45.

*Average Hours per Response:* Daily fishing and cumulative production report (catchers) and Daily fish received and cumulative production report (motherships): 13 minutes; Daily fishing and cumulative production report (catcher-processors), 26 minutes; weekly production reports, 15 minutes; product transfer/offloading logbooks, 20 minutes; start/stop notices, 1 minute.

*Burden Hours:* 937.

*Needs and Uses:* This information collection for which we are requesting renewal is authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP) which was developed by the Pacific Fisheries Management Council (Council) under the *Magnuson-Stevens Fisheries Conservation and Management Act* (Magnuson Act), 16

U.S.C. 1801 *et seq.* The FMP governs the groundfish fishery off Washington, Oregon, and California (WOC).

This comprehensive Federal Fisheries data collection program includes recordkeeping and reporting requirements for fish processing vessels over 125 feet in length (at sea processors, which includes catcher/processors and motherships) and catcher vessels that deliver to motherships operating in the waters off WOC. This information is used by the observers at-sea to obtain fishing effort information and would also be used to estimate catch if observer data were not available (*i.e.,* illness or injury of the observer) or to verify observer data.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*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: October 20, 2009.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E9–25593 Filed 10–23–09; 8:45 am]

**BILLING CODE 3510–22–P**

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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

### Patent Cooperation Treaty

**ACTION:** Proposed Collection; Comment Request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), 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 the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before December 28, 2009.

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

- *E-mail: Susan.Fawcett@uspto.gov.* Include A0651–0021 *comment@* in the subject line of the message.
- *Fax:* 571–273–0112, marked to the attention of Susan K. Fawcett.
- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal Rulemaking Portal: http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Rafael Bacares, Office of PCT Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–3276; or by e-mail to *Rafael.Bacares@uspto.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

This collection of information is required by the provisions of the Patent Cooperation Treaty (PCT), which became operational in June 1978 and is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. The provisions of the PCT have been implemented by the United States in Part IV of Title 35 of the U.S. Code and Subpart C of Title 37 of the Code of Federal Regulations. The purpose of the PCT is to provide a standardized filing format and procedure that allows an applicant to seek protection for an invention in several countries by filing one international application in one location, in one language, and paying one initial set of fees.

The information in this collection is used by the public to submit a patent application under the PCT and by the United States Patent and Trademark Office (USPTO) to fulfill its obligation to process, search, and examine the application as directed by the treaty. The USPTO acts as the United States Receiving Office (RO/US) for international applications filed by residents and nationals of the United States. These applicants send most of their correspondence directly to the USPTO, but they may also file certain documents directly with the IB. The USPTO also serves as an International Searching Authority (ISA) and an International Preliminary Examining Authority (IPEA).

The USPTO is updating this information collection to reflect the current practice and fee structure for PCT applications entering the national stage at the USPTO. A form is being added to this collection for the previously approved information requirement for the withdrawal of an international application. This form (PCT/IB/372) is developed and maintained by the WIPO.

### II. Method of Collection

By mail, hand delivery, or electronically to the USPTO. Electronic submissions are made through EFS–Web, the USPTO's online filing system for patent applications and related documents.

### III. Data

*OMB Number:* 0651–0021.

*Form Number(s):* PCT/RO/101, PCT/RO/134, PCT/IB/372, PCT/IPEA/401, PTO–1382, PTO–1390, PTO/SB/61/PCT, PTO/SB/64/PCT.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Individuals or households; businesses or other for-profits; and not-for-profit institutions.

*Estimated Number of Respondents:* 363,809 responses per year.

*Estimated Time per Response:* The USPTO estimates that it will take the public from 15 minutes (0.25 hours) to 8 hours to gather the necessary information, prepare the appropriate form or documents, and submit the information to the USPTO.

*Estimated Total Annual Respondent Burden Hours:* 341,840 hours per year.

*Estimated Total Annual Respondent Cost Burden:* $105,970,400 per year. The USPTO expects that the information in this collection will be prepared by attorneys. Using the professional rate of $310 per hour for attorneys in private firms, the USPTO estimates that the respondent cost burden for submitting the information in this collection will be $105,970,400 per year.

| Item | Estimated time for response | Estimated annual responses | Estimated annual burden hours |
|---|---|---|---|
| Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101) | 1 hour | 53,527 | 53,527 |
| Description/claims/drawings/abstracts | 3 hours | 53,527 | 160,581 |
| Application Data Sheet | 23 minutes | 39,592 | 15,045 |
| Transmittal Letter to the United States Receiving Office (RO/US) (PTO–1382) | 15 minutes | 48,174 | 12,044 |
| Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371 (PTO–1390). | 15 minutes | 58,794 | 14,699 |
| PCT/Model of Power of Attorney | 15 minutes | 5,353 | 1,338 |
| PCT/Model of General Power of Attorney | 15 minutes | 536 | 134 |
| Extensions of time | 15 minutes | 21,000 | 5,250 |
| Priority documents | 15 minutes | 20 | 5 |
| Indications Relating to a Deposited Microorganism (PCT/RO/134) | 15 minutes | 20 | 5 |
| Response to invitation to correct defects | 2 hours | 18,524 | 37,048 |
| Request for rectification of obvious errors | 30 minutes | 589 | 295 |
| Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401) | 1 hour | 3,365 | 3,365 |
| Amendments | 1 hour | 3,365 | 3,365 |
| Fee Authorization | 15 minutes | 48,174 | 12,044 |
| Requests to transmit copies of international application | 15 minutes | 501 | 125 |
| Withdrawal of international application (PCT/IB/372) | 15 minutes | 1,306 | 327 |
| Translations | 2 hours | 1,655 | 3,310 |
| Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT). | 8 hours | 55 | 440 |
| Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT). | 1 hour | 1,027 | 1,027 |
| Petitions to the Commissioner for international applications | 4 hours | 581 | 2,324 |
| Petitions to the Commissioner in national stage examination | 4 hours | 3,287 | 13,148 |
| Acceptance of an unintentionally delayed claim for priority | 2 hours | 117 | 234 |
| Request for the restoration of the right of priority (37 CFR 1.78) | 3 hours | 720 | 2,160 |
| Totals | | 363,809 | 341,840 |

*Estimated Total Annual Non-hour Respondent Cost Burden:* $282,024,234 per year. There are no capital start-up or maintenance costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of translations, drawings, fees, recordkeeping costs, and postage costs.

Under the terms of the PCT, the USPTO may require documents submitted for a PCT application to be translated into English when necessary. This requirement may carry additional costs for the applicant to contract for a translation of the documents in question. The USPTO believes that the average length of the documents to be translated will be 10 pages and that it will cost $150 per page for the translation, for an average translation cost of $1,500 per document. The USPTO estimates that it receives approximately 1,655 English translations annually, for a total cost of $2,482,500 per year for English translations of non-English language documents for PCT applications.

Applicants may also incur costs for drawings that are submitted as part of PCT applications. Some applicants may produce their own drawings, while others may contract out the work to various patent illustration firms. For the purpose of estimating burden for this collection, the USPTO will consider all applicants to have their drawings prepared by these firms. The USPTO estimates that drawings may cost an average of $58 per sheet to produce and that on average 11 sheets of drawings are submitted per application, for an average total cost of $638 to produce a set of drawings for an application. The USPTO expects that approximately 91% of the estimated 53,527 applications per year will have drawings filed with them, for a total of 48,710 sets of drawings at a total cost of $31,076,980 per year.

The estimated filing fees for this collection are calculated in the accompanying table. The fees listed for Requests and Demands represent an estimate of the average fees for filing the appropriate items associated with those requirements for an international application. The basic national fee under 37 CFR 1.492(a) for an international application entering the national stage is fixed at $330 ($165 for small entities). The search and examination fees under 37 CFR 1.492(b)–(c) vary depending on the outcome of the written opinion prepared by the ISA/US, the international preliminary examination report prepared by the IPEA/US, and other related factors as noted in the accompanying table. The basic national fee, search fee, examination fee, and the fees for petitions to revive unavoidably or unintentionally abandoned international applications are discounted for small entities.

| Item | Estimated annual responses | Fee amount | Estimated annual filing costs |
|---|---|---|---|
| Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101) | 53,527 | $3,504.00 | $187,558,608.00 |
| Description/claims/drawings/abstracts | 53,527 | 0.00 | 0.00 |
| Application Data Sheet | 39,592 | 0.00 | 0.00 |
| Transmittal Letter to the United States Receiving Office (RO/US) (PTO–1382) | 48,174 | 0.00 | 0.00 |

| Item | Estimated annual responses | Fee amount | Estimated annual filing costs |
|---|---|---|---|
| Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) (PTO–1390)—U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)–(4); includes $330 basic fee, $0 search fee, and $0 examination fee | 808 | 330.00 | 266,640.00 |
| Transmittal Letter to the DO/EO/US (PTO–1390)—U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)–(4); includes $165 basic fee, $0 search fee, and $0 examination fee for small entity | 202 | 165.00 | 33,330.00 |
| Transmittal Letter to the DO/EO/US (PTO–1390)—U.S. was the ISA; includes $330 basic fee, $100 search fee, and $220 examination fee | 1,935 | 650.00 | 1,257,750.00 |
| Transmittal Letter to the DO/EO/US (PTO–1390)—U.S. was the ISA; includes $165 basic fee, $50 search fee, and $110 examination fee for small entity | 2,604 | 325.00 | 846,300.00 |
| Transmittal Letter to the DO/EO/US (PTO–1390)—International search report prepared by other than the U.S. and provided to the USPTO or previously communicated to the U.S. by the IB; includes $330 basic fee, $430 search fee, and $220 examination fee | 40,994 | 980.00 | 40,174,120.00 |
| Transmittal Letter to the DO/EO/US (PTO–1390)—International search report prepared by other than the U.S. and provided to the USPTO or previously communicated to the U.S. by the IB; includes $165 basic fee, $215 search fee, and $110 examination fee for small entity | 9,667 | 490.00 | 4,736,830.00 |
| Transmittal Letter to the DO/EO/US (PTO–1390)—All other situations; includes $330 basic fee, $540 search fee, and $220 examination fee | 1,669 | 1,090.00 | 1,819,210.00 |
| Transmittal Letter to the DO/EO/US (PTO–1390)—All other situations; includes $165 basic fee, $270 search fee, and $110 examination fee for small entity | 915 | 545.00 | 498,675.00 |
| PCT/Model of Power of Attorney | 5,353 | 0.00 | 0.00 |
| PCT/Model of General Power of Attorney | 536 | 0.00 | 0.00 |
| Extensions of time | 21,000 | 0.00 | 0.00 |
| Priority documents | 20 | 0.00 | 0.00 |
| Indications Relating to a Deposited Microorganism (PCT/RO/134) | 20 | 0.00 | 0.00 |
| Response to invitation to correct defects | 18,524 | 0.00 | 0.00 |
| Request for rectification of obvious errors | 589 | 0.00 | 0.00 |
| Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401) | 3,365 | 771.00 | 2,594,415.00 |
| Amendments | 3,365 | 0.00 | 0.00 |
| Fee Authorization | 48,174 | 0.00 | 0.00 |
| Requests to transmit copies of international application | 501 | 0.00 | 0.00 |
| Withdrawal of international application (PCT/IB/372) | 1,306 | 0.00 | 0.00 |
| Translations | 1,655 | 0.00 | 0.00 |
| Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT) | 25 | 540.00 | 13,500.00 |
| Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT)—small entity | 30 | 270.00 | 8,100.00 |
| Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT) | 565 | 1,620.00 | 915,300.00 |
| Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT)—small entity | 462 | 810.00 | 374,220.00 |
| Petitions to the Commissioner for international applications | 581 | 130.00 | 75,530.00 |
| Petitions to the Commissioner in national stage examination | 3,287 | 200.00 | 657,400.00 |
| Acceptance of an unintentionally delayed claim for priority | 117 | 1,410.00 | 164,970.00 |
| Request for the restoration of the right of priority (37 CFR 1.78) | 720 | 1,410.00 | 1,015,200.00 |
| Totals | 363,809 | ..... | 243,010,098.00 |

In addition to the filing fees listed in the table, applicants may also incur fees for late filings, multiple dependent claims, and lengthy applications. The fee for the late filing of search or examination fees under 37 CFR 1.492(h) is $130 for large entities and $65 for small entities. The USPTO estimates that it will receive approximately 20,053 of these late payment fees for large entities and 7,632 for small entities per year, for a total of $3,102,970. The fee for the late filing of an English translation of an international application under 37 CFR 1.492(i) is $130. The USPTO estimates that it will receive approximately 116 of these late translation fees per year, for a total of $15,080. The fee for applications containing a multiple dependent claim is $390 for large entities and $195 for small entities. The USPTO estimates that it will receive approximately 3,530 of these multiple dependent claim fees for large entities and 1,158 for small entities per year, for a total of $1,602,510. Applications with specifications and drawings that exceed 100 pages may be subject to an application size fee of $270 ($135 for small entities) for each additional 50 pages or fraction thereof. The USPTO estimates that it will receive approximately 2,205 of the $270 size fees from large entities and approximately 621 of the $135 size fees from small entities per year, for a total of $679,185. The total estimated fees for this collection, including filing fees and other additional fees, will be approximately $248,409,843 per year.

There are recordkeeping costs associated with filing PCT submissions online using EFS-Web. The USPTO recommends that customers print and retain a copy of the acknowledgment receipt after a successful online submission. The USPTO estimates that it will take five seconds (0.001 hours) to print a copy of the acknowledgment receipt and that approximately 309,238 PCT-related items per year will be submitted via EFS-Web, for a total of approximately 309 hours per year for printing this receipt. The USPTO expects that these receipts will be printed by paraprofessionals at an

estimated rate of $100 per hour, for an estimated recordkeeping cost of $30,900 per year.

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be 44 cents and that up to 54,571 submissions will be mailed to the USPTO per year. The total estimated postage cost for this collection is $24,011 per year.

The total annual (non-hour) respondent cost burden for this collection associated with translations, drawings, fees, recordkeeping, and postage is estimated to be $282,024,234 per year.

### IV. Request for Comments

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

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

Dated: October 20, 2009.

**Susan K. Fawcett,**

*Records Officer, USPTO, Office of the Chief Information Officer.*

[FR Doc. E9–25652 Filed 10–23–09; 8:45 am]

**BILLING CODE 3510–16–P**

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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

### Customer Input: United States Patent and Trademark Office Customer Surveys

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), 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 this extension of a continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before December 28, 2009.

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

- *E-mail: Susan.Fawcett@uspto.gov.* Include ''0651–0038 Customer Input: United States Patent and Trademark Office Customer Surveys comment'' in the subject line of the message.
- *Fax:* 571–273–0112, marked to the attention of Susan K. Fawcett.
- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Information Management Services, Data Management Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal e-Rulemaking Portal: http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to the attention of Martin Rater, Management Analyst, Office of Patent Quality Assurance, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–5966; or by e-mail at *martin.rater@uspto.gov* with ''Paperwork'' in the subject line.

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

This is a generic clearance for an undefined number of voluntary surveys that the United States Patent and Trademark Office (USPTO) may conduct over the next three years. The USPTO uses telephone surveys, questionnaires, and customer surveys to collect feedback from their customers.

With the exception of the telephone surveys, the surveys are mailed to the USPTO's customers. The USPTO provides the option for customers to respond to the questionnaires and surveys electronically. Although the USPTO is moving to an electronic environment and would prefer to administer the questionnaires and customer surveys wholly via the Web to coincide with other e-government initiatives, the USPTO's customers have requested that the surveys be made available in paper format as well since many of them only find the time to complete the surveys during their commutes, on planes, etc., where they do not have Internet access. Consequently, the surveys are primarily answered in the paper format.

Customers either access the survey in question through the USPTO's Web site or through the Web sites of the USPTO's survey contractors. Instructions for using the online surveys are provided in the cover letter that accompanies the survey. The cover letter also contains the username and password required to enter the survey site and the access code to activate the survey. The electronic version of the survey mirrors the paper version.

The surveys in this collection are designed to obtain customer feedback regarding products, services, and related service standards of the USPTO. At this time, the USPTO is unable to state precisely which survey vehicles will be used during the renewal period. As the USPTO's survey needs are determined, the USPTO will submit the specific survey instrument for approval.

### II. Method of Collection

These surveys will either be conducted by telephone, mailed to the USPTO in a pre-addressed, self-stamped envelope, or completed electronically. A random sample is used to collect the data. Statistical methods will be followed.

### III. Data

*OMB Number:* 0651–0038.

*Form Number(s):* N/A.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for profits.

*Estimated Number of Respondents:* 1,900 responses per year.

*Estimated Time per Response:* The USPTO estimates that it will take the public approximately 15 minutes (0.25 hours) to complete the telephone surveys and 5 minutes (.08 hours) to complete the questionnaires and customer surveys, whether they are mailed to the USPTO or submitted electronically. This includes the time to gather the necessary information, complete the surveys, and submit them to the USPTO.

*Estimated Total Annual Respondent Burden Hours:* 220 hours.

*Estimated Total Annual Respondent Cost Burden:* $57,420. The USPTO believes that both professionals and paraprofessionals will complete these surveys, at a rate of 76% of the current professional rate of $310 ($236) per hour and 25% of the paraprofessional rate of $100 ($25) per hour. Using a combination of these rates, the USPTO is using an hourly rate of $261 to calculate the respondent costs. The USPTO estimates that the respondent cost burden for this collection will be $57,420 per year.

| Item | Estimated time for response | Estimated annual responses | Estimated annual burden hours |
|---|---|---|---|
| Telephone Surveys | 15 minutes | 400 | 100 |
| Questionnaires and Customer Surveys | 5 minutes | 750 | 60 |
| Electronic Questionnaires and Customer Surveys | 5 minutes | 750 | 60 |
| Total | | 1,900 | 220 |

**Note:** The burden figures shown in the table above are estimates based on the surveys that the USPTO may conduct during the next three years. At this time, the USPTO cannot predict which or how many surveys will be conducted. Depending on the number of surveys that the USPTO actually conducts, it is possible that the burden hours could decrease or even increase from the totals shown in the table.

*Estimated Total Annual Non-hour Respondent Cost Burden:* $0. There are no capital start-up, maintenance, operation, or recordkeeping costs, nor are there any filing fees associated with this information collection. Although the USPTO conducts mail surveys, self-addressed and stamped envelopes are provided with them. Respondents incur no postage costs resulting from these surveys.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: October 20, 2009.

**Susan K. Fawcett,**

*Records Officer, USPTO, Office of the Chief Information Officer, Information Management Services, Data Management Division.*

[FR Doc. E9–25723 Filed 10–23–09; 8:45 am]

BILLING CODE 3510–16–P

# 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 September anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received a request to revoke one countervailing duty order in part.

**DATES:** *Effective Date:* October 26, 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 September anniversary dates. The Department also received a timely request to revoke in part the countervailing duty order on 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 19 CFR 351.303(f)(1)(i), 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 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 September 30, 2010.

| | Period to be reviewed |
|---|---|
| **Antidumping Duty Proceedings** | |
| India: Certain Lined Paper Products, A–533–843 | 9/1/08–8/31/09 |
| Abhinav Paper Products Pvt. Ltd. | |
| American Scholar, Inc. and/or I–Scholar | |
| Ampoules & Vials Mfg. Co., Ltd. | |
| Bafna Exports | |
| Blue Bird India Ltd. | |
| Cello International Pvt. Ltd. (M/S Cello Paper Products) | |
| Creative Divya | |
| Corporate Stationery Pvt. Ltd. | |
| D.D International | |
| Exmart International Pvt. Ltd. | |
| Fatechand Mahendrakumar | |
| FFI International | |
| Freight India Logistics Pvt. Ltd. | |
| International Greetings Pvt. Ltd. | |
| Lodha Offset Limited | |
| Magic International Pvt Ltd | |
| Marigold Exlm Pvt. Ltd. | |
| Marisa International | |
| Navneet Publications (India) Ltd. | |
| Paperwise Inc. | |
| Pioneer Stationery Pvt. Ltd. | |
| Premier Exports | |
| Riddhi Enterprises | |
| SAB International | |
| Sar Transport Systems | |
| Seet Kamal International | |
| Solitaire Logistics Pvt. Ltd. (Eternity Int'l Freight, forwarder on behalf of Solitaire Logistics Pvt. Ltd.) | |
| Sonal Printers Pvt Ltd. | |
| Super Impex | |
| Swati Growth Funds Ltd. | |
| V & M | |
| Yash Laminates | |

| | Period to be reviewed |
|---|---|
| Mexico: Light-Walled Rectangular Pipe and Tube,[1] A–201–836 | 1/30/08–7/31/09 |
| Hylsa, S.A. de C.V. | |
| Galvak, S.A. de C.V. | |
| The People's Republic of China: Certain Lined Paper Products,[2] A–570–901 | 9/1/08–8/31/09 |
| Watanabe Group (consisting of the following companies): | |
| Watanabe Paper Products (Shanghai) Co., Ltd. | |
| Watanabe Paper Products (Linqing) Co., Ltd. | |
| Hotrock Stationery (Shenzhen) Co., Ltd. | |
| Hwa Fuh Plastics Co., Ltd./Li Teng Plastics (Shenzhen) Co., Ltd. | |
| Leo's Quality Products Co., Ltd./Denmax Plastic Stationery Factory | |
| Shanghai Lian Li Paper Products Co., Ltd. | |
| Certain New Pneumatic Off-the-Road Tires,[3] A–570–912 | 2/20/08–8/31/09 |
| Aeolus Tyre Co., Ltd. | |
| Guizhou Tire Co., Ltd. | |
| Hanghzou Zhongce Rubber Co., Ltd. | |
| Hebei Starbright Tire Co., Ltd. | |
| Innova Rubber Co., Ltd. | |
| Jiangsu Feichi Co., Ltd. | |
| KS Holding Limited/KS Resources Limited | |
| Laizhou Xiongying Rubber Industry Co., Ltd. | |
| Qingdao Free Trade Zone Full-World International Trading Co., Ltd. | |
| Qingdao Taifa Group Co., Ltd. | |
| Shandong Huitong Tyre Co., Ltd. | |
| Tianjin Wanda Tyre Group | |
| Tianjin United Tire & Rubber International Co., Ltd. | |
| Triangle Tyre Co., Ltd. | |
| Weihai Zhongwei Rubber Co., Ltd. | |
| Freshwater Crawfish Tail Meat,[4] A–570–848 | 9/1/08–8/31/09 |
| China Kingdom (Beijing) Import & Export Co., Ltd. | |
| Shanghai Ocean Flavor International Trading Co., Ltd. | |
| Xiping Opeck Food Co., Ltd. | |
| Xuzhou Jinjiang Foodstuffs Co., Ltd. | |
| Yancheng Hi-King Agriculture Developing Co., Ltd. | |
| **Countervailing Duty Proceedings** | |
| Brazil: Certain Hot-Rolled Carbon Steel Flat Products, C–351–829 | 1/1/08–12/31/08 |
| Usinas Siderurgicas de Minas Gerais—Usiminas | |
| Companhia Siderurgica Paulista—Cosipa | |
| The People's Republic of China: Certain New Pneumatic Off-the-Road Tires, C–570–913 | 12/17/07–12/31/08 |
| Aeolus Tyre Co., Ltd. | |
| Guizhou Tire Co., Ltd. | |
| Hanghzou Zhongce Rubber Co., Ltd. | |
| Hebei Starbright Tire Co., Ltd. | |
| Jiangsu Feichi Co., Ltd. | |
| Shandong Huitong Tyre Co., Ltd. | |
| Tianjin United Tire & Rubber International Co., Ltd. | |
| Tianjin Wanda Tyre Group | |
| Triangle Tyre Co., Ltd. | |

[1] In the initiation notice that published on September 22, 2009 (74 FR 48224) the period of review ("POR") for Light-Walled Rectangular Pipe and Tube from Mexico was incorrect. The POR listed above is the correct POR for this case. Separately listed above is the corrected spelling of two companies that were initiated in the September 22, 2009 notice.

[2] If one of the above named companies does not qualify for a separate rate, all other exporters of Certain Lined Paper Products 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.

[3] If one of the above named companies does not qualify for a separate rate, all other exporters of Certain New Pneumatic Off-the-Road Tires 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.

[4] If one of the above named companies does not qualify for a separate rate, all other exporters of Freshwater Crawfish Tail Meat 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.

**Suspension Agreements**

None.

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 for the POR.

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 in 19 CFR 351.103(d)).

These initiations and this notice are in accordance with section 751(a) of the Act, (19 USC 1675(a)) and 19 CFR 351.221(c)(1)(I).

Dated: October 20, 2009.

**Gary Taverman,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E9–25752 Filed 10–23–09; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before November 16, 2009. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. at the U.S. Department of Commerce in Room 3720.

*Docket Number:* 09–055. *Applicant:* Hunter College/CUNY, 695 Park Ave., New York, NY 10065. *Instrument:* Electron Microscope. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used to study the three-dimensional structure, crystalline structure, internal cellular structure, elemental analysis, and atomic distribution of nanomaterials. *Justification for Duty-Free Entry:* No instruments of same general category are manufactured in the United States. *Application accepted by Commissioner of Customs:* September 18, 2009.

*Docket Number:* 09–056. *Applicant:* University of California at Davis, One Shields Ave., Davis, CA 95616. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* The instrument will be used for imaging nano range lines and spaces for electrical and biological applications. *Justification for Duty-Free Entry:* No instruments of same general category are manufactured in the United States. *Application accepted by Commissioner of Customs:* September 18, 2009.

*Docket Number:* 09–057. *Applicant:* Northwestern University, 633 Clark St., Evanston, IL 60208. *Instrument:* Electron Microscope. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used for cryoelectron microscopy of thicker/bulk-frozen samples, to capture tilt-series for tomographic reconstruction and to obtain any chemical/analytical information from biological specimens. *Justification for Duty-Free Entry:* No instruments of same general category are manufactured in the United States. *Application accepted by Commissioner of Customs:* September 28, 2009.

Dated: October 9, 2009.

**Richard Herring,**

*Acting Director, IA Subsidies Enforcement Office.*

[FR Doc. E9–24965 Filed 10–23–09; 8:45 am]

**BILLING CODE M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XS54**

### Marine Mammals; File No. 14603

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the Provincetown Center for Coastal Studies (CCS) [Responsible Party: Richard Delaney], 115 Bradford Street, Provincetown, Massachusetts 02657, has applied in due form for a permit to conduct research directed at North Atlantic right whales (*Eubalaena glacialis*).

**DATES:** Written, telefaxed, or e-mail comments must be received on or before November 25, 2009.

**ADDRESSES:** The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the Features box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov*, and then selecting File No. 14603 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376; and

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281–9300; fax (978)281–9333.

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

Comments may also be submitted by facsimile at (301)713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 14603.

**FOR FURTHER INFORMATION CONTACT:** Kristy Beard or Amy Hapeman, (301)713–2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

CCS requests a five-year scientific research permit to harass right whales year-round to monitor demographics, life history traits, habitat use, and behavior in the Gulf of Maine; the majority of effort would be focused in Cape Cod Bay, Massachusetts Bay, and the Great South Channel during the season of right whale residency (December 15 - May 15). Annually, up to 400 right whales of all age classes would be approached by small plane for photo-identification and behavioral observation; up to 350 right whales of all age classes would be approached by vessel for photo-identification, direct observation, and collection of prey; and up to 20 attempts would be made to attach suction cup tags to adult or juvenile right whales from small vessels, with a maximum of 10 successful attachments. Up to 40 cetaceans of other species would be incidentally harassed annually during aerial and vessel surveys, and opportunistic sighting information and photographs would be collected. The results of this research will provide a better understanding of right whale population status, relationship to habitat conditions, distribution and abundance, movement patterns, and interactions with human activities. Data will be provided to management agencies, including NOAA Fisheries and the Massachusetts Division of Marine Fisheries, for near-real-time dynamic management of right whale habitat, and long-term refinement of conservation and recovery plans.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a draft environmental assessment (EA) will be prepared to examine whether significant environmental impacts could result from issuance of the proposed scientific research permit. Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 21, 2009.

**P. Michael Payne,**

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

[FR Doc. E9–25715 Filed 10–23–09; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Availability of Seats for the Gray's Reef National Marine Sanctuary Advisory Council

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

**ACTION:** Notice and request for applications.

**SUMMARY:** The ONMS is seeking applicants for the following vacant seats on the Gray's Reef National Marine Sanctuary (GRNMS or sanctuary) Advisory Council (council): Sport Diving. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve three-year terms, pursuant to the council's Charter.

**DATES:** Applications are due by November 30, 2009.

**ADDRESSES:** Application kits may be obtained from Becky Shortland, Council Coordinator (*becky.shortland@noaa.gov,* 10 Ocean Science Circle, Savannah, GA 31411; 912–598–2381). Completed applications should be sent to the same address.

**FOR FURTHER INFORMATION CONTACT:** Becky Shortland, Council Coordinator (*becky.shortland@noaa.gov,* 10 Ocean Science Circle, Savannah, GA 31411; 912–598–2381.

**SUPPLEMENTARY INFORMATION:** The sanctuary advisory council was established in August 1999 to provide advice and recommendations on management and protection of the sanctuary. The advisory council, through its members, also serves as liaison to the community regarding sanctuary issues and represents community interests, concerns, and management needs to the ONNS and NOAA.

**Authority:** 16 U.S.C. Sections 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: October 14, 2009.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. E9–25436 Filed 10–23–09; 8:45 am]

**BILLING CODE 3510–NK–M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Availability of Seats for the Olympic Coast National Marine Sanctuary Advisory Council

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice and request for applications.

**SUMMARY:** The ONMS is seeking applications for the following vacant seat on the Olympic Coast National Marine Sanctuary Advisory Council: The Conservation/Environmental seat. ONMS is seeking both a primary member and an alternate for this seat. The selected applicants will serve out the remainder of the current terms which expire December 31, 2011. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve 3-year terms, pursuant to the council's Charter.

**DATES:** Applications are due by November 27, 2009.

**ADDRESSES:** Application kits may be obtained from Olympic Coast National Marine Sanctuary, 115 E. Railroad Ave., Suite 301, Port Angeles, WA 98362. Completed applications should be sent to the same address.

**FOR FURTHER INFORMATION CONTACT:** Andrew Palmer, 115 E. Railroad Ave., Suite 301, Port Angeles, WA 98362, e-mail *Andrew.palmer@noaa.gov.*

**SUPPLEMENTARY INFORMATION:** Sanctuary Advisory Council members and alternates serve three-year terms, unless the member and alternate are selected to fill unexpired terms. In that case, the member and alternate will serve out the remaining time on the unexpired term. The Advisory Council meets bi-monthly

in public sessions in communities in and around the Olympic Coast National Marine Sanctuary.

The Olympic Coast National Marine Sanctuary Advisory Council was established in December 1998 to assure continued public participation in the management of the sanctuary. Serving in a volunteer capacity, the advisory council's 15 voting members represent a variety of local user groups, as well as the general public. In addition, five Federal Government agencies and one federally funded program serve as non-voting, ex officio members. Since its establishment, the advisory council has played a vital role in advising the sanctuary and NOAA on critical issues. In addition to providing advice on management issues facing the Sanctuary, the Council members serve as a communication bridge between constituents and the Sanctuary staff.

**Authority:** 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: October 14, 2009.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. E9–25434 Filed 10–23–09; 8:45 am]

BILLING CODE 3510–NK–M

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[Application No. 92–8A00I]**

### Export Trade Certificate of Review

**ACTION:** Notice of Issuance (#92–8A001) of an Amended Export Trade Certificate of Review to Aerospace Industries Association of America, Inc.

**SUMMARY:** On October 5, 2009, the Export Trading Company Affairs Office, International Trade Administration, U.S. Department of Commerce, issued an amended Export Trade Certificate of Review (''Certificate'') to Aerospace Industries Association of America, Inc. (''AIA'').

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Anspacher, Acting Director, Office of Competition and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or by E-mail at *oetca@ita.doc.gov.*

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (2006). Export Trading Company Affairs (''ETCA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act (15 U.S.C. Sections 4001–21) and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

**Description of Amended Certificate**

The original Certificate for Aerospace Industries Association of America, Inc. was issued on April 10, 1992 (57 FR 13707, April 17, 1992) and last amended on November 12, 2003 (68 FR 66074, November 25, 2003).

AIA's Export Trade Certificate of Review has been amended to:

1. Delete the following companies as Members of the Certificate: AAI Corporation, Hunt Valley, MD; Alliant Techsystems Incorporated, Hopkins, MN; Areté Associates, Arlington, VA; Argo-Tech Corporation, Cleveland, OH; AstroVision International, Inc., Bethesda, MD; Atlantic Research Corporation, Gainesville, VA; Aviall, Inc., Dallas, TX; B.H. Aircraft Company, Inc., Ronkonkoma, NY; Ball Aerospace & Technologies Corporation, Boulder, CO; Celestica Corporation, Toronto, Ontario; Crane Aerospace & Electronics, Lynwood, WA; Cubic Corporation, San Diego, CA; Dy 4 Systems Limited, Kanata, Ontario; EDO Corporation, New York, NY; Federation, Inc., Centennial, CO; GKN Aerospace Services, Farnham, Surrey, UK; JEDCO, Inc., Grand Rapids, MI; Kistler Aerospace Corporation, Kirkland, WA; 3M Company, St. Paul, MN; Martin-Baker America, Incorporated, Arlington, VA; MatrixOne Inc., Westford, MA; MD Helicopters, Inc., Mesa, AZ; Orbital Sciences Corporation, Dulles, VA; PerkinElmer, Inc., Wellesley, MA; The Purdy Corporation, Manchester, CT; Silicon Graphics, Inc., Mountain View, CA; Smiths Aerospace Actuation Systems, Duarte, CA; Spectrum Astro Inc., Gilbert, AZ; Stellex Aerostructures, Inc., Lebanon, NJ; Swales Aerospace, LLC, Beltsville, MD; Teleflex Inc., Plymouth Meeting, PA; Titan Corporation, San Diego, CA; Triumph Group Inc., Wayne, PA; and United Defense, L.P., Arlington, VA.

2. Add the following companies as new Members of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.(1)): AAR Corp., Wood Dale, IL; Accenture, Hartford, CT (controlling entity: Accenture, Ltd., Hamilton Bermuda); Airlaunch LLC, Kirkland, WA; Allfast Fastening Systems, City of Industry, CA; AMSAFE Aviation, Phoenix, AZ; AMT II Corporation, New York, NY; Aurora Flight Sciences Corporation, Manassas, VA; AUSCO, Inc., Port Washington, NY; B/E Aerospace, Inc., Wellington, FL; Belcan Corporation, Cincinnati, OH; Best Foam Fabricators, Inc., Chicago, IL; BreconRidge Corporation, Ottawa, Ontario; CAE USA Inc., Tampa, FL (controlling entity: CAE Inc., Montreal, Canada); Chromalloy Power Services Corporation, San Antonio, TX (controlling entity: Carlyle Group, Washington, DC); Click Bond, Inc., Carson City, NV (controlling entity: Physical Systems, Inc., Carson City, NV); Click Commerce, Inc., Chicago, IL; Cobham, Arlington, VA (controlling entity: Cobham, plc, Winborne, Dorset, United Kingdom); DynCorp International LLC, Falls Church, VA; Eaton Aerospace Operations, Irvine, CA (controlling entity: Eaton Corporation, Cleveland, OH); Eclipse Aviation Corporation, Albuquerque, NM; Electronic Data Systems Corporation, Plano, TX (controlling entity: Hewlett Packard, Palo Alto, CA); Erickson Air-Crane Inc., Portland, OR; ESI North America, Bloomfield Hills, MI (controlling entity: ESI Group, Pais, France); Flextronics International USA, Inc., San Jose, CA (controlling entity: Flextronics International, Ltd., Singapore); Flight Safety International, Inc., Flushing, NY (controlling entity: Berkshire Hathaway Inc., Omaha, NE); FTG Circuits, Inc., Chatsworth, CA (controlling entity: FTG Group Corporation, Toronto, Canada); Groen Brothers Aviation, Inc., Salt Lake City, UT; IBM Corporation, Armonk, NY; LAI International, Inc., Scottsdale, AZ (controlling entity: Spell Capital Partners, LLC, Minneapolis, MN); LMI Aerospace, Inc., St. Charles, MO; Lord Corporation, Cary, NC; Marotta Controls, Inc., Montville, NJ; McKechnie Aerospace, Irvine, CA; MicroCoax, Inc., Pottstown, PA; Micro-Tronics, Inc., Tempe, AZ; MicroSat Systems, Inc., Littleton, CO (controlling entity: Sierra Nevada Corporation, Sparks, NV); Natel Engineering Company, Inc., Chatsworth, CA; National Machine Group, Stow, OH; National Technical Systems, Inc., Calabasas, CA; Naverus, Inc., Kent, WA; The NORDAM Group, Inc., Tulsa, OK; NYLOK Corporation, Macomb, MI (controlling entity: Berkshire Hathaway, Inc., Omaha, NE); Oracle USA, Inc., Redwood Shores, CA (controlling entity: Oracle Corporation, Redwood Shores,

CA); Pall Aeropower Corporation, New Port Richey, FL (controlling entity: Pall Corporation, East Hills, NY); Pinkerton Government Services, Inc., Springfield, VA (controlling entity: Securitas Security Services, USA, Parsippany, NJ); PPG Aerospace, Sylmar, CA (controlling entity: PPG Industries, Pittsburgh, PA); Science Applications International Corporation, San Diego, CA; Siemens PLM Software, Plano, TX (controlling entity: Siemens AG, Munich, Germany); SITA, Atlanta, GA (controlling entity: SITA, Geneva, Switzerland); SM&A, Newport Beach, CA; Southern California Braiding Company, Inc., Bell Gardens, CA; Space Exploration Technologies Corporation, Hawthorne, CA; Sparton Corporation, Jackson, MI; Spirit AeroSystems, Inc., Wichita, KS; TechniGraphics, Inc., Wooster, OH; Timken Aerospace Transmissions, LLC—Purdy Systems, Manchester, CT (controlling entity: The Timken Company, Canton, OH); Vibro-Meter, Inc., Manchester, NH (controlling entity: Meggitt PLC, Christchurch, Dorset, United Kingdom); and WIPRO Technologies, Beaverton, OR (controlling entity: WIPRO Technologies, Bangalore, India).

3. Change the listing of the following Members: ''Analytical Graphics, Inc., Malvern, PA'' to the new listing ''Analytical Graphics, Inc., Exton, PA''; ''BAE Systems North America, Inc., Rockville, MD'' to the new listing ''BAE Systems, Inc., Rockville, MD''; ''B&E Tool Company, Inc., Southwick, MA'' to the new listing ''B&E Group, LLC, Southwick, MA''; ''Curtiss-Wright Corporation, Lyndhurst, NJ'' to ''Curtiss-Wright Corporation, Parsippany, NJ''; ''E. I. duPont de Nemours & Company, Wilmington, DE'' to ''Dupont Company, New Castle, DE''; ''General Atomics Aeronautical Systems, Inc., San Diego, CA'' to ''General Atomics Aeronautical Systems, Inc., Poway, CA''; ''HEICO, Miami, FL'' to ''HEICO Corporation, Hollywood, FL''; ''ITT Industries, Inc., McLean, VA'' to ''ITT Corporation, White Plains, NY''; ''L–3 Communications Holdings, Inc., New York, NY'' to ''L–3 Communications Corporation, New York, NY''; ''Raytheon Corporation, Lexington, MA'' to ''Raytheon Company, Waltham, MA''; and ''Woodward Governor Company, Rockford, IL'' to ''Woodward Governor Company, Fort Collins, CO''.

Dated: October 5, 2009.

**Jeffrey C. Anspacher,**

*Acting Director, Office of Competition and Economic Analysis.*

[FR Doc. E9–25636 Filed 10–23–09; 8:45 am]

**BILLING CODE 3510–DR–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### U.S. Coral Reef Task Force Public Meeting and Public Comment

**AGENCY:** National Ocean Service (NOAA), Department of Commerce.

**ACTION:** Notice of public meeting; Notice of public comment.

**SUMMARY:** Notice is hereby given of a public meeting of the U.S. Coral Reef Task Force. The meeting will be held in San Juan, Puerto Rico. This meeting, the 22nd biannual meeting of the U.S. Coral Reef Task Force, provides a forum for coordinated planning and action among Federal agencies, State and territorial governments, and nongovernmental partners. Please register in advance by visiting the Web site listed below. This meeting has time allotted for public comment. All public comment must be submitted in written format. A written summary of the meeting will be posted on the Web site within two months of its occurrence.

**DATES:** The meeting will be held Monday, November 2, on Tuesday, November 3, and Thursday, November 5, 2009. Workshops will be held in advance of the meeting on Friday, October 30, and Saturday, October 31. Registration is requested for all events associated with the meetings. Advance public comments can be submitted to the e-mail, fax, or mailing address listed below from Friday, October 2–Friday, October 16.

*Location:* The meeting will be held at the Caribe Hilton, 1 San Geronimo Street, San Juan, Puerto Rico 00901.

**FOR FURTHER INFORMATION CONTACT:** Steven Thur, NOAA U.S. Coral Reef Task Force Steering Committee Point of Contact, Coral Reef Conservation Program, 1305 East-West Highway, Silver Spring, Maryland 20910 (Phone: 301–713–3155, ext. 147, Fax: 301–713–4389, e-mail: Steve.Thur (noaa.gov, Sarah Bobbe, U.S. Coral Reef Task Force Department of the Interior liaison, 1849 C Street, NW., Room 5013, Washington, DC 20240 (Phone: 202–208–1378, e-mail: *Sarah Bobbeios.doi.gov*), or visit the U.S. Coral Reef Task Force Web site at *http://www.coralreef.gov*).

**SUPPLEMENTARY INFORMATION:** Established by Presidential Executive Order 13089 in 1998, the U.S. Coral Reef Task Force mission is to lead, coordinate, and strengthen U.S. government actions to better preserve and protect coral reef ecosystems. Co-chaired by the Departments of Commerce and Interior, Task Force members include leaders of 12 Federal agencies, seven U.S. States and territories, and three freely associated States. For more information about the meeting, registering, and submitting public comment go to *http://www.coralreefgov.*

Dated: October 19, 2009.

**Donna Rivelli,**

*Deputy Associate Assistant Administrator for Management and CFO/CAO, Ocean Services and Coastal Zone Management.*

[FR Doc. E9–25511 Filed 10–23–09; 8:45 am]

**BILLING CODE 3510–08–M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XS53**

### Marine Fisheries Advisory Committee; Public Meetings

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

**ACTION:** Notice of open public meeting.

**SUMMARY:** Notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC). This will be the second meeting to be held in the calendar year 2009. Agenda topics are provided under the **SUPPLEMENTARY INFORMATION** section of this notice. All full Committee sessions will be open to the public.

**DATES:** The meetings will be held November 10–12, 2009, from 8:30 a.m. to 5 p.m.

**ADDRESSES:** The meetings will be held at the Crowne Plaza Washington DC/Silver Spring Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910; 301–589–0800.

**FOR FURTHER INFORMATION CONTACT:** Mark Holliday, MAFAC Executive Director; (301) 713–2239 x–120; e-mail: *Mark.Holliday@noaa.gov.*

**SUPPLEMENTARY INFORMATION:** As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given of a meeting of MAFAC. MAFAC was established by the Secretary of Commerce (Secretary) on February 17, 1971, to advise the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. This committee advises and reviews the adequacy of living marine resource policies and programs to meet the needs of commercial and recreational fisheries, and environmental, State, consumer,

academic, tribal, governmental and other national interests. The complete charter and summaries of prior meetings are located online at *http://www.nmfs.noaa.gov/ocs/mafac/*.

**Matters To Be Considered**

This agenda is subject to change.

The meeting will include discussion of various MAFAC administrative and organizational matters, including: subcommittee membership, chairmanship, upcoming workplans and recruitment of new members. The Committee will hear presentations and discuss policies and guidance on the following topics: draft catch share policy; the Interim Report of the Interagency Ocean Policy Task Force, the policy framework, implementation, and marine spatial planning; revisions and update to MAFAC's *Vision 2020* document, and the new recreational fisheries advisor role. Updates will be presented on Magnuson-Stevens Act implementation, NOAA budgets, the legislative agenda, and the NOAA alignment of headquarters leadership.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mark Holliday, MAFAC Executive Director; (301) 713–2239 x120 by 5 p.m. on October 30, 2009.

Dated: October 20, 2009.

**John Oliver,**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

[FR Doc. E9–25717 Filed 10–23–09; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

**[Docket No. PTO–C–2009–0046]**

### Performance Review Board (PRB)

**AGENCY:** United States Patent and Trademark Office.

**ACTION:** Notice.

**SUMMARY:** In conformance with the Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4), the United States Patent and Trademark Office announces the appointment of persons to serve as members of its Performance Review Board.

**ADDRESSES:** Director, Human Capital Management, Office of Human Resources, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

**FOR FURTHER INFORMATION CONTACT:** Karen Karlinchak at (571) 272–6200.

**SUPPLEMENTARY INFORMATION:** The membership of the United States Patent and Trademark Office Performance Review Board is as follows:

Sharon Barner, Chair, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

Stephen S. Smith, Vice Chair, Chief Administrative Officer, United States Patent and Trademark Office.

Robert K. Stoll, Commissioner for Patents, United States Patent and Trademark Office.

Lynne G. Beresford, Commissioner for Trademarks, United States Patent and Trademark Office.

Barry K. Hudson, Chief Financial Officer, United States Patent and Trademark Office.

Arti K. Rai, Administrator for External Affairs, United States Patent and Trademark Office.

John B. Owens II, Chief Information Officer, United States Patent and Trademark Office.

James A. Toupin, General Counsel, United States Patent and Trademark Office.

**Alternates**

Lois E. Boland, Director, Office of Intellectual Property Policy and Enforcement, United States Patent and Trademark Office.

Deborah S. Cohn, Deputy Commissioner for Trademark Operations, United States Patent and Trademark Office.

Margaret A. Focarino, Deputy Commissioner for Patent Operations, United States Patent and Trademark Office.

Dated: October 19, 2009.

**David J. Kappos,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. E9–25722 Filed 10–23–09; 8:45 am]

BILLING CODE 3510–16–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–945]**

### Prestressed Concrete Steel Wire Strand From the People's Republic of China: Postponement of the Preliminary Determination of the Antidumping Duty Investigation

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

**DATES:** *Effective Date:* October 26, 2009.

**FOR FURTHER INFORMATION CONTACT:** Alan Ray, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5403.

**Background**

On June 23, 2009, the Department of Commerce (''Department'') published the initiation of the investigation of prestressed concrete steel wire strand (''PC Strand'') from the People's Republic of China (''PRC''), covering the period of October 1, 2008, through March 31, 2009.[1] On July 28, 2009, the Department selected two companies as mandatory respondents for this investigation: Tianjin Shengte PC Steel Strand Co., (''Tianjin Shengte'') and Silvery Dragon PC Steel Products (''Silvery Dragon'').[2]

On August 7, 2009, the Department received a letter from Silvery Dragon stating that the company would no longer be participating in the investigation. Tianjin Shengte failed to properly file a response to the Department's questionnaire in a timely manner. Since the two originally selected mandatory respondents no longer participated, the Department determined that it was appropriate in this case to replace them with two new additional respondents. On August 14, 2009, the Department selected Jiangxi Xinhua Metal Products Co. as a mandatory respondent,[3] and on

[1] Prestressed Concrete Steel Wire Strand From the People's Republic of China: Initiation of Antidumping Duty Investigation, 74 FR 29655 (June 23, 2009).

[2] Memorandum to James C. Doyle, Office 9 Director, through Alex Villanueva, Office 9 Program Manager, from Alexis Polovina, Office 9 Case Analyst, dated July 28, 2009, Antidumping Duty Investigation of Prestressed Concrete Steel Wire Strand from the People's Republic of China (''PRC''): Respondent Selection (''Respondent Selection Memo'').

[3] Memorandum to the File from Alan Ray, Office 9 Case Analyst, through Alex Villanueva, Office 9 Program Manager, dated August 14, 2009,

Continued

September 11, 2009, the Department selected Wuxi Jingyang Metal Products Co. as a voluntary respondent.[4] The preliminary determination of this antidumping duty investigation is currently due on November 3, 2009.

**Statutory Time Limits**

Pursuant to section 733(c)(1)(B) of the Tariff Act of 1930, as amended (''the Act''), the Department can extend the period for a preliminary determination until not later than 190 days after the date on which the administrative authority initiates an investigation if the Department concludes that the parties concerned are cooperating and determines that:

The case is extraordinarily complicated by the reason of (I) The number and complexity of the transactions to be investigated or adjustments to be considered, (II) the novelty of the issues presented, or (III) the number of firms whose activities must be investigated, and (ii) additional time is necessary to make the preliminary determination.

**Extension of Time Limit of Preliminary Determination**

Because the Department replaced both of the originally selected mandatory respondents in this investigation, thereby making it extraordinarily complicated to properly prepare a preliminary determination within the original statutory timeframe, the Department finds it necessary to extend the current preliminary determination deadline. Moreover, on October 6, 2009, Petitioners[5] made a timely request pursuant to 733(c)(1)(B)(i) of the Act for a thirty-day postponement of the preliminary determination.

Therefore, for the reasons identified above, we are postponing the preliminary determination under section 733(c)(1)(B) of the Act by thirty days from November 3, 2009, to December 3, 2009.

This notice is published pursuant to sections 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E9–24961 Filed 10–23–09; 8:45 am]

**BILLING CODE 3510–DS–M**

Antidumping Duty Investigation of Prestressed Concrete Steel Wire Strand from the People's Republic of China (''PRC''): Replacement of Mandatory Respondent.

[4] Memorandum to the File, from Alan Ray, Office 9 Case Analyst, dated September 11, 2009, Antidumping Duty Investigation of Prestressed Concrete Steel Wire Strand from the People's Republic of China (''PRC''): Replacement of Mandatory Respondent.

[5] American Spring Wire Corp., Insteel Wire Products Company, and Sumiden Wire Products Corp.

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XS45**

### Atlantic Highly Migratory Species; Advisory Panel

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

**ACTION:** Notice; solicitation of nominations.

**SUMMARY:** NMFS solicits nominations for the Atlantic Highly Migratory Species (HMS) Advisory Panel (AP). NMFS consults with and considers the comments and views of the AP when preparing and implementing Fishery Management Plans (FMPs) or FMP amendments for Atlantic tunas, swordfish, sharks, and billfish. Nominations are being sought to fill one-third (10) of the seats on the HMS AP for a 3–year appointment. Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental organizations will be considered for membership in the AP.

**DATES:** Nominations must be received on or before November 25, 2009.

**ADDRESSES:** You may submit nominations and requests for the Advisory Panel Statement of Organization, Practices, and Procedures by any of the following methods:

- Email: *HMSAP.Nominations@noaa.gov*. Include in the subject line the following identifier: ''HMS AP Nominations.''
- Mail: Brian Parker, Highly Migratory Species Management Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.
- Fax: 301–713–1917.

**FOR FURTHER INFORMATION CONTACT:** Peter Cooper at (301) 713–2347 x112.

**SUPPLEMENTARY INFORMATION:**

**Introduction**

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, as amended by the Sustainable Fisheries Act, Public Law 104–297, provided for the establishment of Advisory Panels to assist in the collection and evaluation of information relevant to the development of any Fishery Management Plan (FMP) or FMP amendment. The HMS AP has consulted with NMFS on the HMS FMP (April 1999), Amendment 1 to the Billfish FMP (April 1999), Amendment 1 to the HMS FMP (November 2003), the Consolidated HMS FMP (July 2006),and Amendments 1, 2, 3, and 4 to the Consolidated HMS FMP (April 2008, September 2008, February 2009 and September 2009, respectively).

**Procedures and Guidelines**

*A. Nomination Procedures for Appointments to the Advisory Panel*

Nomination packages should include:

1. The name of the applicant or nominee and a description of his/her interest in HMS or in particular species of sharks, swordfish, tunas, or billfish;
2. A statement of background and/or qualifications;
3. A written commitment that the applicant or nominee shall actively participate in good faith in the tasks of the AP; and
4. A list of outreach resources that the applicant has at his/her disposal to communicate HMS issues to various interest groups.

Tenure for the HMS AP

Member tenure will be for 3 years (36 months), with approximately one-third of the members' terms expiring on December 31 of each year. Nominations are sought for terms beginning January 2010 and expiring December 2012.

*B. Participants*

Nominations for the AP will be accepted to allow representation from commercial and recreational fishing interests, the scientific community, and the conservation community who are knowledgeable about Atlantic HMS and/or Atlantic HMS fisheries. Current representation on the HMS AP, as shown in Table 1, consists of 12 members representing commercial interests, 12 members representing recreational interests, 4 members representing environmental interests, 4 academic representatives, and 1 International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee Chairperson. Each AP member serves a three-year term with approximately one-third (11) of the total number of seats (33) expiring on December 31 of each year. NMFS seeks to fill 3 academic, 2 commercial, and 5 recreational vacancies by December 31, 2009. NMFS will seek to fill vacancies based primarily on maintaining the current representation from each of the sectors, and secondarily by species expertise and/or representation from the regions (Northeast, Mid-Atlantic, South Atlantic, Gulf of Mexico, and Caribbean). Table 1 includes the current representation on the HMS AP by sector

and species. It does not necessarily indicate that NMFS will only consider persons who have expertise in the species that are listed.

Table 1. Current expiring representation on the HMS AP by sector and species.

| Sector | Species | Date Appointed | Date Term Expires |
|---|---|---|---|
| Academic | Tuna | 1/1/2007 | 12/31/2009 |
| Academic | Shark | 1/1/2007 | 12/31/2009 |
| Academic | Tuna/Shark | 1/1/2007 | 12/31/2009 |
| Commercial | Shark | 1/1/2007 | 12/31/2009 |
| Commercial | Swordfish/Tuna | 1/1/2007 | 12/31/2009 |
| Recreational | Billfish | 1/1/2007 | 12/31/2009 |
| Recreational | Swordfish | 1/1/2007 | 12/31/2009 |
| Recreational | HMS | 1/1/2007 | 12/31/2009 |
| Recreational | HMS | 1/1/2007 | 12/31/2009 |
| Recreational | HMS | 1/1/2007 | 12/31/2009 |

Each sector must be adequately represented, and the intent is to have a group that, as a whole, reflects an appropriate and equitable balance and mix of interests given the responsibilities of the AP. Criteria for membership include one or more of the following: (1) experience in the HMS recreational fishing industry; (2) experience in the HMS commercial fishing industry; (3) experience in fishery-related industries (e.g., marinas, bait and tackle shops); (4) experience in the scientific community working with HMS; and/or (5) representation of a private; non-governmental; regional, national, or international organization representing marine fisheries; environmental, governmental, or academic interests dealing with HMS.

Five additional members on the AP include one member representing each of the following Councils: New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, and the Caribbean Fishery Management Council. The AP also includes 22 ex-officio participants: 20 representatives of the coastal states and two representatives of the interstate commissions (the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission).

NMFS will provide the necessary administrative support, including technical assistance, for the AP. However, NMFS will not compensate participants with monetary support of any kind. Depending on availability of funds, members may be reimbursed for travel costs related to the AP meetings.

*C. Meeting Schedule*

Meetings of the AP will be held as frequently as necessary but are routinely held twice each year in the spring and fall. The meetings may be held in conjunction with public hearings.

Dated: October 20, 2009.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Servce.*

[FR Doc. E9–25753 Filed 10–23–09; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Supplemental Request for Applicants for Appointment to the United States-India CEO Forum

**AGENCY:** Market Access and Compliance, International Trade Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** In 2005, the governments of the United States and India established the U.S.-India CEO Forum. The two sides are reconstituting the Forum. On September 10, 2009, we published in the **Federal Register** a ''Request for Applicants for the Appointment to the United States-India CEO Forum'' (74 FR 46571), announcing membership opportunities for appointment as representatives to the U.S. Section of the Forum. The application period closed on October 1, 2009. We are now reopening the application period to solicit additional applications. This notice supplements the notice of September 10, 2009. Interested parties who have already applied in response to that **Federal Register** notice do not need to re-apply.

**DATES:** Applications should be received no later than 12 p.m. noon EST on Monday, November 2, 2009.

**ADDRESSES:** Please send requests for consideration to Linda Droker and Awinash Bawle, Office of South Asia and Oceania, U.S. Department of Commerce, either by e-mail at *linda.droker@mail.doc.gov* and *awinash.bawle@mail.doc.gov,* or by mail to U.S. Department of Commerce, 1401 Constitution Avenue, NW., Room 2310, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Linda Droker, Director, Office of South Asia and Oceania, U.S. Department of Commerce, telephone: (202) 482–2955.

**SUPPLEMENTARY INFORMATION:** The U.S.-India CEO Forum, consisting of both private and public sector members, is expected to bring together leaders of the respective business communities of the United States and India to discuss issues of mutual interest, particularly ways to strengthen the economic and commercial ties between the two countries, and to communicate their joint recommendations to the U.S. and Indian governments. The Forum will have U.S. and Indian co-chairs; the Deputy Assistant to the President and Deputy National Security Advisor for International Economic Affairs, together with the Deputy Chairman of the Planning Commission of India, plan to co-chair the Forum. The Forum will include a Committee comprising private sector members. The Committee will be composed of two Sections, each consisting of 10–12 members from the private sector representing the views and interests of the private sector business community in the United States and India. Each government will appoint the members to its respective Section. The Committee will provide recommendations to the two governments and their senior officials that reflect private sector views, needs, and concerns about the creation of an environment in which their respective private sectors can partner, thrive, and enhance bilateral commercial ties to expand trade and economic links between the United States and India.

On September 10, 2009, we published in the **Federal Register** a ''Request for Applicants for the Appointment to the United States-India CEO Forum'' (74 FR 46571), announcing the opportunity to apply for membership on the U.S. Section of the Forum. The application period closed on October 1, 2009. We

are now reopening the application period to solicit additional applications. This notice supplements the notice of September 10, 2009. Interested parties who have already applied do not need to re-apply.

Candidates are currently being sought for membership on the U.S. Section of the Forum. Each candidate must be Chief Executive Officer or President (or have a comparable level of responsibility) of a U.S.-owned or controlled company that is incorporated in and has its main headquarters located in the United States and is currently doing business in both India and the United States. Each candidate also must be a U.S. citizen or otherwise legally authorized to work in the United States and be able to travel to India and locations in the United States to attend official Forum meetings as well as Section meetings on the U.S. side. In addition, the candidate may not be a lobbyist registered under the Lobbying Disclosure Act of 1995, as amended, or a registered foreign agent under the Foreign Agents Registration Act of 1938, as amended.

Evaluation of applications for membership in the U.S. Section by eligible individuals will be based on the following criteria:

- A demonstrated commitment by the individual's company to the Indian market either through exports or investment.
- A demonstrated strong interest in India and its economic development.
- The ability to offer a broad perspective and business experience to the discussions.
- The ability to address cross-cutting issues that affect the entire business community.
- The ability to initiate and be responsible for activities in which the Forum will be active.

Members will be selected on the basis of who best will carry out the objectives of the Forum. The U.S. Section of the Forum should also include members who represent a diversity of business sectors and geographic locations. To the extent possible, Section members also should represent a cross-section of small, medium, and large firms.

U.S. members will receive no compensation for their participation in Forum-related activities. Individual members will be responsible for all travel and related expenses associated with their participation in the Forum, including attendance at Committee and Section meetings. It is anticipated that the first meeting will be held on November 23 in Washington, DC, in conjunction with senior level government exchanges. The U.S. and Indian Sections should be prepared to work together ahead of that time to prepare recommendations to the U.S. and Indian governments. Only appointed members may participate in official Forum meetings; substitutes and alternates will not be designated. U.S. members will normally serve for two-year terms but may be reappointed.

To be considered for membership, please submit the following information as instructed in the **ADDRESSES** and **DATES** captions above: Name and title of the individual requesting consideration; name and address of company's headquarters; location of incorporation; size of the company; size of company's export trade, investment, and nature of operations or interest in India; and a brief statement of why the candidate should be considered, including information about the candidate's ability to initiate and be responsible for activities in which the Forum will be active. Interested parties who have already applied pursuant to the September 10, 2009, **Federal Register** notice do not need to re-apply. All candidates will be notified of whether they have been selected.

Dated: October 20, 2009.

**Linda S. Droker,**

*Director of the Office of South Asia and Oceania.*

[FR Doc. E9–25710 Filed 10–21–09; 4:15 pm]

**BILLING CODE 3510–DA–P**

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## COMMODITY FUTURES TRADING COMMISSION

### Notice of Intent, Pursuant to the Authority in Section 2(h)(7) of the Commodity Exchange Act and Commission Rule 36.3(c)(3), To Undertake a Determination Whether the PJM WH Real Time Peak Daily Contract; PJM WH Real Time Peak Contract; PJM WH Real Time Off-Peak Contract; PJM WH Day Ahead LMP Peak Daily Contract; and PJM WH Real Time Off-Peak Daily Contract, Offered for Trading on the IntercontinentalExchange, Inc., Perform Significant Price Discovery Functions

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of action and request for comment.

**SUMMARY:** The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is undertaking a review to determine whether the PJM [1] WH [2] Real Time Peak Daily (''PDP'') contract; PJM WH Real Time Peak (''PJM'') contract; PJM WH Real Time Off-Peak (''OPJ'') contract; PJM WH Day Ahead LMP [3] Peak Daily (''PDA'') contract; and PJM WH Real Time Off-Peak Daily (''ODP'') contract, offered for trading on the IntercontinentalExchange, Inc. (''ICE''), an exempt commercial market (''ECM'') under Sections 2(h)(3)–(5) of the Commodity Exchange Act (''CEA'' or the ''Act''), perform significant price discovery functions. Authority for this action is found in Section 2(h)(7) of the CEA and Commission rule 36.3(c) promulgated thereunder. In connection with this evaluation, the Commission invites comment from interested parties.

**DATES:** Comments must be received on or before November 10, 2009.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- Follow the instructions for submitting comments: *Federal eRulemaking Portal: http://www.regulations.gov*.
- *E-mail: secretary@cftc.gov*. Include PJM WH Real Time Peak Daily (PDP) Contract; PJM WH Real Time Peak (PJM) Contract; PJM WH Real Time Off-Peak (OPJ) Contract; PJM WH Day Ahead LMP Peak Daily (PDA) Contract; and/or PJM WH Real Time Off-Peak Daily (ODP) Contract in the subject line of the message, depending on the subject contract(s) to which the comments apply.
- *Fax:* (202) 418–5521.
- *Mail:* Send to David A. Stawick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.
- *Courier:* Same as mail above.

All comments received will be posted without change to *http://www.CFTC.gov/*.

**FOR FURTHER INFORMATION CONTACT:** Gregory K. Price, Industry Economist, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC

[1] The acronym ''PJM'' stands for Pennsylvania New Jersey Maryland Interconnection, LLC (''PJM Interconnection''), and signifies the regional electricity transmission organization that coordinates the generation and distribution of electricity in all or parts of 13 states and the District of Columbia.

[2] The acronym WH signifies the PJM's Western Hub.

[3] The term ''LMP'' stands for ''locational marginal price'' and represents the additional cost associated with producing an incremental amount of electricity. LMPs account for generation costs, congestion along the transmission lines, and electricity loss.

20581. *Telephone:* (202) 418–5515. *E-mail: gprice@cftc.gov*; or Susan Nathan, Senior Special Counsel, Division of Market Oversight, same address. *Telephone:* (202) 418–5133. *E-mail: snathan@cftc.gov*.

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

On March 16, 2009, the CFTC promulgated final rules implementing provisions of the CFTC Reauthorization Act of 2008 (''Reauthorization Act'')[4] which subjects ECMs with significant price discovery contracts (''SPDCs'') to self-regulatory and reporting requirements, as well as certain Commission oversight authorities, with respect to those contracts. Among other things, these rules and rule amendments revise the information-submission requirements applicable to ECMs, establish procedures and standards by which the Commission will determine whether an ECM contract performs a significant price discovery function, and provide guidance with respect to compliance with nine statutory core principles applicable to ECMs with SPDCs. These rules became effective on April 22, 2009.

In determining whether an ECM's contract is or is not a SPDC, the Commission will consider the contract's material liquidity, price linkage to other contracts, potential for arbitrage with other contracts traded on designated contract markets or derivatives transaction execution facilities, use of the ECM contract's prices to execute or settle other transactions, and other factors.

In order to facilitate the Commission's identification of possible SPDCs, Commission rule 36.3(c)(2) requires that an ECM operating in reliance on section 2(h)(3) promptly notify the Commission and provide supporting information or data concerning any contract: (i) That averaged five trades per day or more over the most recent calendar quarter; and (ii)(A) for which the ECM sells price information regarding the contract to market participants or industry publications; or (B) whose daily closing or settlement prices on 95 percent or more of the days in the most recent quarter were within 2.5 percent of the contemporaneously determined closing, settlement, or other daily price of another agreement.

[4] 74 FR 12178 (Mar. 23, 2009); these rules became effective on April 22, 2009.

## II. Determination of a SPDC

### *A. The SPDC Determination Process*

Commission rule 36.3(c)(3) establishes the procedures by which the Commission makes and announces its determination on whether a specific ECM contract serves a significant price discovery function. Under those procedures, the Commission will publish a notice in the **Federal Register** that it intends to undertake a determination as to whether the specified agreement, contract, or transaction performs a significant price discovery function and to receive written data, views, and arguments relevant to its determination from the ECM and other interested persons.[5] After prompt consideration of all relevant information,[6] the Commission will, within a reasonable period of time after the close of the comment period, issue an order explaining its determination. Following the issuance of an order by the Commission that the ECM executes or trades an agreement, contract, or transaction that performs a significant price discovery function, the ECM must demonstrate, with respect to that agreement, contract, or transaction, compliance with the core principles under section 2(h)(7)(C) of the CEA[7] and the applicable provisions of Part 36. If the Commission's order represents the first time it has determined that one of the ECM's contracts performs a significant price discovery function, the ECM must submit a written demonstration of its compliance with the core principles within 90 calendar days of the date of the Commission's order. For each subsequent determination by the Commission that the ECM has an additional SPDC, the ECM must submit a written demonstration of its compliance with the core principles within 30 calendar days of the Commission's order.

[5] The Commission may commence this process on its own initiative or on the basis of information provided to it by an ECM pursuant to the notification provisions of Commission rule 36.3(c)(2).

[6] Where appropriate, the Commission may choose to interview market participants regarding their impressions of a particular contract. Further, while they may not provide direct evidentiary support with respect to a particular contract, the Commission may rely for background and context on resources such as its October 2007 *Report on the Oversight of Trading on Regulated Futures Exchanges and Exempt Commercial Markets* (''ECM Study''). *http://www.cftc.gov/stellent/groups/public/@newsroom/documents/file/pr5403–07_ecmreport.pdf*.

[7] 7 U.S.C. 2(h)(7)(C).

### *B. PJM WH Real Time Peak Daily Contract*

The PDP contract is a daily contract that is cash settled based on the arithmetic average of hourly, real-time LMPs during the specified calendar day for the Western Hub, which are published by the PJM Interconnection for all peak hours during a particular date of production. The LMPs are published by PJM Interconnection on its Web site under the heading, ''Daily Real-Time LMP Files.'' The LMPs are derived from power trades that result in physical delivery. The size of the PDP contract is 800 megawatt hours (''MWh''), and the unit of trading is any multiple of 800 MWh. The PDP contract is listed for up to 38 consecutive calendar days. Based upon a required quarterly notification filed on July 27, 2009 (mandatory under Rule 36.3(c)(2)), the ICE reported that, with respect to its PDP contract, 48,072 separate trades occurred in the second quarter of 2009, resulting in a daily average of 751.1 trades. During the same period, the PDP contract had a total trading volume of 68,586 contracts (which was an average of 1,071.7 contracts per day). As of June 30, 2009, open interest in the PDP contract was 1,856 contracts. It appears that the ICE PDP contract may satisfy the material liquidity and material price reference factors for SPDC determination. With respect to material liquidity, trading in the PDP contract averaged over 1,000 contracts on a daily basis with more than 750 separate transactions each day. In regard to material price reference, while it did not specifically address the power contracts under review, the ECM Study stated that, in general, market participants view the ICE as a price discovery market for certain electricity contracts. Power contracts based on actively-traded hubs are transacted heavily on the ICE's electronic trading platform, with the remainder being completed over-the-counter and potentially submitted for clearing by voice brokers. In addition, the ICE sells its price data to market participants in a number of different packages which vary in terms of the hubs covered, time periods, and whether the data are daily only or historical. For example, the ICE offers ''PJM Power End of Day'' and ''OTC Power End of Day'' data packages with access to all price data or just 12, 24, 36, or 48 months of historical data.

### *C. PJM WH Real Time Peak Contract*

The PJM contract is a monthly contract that is cash settled based on the arithmetic average of hourly, real-time LMPs during the specified calendar

month for the Western Hub, which are published by the PJM Interconnection for all peak hours during the month of production. The LMPs are published by PJM Interconnection on its Web site under the heading, ''Daily Real-Time LMP Files.'' The LMPs are derived from power trades that result in physical delivery. The size of the PJM contract is 800 MWh, and the unit of trading is the contract size multiplied by the number of peak days in the calendar month. The PJM contract is listed for up to 110 consecutive calendar months.

Based upon a required quarterly notification filed on July 27, 2009 (mandatory under Rule 36.3(c)(2)), the ICE reported that, with respect to its PJM contract, 7,990 separate trades occurred in the second quarter of 2009, resulting in a daily average of 124.8 trades. During the same period, the PJM contract had a total trading volume of 268,489 (which was an average of 4,195.1 contracts per day). As of June 30, 2009, open interest in the PJM contract was 318,788 contracts.

It appears that the ICE PJM contract may satisfy the material liquidity and material price reference factors for SPDC determination. With respect to material liquidity, trading in the PJM contract averaged 4,200 contracts on a daily basis with more than 120 separate transactions each day. In addition, the open interest in the subject contract was significant. In regard to material price reference, while it did not specifically address the power contracts under review, the ECM Study stated that, in general, market participants view the ICE as a price discovery market for certain electricity contracts. Power contracts based on actively-traded hubs are transacted heavily on the ICE's electronic trading platform, with the remainder being completed over-the-counter and potentially submitted for clearing by voice brokers. In addition, the ICE sells its price data to market participants in a number of different packages which vary in terms of the hubs covered, time periods, and whether the data are daily only or historical. For example, the ICE offers ''PJM Power End of Day'' and ''OTC Power End of Day'' data packages with access to all price data or just 12, 24, 36, or 48 months of historical data.

*D. PJM WH Real-Time Off-Peak Contract*

The OPJ contract is a monthly contract that is cash settled based on the arithmetic average of hourly, real-time LMPs during the specified calendar month for the Western Hub, which are published by the PJM Interconnection for all off-peak hours during the month of production. The LMPs are published by PJM Interconnection on its Web site under the heading, ''Daily Real-Time LMP Files.'' The LMPs are derived from power trades that result in physical delivery. The size of the OPJ contract is 50 MWh, and the unit of trading is determined by multiplying the contract size by the number of off-peak days in the calendar month traded. The OPJ contract is listed for up to 86 calendar months with four complete calendar years. Based upon a required quarterly notification filed on July 27, 2009 (mandatory under Rule 36.3(c)(2)), the ICE reported that, with respect to its OPJ contract, 437 separate trades occurred in the second quarter of 2009, resulting in a daily average of 6.8 trades. During the same period, the OPJ contract had a total trading volume of 325,799 contracts (which was an average of 5,090.6 contracts per day). As of June 30, 2009, open interest in the OPJ contract was 2,976,492 contracts.

It appears that the ICE OPJ contract may satisfy the material liquidity and material price reference factors for SPDC determination. With respect to material liquidity, trading in the OPJ contract averaged over 5,000 contracts on a daily basis with more than six separate transactions each day. In addition, the open interest in the subject contract was extremely large. In regard to material price reference, while it did not specifically address the power contracts under review, the ECM Study stated that, in general, market participants view the ICE as a price discovery market for certain electricity contracts. Power contracts based on actively-traded hubs are transacted heavily on the ICE's electronic trading platform, with the remainder being completed over-the-counter and potentially submitted for clearing by voice brokers. In addition, the ICE sells its price data to market participants in a number of different packages which vary in terms of the hubs covered, time periods, and whether the data are daily only or historical. For example, the ICE offers ''PJM Power End of Day'' and ''OTC Power End of Day'' data packages with access to all price data or just 12, 24, 36, or 48 months of historical data.

*E. PJM WH Day-Ahead LMP Peak Daily Contract*

The PDA contract is a daily contract that is cash settled based on the arithmetic average of hourly, day-ahead LMPs during the specified day for the Western Hub, which are published by the PJM Interconnection for all peak hours during a particular date of production. The LMPs are published by PJM Interconnection on its Web site under the heading, ''Day-Ahead LMP Data.'' The LMPs are derived from power trades that result in physical delivery. The size of the PDA contract is 800 MWh. The PDA contract is listed for up to 38 consecutive calendar days.

Based upon a required quarterly notification filed on July 27, 2009 (mandatory under Rule 36.3(c)(2)), the ICE reported that, with respect to its PDA contract, 1,063 separate trades occurred in the second quarter of 2009, resulting in a daily average of 16.6 trades. During the same period, the PDA contract had a total trading volume of 1,435 contracts (which was an average of 22.4 contracts per day). As of June 30, 2009, open interest in the PDA contract was 75 contracts.

It appears that the ICE PDA contract may satisfy the material liquidity and material price reference factors for SPDC determination. With respect to material liquidity, trading in the PDA contract averaged over 20 contracts on a daily basis with more than 15 separate transactions each day. In regard to material price reference, while it did not specifically address the power contracts under review, the ECM Study stated that, in general, market participants view the ICE as a price discovery market for certain electricity contracts. Power contracts based on actively-traded hubs are transacted heavily on the ICE's electronic trading platform, with the remainder being completed over-the-counter and potentially submitted for clearing by voice brokers. In addition, the ICE sells its price data to market participants in a number of different packages which vary in terms of the hubs covered, time periods, and whether the data are daily only or historical. For example, the ICE offers ''PJM Power End of Day'' and ''OTC Power End of Day'' data packages with access to all price data or just 12, 24, 36, or 48 months of historical data.

*F. PJM WH Real-Time Off-Peak Daily Contract*

The ODP contract is a daily contract that is cash settled based on the arithmetic average of hourly, real-time LMPs during the specified calendar day for the Western Hub, which are published by the PJM Interconnection for all off-peak hours during the particular date of production. The LMPs are published by PJM Interconnection on its Web site under the heading, ''Daily Real-Time LMP Files.'' The LMPs are derived from power trades that result in physical delivery. The size of the ODP contract is 50 MWh, and the unit of trading is any multiple of 50 MWh. The ODP contract is listed for up to 38 consecutive calendar days. Based upon a required quarterly notification

filed on July 27, 2009 (mandatory under Rule 36.3(c)(2)), the ICE reported that, with respect to its ODP contract, 723 separate trades occurred in the second quarter of 2009, resulting in a daily average of 11.3 trades. During the same period, the ODP contract had a total trading volume of 7,448 contracts (which was an average of 116.4 contracts per day). As of June 30, 2009, open interest in the ODP contract was 256 contracts.

It appears that the ICE ODP contract may satisfy the material liquidity and material price reference factors for SPDC determination. With respect to material liquidity, trading in the ODP contract averaged over 110 contracts on a daily basis with more than 10 separate transactions each day. In regard to material price reference, while it did not specifically address the power contracts under review, the ECM Study stated that, in general, market participants view the ICE as a price discovery market for certain electricity contracts. Power contracts based on actively-traded hubs are transacted heavily on the ICE's electronic trading platform, with the remainder being completed over-the-counter and potentially submitted for clearing by voice brokers. In addition, the ICE sells its price data to market participants in a number of different packages which vary in terms of the hubs covered, time periods, and whether the data are daily only or historical. For example, the ICE offers ''PJM Power End of Day'' and ''OTC Power End of Day'' data packages with access to all price data or just 12, 24, 36, or 48 months of historical data.

## III. Request for Comment

In evaluating whether an ECM's agreement, contract, or transaction performs a significant price discovery function, section 2(h)(7) of the CEA directs the Commission to consider, as appropriate, four specific criteria: Price linkage, arbitrage, material price reference, and material liquidity. As it explained in Appendix A to the Part 36 rules,[8] the Commission, in making SPDC determinations, will apply and weigh each factor, as appropriate, to the specific contract and circumstances under consideration.

As part of its evaluation, the Commission will consider the written data, views, and arguments from any ECM that lists the potential SPDC and from any other interested parties. Accordingly, the Commission requests comment on whether the PDP, PJM, OPJ, PDA, and/or ODP contracts perform significant price discovery functions. Commenters' attention is directed particularly to Appendix A of the Commission's Part 36 rules for a detailed discussion of the factors relevant to a SPDC determination. The Commission notes that comments which analyze the contracts in terms of these factors will be especially helpful to the determination process. In order to determine the relevance of comments received, the Commission requests that commenters explain in what capacity are they knowledgeable about the subject contracts. Moreover, because five contracts are included in this notice, it is important that commenters identify to which contract(s) their comments apply.

## IV. Related Matters

### *A. Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (''PRA'')[9] imposes certain requirements on federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information, as defined by the PRA. Certain provisions of final Commission rule 36.3 impose new regulatory and reporting requirements on ECMs, resulting in information collection requirements within the meaning of the PRA; OMB previously has approved and assigned OMB control number 3038–0060 to this collection of information.

### *B. Cost-Benefit Analysis*

Section 15(a) of the CEA[10] requires the Commission to consider the costs and benefits of its actions before issuing an order under the Act. By its terms, section 15(a) does not require the Commission to quantify the costs and benefits of an order or to determine whether the benefits of the order outweigh its costs; rather, it requires that the Commission ''consider'' the costs and benefits of its action. Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations.

The bulk of the costs imposed by the requirements of Commission Rule 36.3 relate to significant and increased information-submission and reporting requirements adopted in response to the Reauthorization Act's directive that the Commission take an active role in determining whether contracts listed by ECMs qualify as SPDCs. The enhanced requirements for ECMs will permit the Commission to acquire the information it needs to discharge its newly mandated responsibilities and to ensure that ECMs with SPDCs are identified as entities with the elevated status of registered entity under the CEA and are in compliance with the statutory terms of the core principles of section 2(h)(7)(C) of the Act. The primary benefit to the public is to enable the Commission to discharge its statutory obligation to monitor for the presence of SPDCs and extend its oversight to the trading of SPDCs.

Issued in Washington, DC on October 14, 2009 by the Commission.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. E9–25238 Filed 10–23–09; 8:45 am]

BILLING CODE 6351–01–P

[8] 17 CFR 36, Appendix A.

[9] 44 U.S.C. 3507(d).

[10] 7 U.S.C. 19(a).

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Charter for the Defense Advisory Board for Employer Support of the Guard and Reserve

**AGENCY:** Department of Defense.

**ACTION:** Federal advisory committee charter.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.65, the Department of Defense gives notice that it intends to renew the charter for the Defense Advisory Board for Employer Support of the Guard and Reserve.

**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, DoD Committee Management Office, 703–601–6128.

**SUPPLEMENTARY INFORMATION:** The Defense Advisory Board for Employer Support of the Guard and Reserve, pursuant to 41 CFR 102–3.50(d), is a discretionary Federal advisory committee established to provide the Secretary of Defense through the Under Secretary of Defense (Personnel and Readiness) and the Assistant Secretary of Defense (Reserve Affairs), with independent advice concerning matters arising from the military service obligations of members of the National Guard and Reserve and the impact on their civilian employment.

Pursuant to DoD policy, the Assistant Secretary of Defense (Reserve Affairs) is authorized to act upon the Board's advice and recommendations.

The Board shall be comprised of no more than fifteen members appointed by the Secretary of Defense for three-year terms, and their appointments shall be renewed by the Secretary of Defense on an annual basis. No Board member shall serve more than six years on the Board.

The Assistant Secretary of Defense (Reserve Affairs) shall select the Board's Chairperson from the Board membership at large.

Those members who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109, and serve as Special Government Employees.

Board members, with the exception of travel and per diem for official travel, shall serve without compensation.

The Board shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson and the Assistant Secretary of Defense (Reserve Affairs). The estimated number of Board meetings is two per year.

The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer and/or Alternate Designated Federal Officer shall attend all Panel and subcommittee meetings.

With DoD approval, the Board shall be authorized to establish subcommittees, as necessary and consistent with its mission. These subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and other appropriate Federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any Federal officers or employees who are not Board members.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the Defense Advisory Board for Employer Support of the Guard and Reserve membership about the committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Defense Advisory Board for Employer Support of the Guard and Reserve.

All written statements shall be submitted to the Designated Federal Officer for the Defense Advisory Board for Employer Support of the Guard and Reserve, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp.*

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Defense Advisory Board for Employer Support of the Guard and Reserve. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: October 16, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25705 Filed 10–23–09; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Charter for the Secretary of the Navy Advisory Panel

**AGENCY:** Department of Defense.

**ACTION:** Federal advisory committee charter.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.65, the Department of Defense gives notice that it intends to renew the charter for the Secretary of the Navy Advisory Panel.

**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, DoD Committee Management Office, 703–601–6128.

**SUPPLEMENTARY INFORMATION:** The Secretary of the Navy Advisory Panel, pursuant to 41 CFR 102–3.50(d), is a discretionary Federal advisory committee established to provide the Secretary of Defense through the Secretary of the Navy, independent advice and recommendations on critical matters concerning the Department of the Navy.

The Panel's focus will include acquisition reform, the shipbuilding defense industrial base, intelligence organization, and related maritime issues.

Pursuant to DoD policy, the Secretary of the Navy or designee is authorized to act upon the Panel's advice and recommendations.

The Panel shall be composed of no more than 20 members, who are eminent authorities in the fields of national security policy, intelligence, science, engineering, or business and industry.

Panel members appointed by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109 and serve as Special Government Employees. Panel members shall be appointed on an annual basis by the Secretary of Defense and with the exception of travel and per diem for official travel, Panel members shall serve without compensation.

The Secretary of the Navy shall select the Panel's chairperson from the total membership.

The Panel shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson and the Secretary of the Navy and the Chairperson, and the estimated number of Panel meetings is 3 per year. The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer and/or Alternate Designated Federal Officer shall attend all Panel and subcommittee meetings.

With DoD approval, the Panel shall be authorized to establish subcommittees, as necessary and consistent with its mission. These subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and other appropriate Federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Panel, and shall report all their recommendations and advice to the Secretary of the Navy Advisory Panel for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Panel nor can they report directly to the Department of Defense or any Federal officers or employees who are not Panel members.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested

organizations may submit written statements to the Secretary of the Navy Advisory Panel membership about the committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Secretary of the Navy Advisory Panel.

All written statements shall be submitted to the Designated Federal Officer for the Secretary of the Navy Advisory Panel, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp.*

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Secretary of the Navy Advisory Panel. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: October 15, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25707 Filed 10–23–09; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Availability of the Fiscal Year 2008 Defense Information Systems Agency (DISA) Services Contract Inventory

**AGENCY:** Defense Information Systems Agency, DoD.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with Section 2330a of Title 10 United States Code as amended by Section 807 of the National Defense Authorization Act for Fiscal Year 2008 (NDAA 08), the Director of the Defense Information Systems Agency and the Office of the Director, Defense Procurement and Acquisition Policy, Office of Strategic Sourcing (DPAP/SS) will make available to the public its first inventory of activities performed pursuant to contracts for services. The inventory will be published to the Defense Information System Agency Web site at the following location: *http://www.ditco.disa.mil/hq/807_inventory.asp.*

**DATES:** Inventory to be publicly available not later than October 28, 2009.

**ADDRESSES:** Send written comments and suggestions concerning this inventory to Linda Goff, Procurement Analyst, DISA/PL23, 2300 East Drive, Scott AFB IL 62225. address.

**FOR FURTHER INFORMATION CONTACT:** Contact Linda Goff at telephone number 618–229–9486 or e-mail at *linda.goff@disa.mil.*

**SUPPLEMENTARY INFORMATION:** Section 807 of the NDAA FY08 amends Section 2330a of Title 10 United States Code to require annual inventories and reviews of activities performed pursuant to contracts for services. The Acting Deputy Under Secretary of Defense (Acquisition and Technology) (DUSD(AT)) transmitted the DISA inventory to Congress on September 29, 2009. The report may be downloaded in electronic form (.pdf) from the Web site at the following location: *http://www.ditco.disa.mil/hq/807_inventory.asp.* The inventory does not include contract numbers, contractor identification or other proprietary or sensitive information as this data can be used to disclose a contractor's proprietary proposal information. There is no inventory of classified services contracts.

Dated: October 20, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25700 Filed 10–23–09; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Availability of the Fiscal Year 2008 Defense Logistics Agency Services Contract Inventory

**AGENCY:** Defense Logistics Agency, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with section 2330a of title 10 United States Code as amended by section 807 of the National Defense Authorization Act for Fiscal Year 2008, the Defense Logistics Agency (DLA) Director of Acquisition, and the Office of the Director, Defense Procurement and Acquisition Policy (DPAP) will make available to the public its inventory of activities performed pursuant to contracts for services. The inventory will be published to the DLA Web site at the following location: *http://www.dla.mil/A-76/in-sourcing.*

**DATES:** Inventory to be made publically available by October 30, 2009.

**ADDRESSES:** Send written comments and suggestions concerning this inventory to DLA, Attn: J–74 (Jim Nagy), 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6221. Telephone (703) 767–0471 or E-mail at *james.nagy@dla.mil.*

**FOR FURTHER INFORMATION CONTACT:** Jim Nagy, (703) 767–0471 or E-mail at *james.nagy@dla.mil.*

**SUPPLEMENTARY INFORMATION:** Section 807 of the National Defense Authorization Act for Fiscal Year 2008 amends section 2330a of title 10 United States Code to require annual inventories and reviews of activities performed by services contracts. The Deputy Under Secretary of Defense (Acquisition and Technology) (DUSD(AT)) transmitted the DLA inventory to Congress on September 29, 2009. DLA submitted its Fiscal Year 2008 Services Contract Inventory to the Office of the DPAP on August 31, 2009. Included with this inventory is a narrative that describes the data collection process, the inventory data, and the on-going inventory review process. *The inventory included such information as:* The estimated contractor full time equivalents, and service contract costs by organization, location, function, contract type and funding source. The report may be downloaded in electronic form (.pdf and .xlsx files) from the Web site at the following location: *http://www.dla.mil/A-76/in-sourcing.* The inventory does not include contract numbers, contractor identification or other proprietary or sensitive information.

Dated: October 15, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25702 Filed 10–23–09; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Inventory of Contracts for Services

**AGENCY:** Defense Finance Accounting Service, DoD.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with section 2330a of title 10 United States Code as amended by the National Defense Authorization Act for Fiscal Year 2008 section 807, the Director, Defense Finance and Accounting Service (DFAS), in coordination with the Office of the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing (DPAP/SS) has published its Inventory of Contracts for Services.

The inventory was published on the DFAS Web site at the following location: *http://www.dfas.mil/about/BusinessOpportunities.html.*

**DATES:** The inventory is currently available.

**FOR FURTHER INFORMATION CONTACT:** Katie Gambill, (317) 510–3829 or e-mail at *Katie.Gambill@DFAS.mil.*

**SUPPLEMENTARY INFORMATION:** DFAS developed the inventory by pulling data from the Federal Procurement Data System—Next Generation. The inventory does not include contract numbers, contractor identification or other proprietary or sensitive information as this data can be used to disclose a contractor's proprietary proposal information.

Dated: October 14, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25696 Filed 10–23–09; 8:45 am]

**BILLING CODE 5001–06–P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Audit Advisory Committee (DAAC)

**AGENCY:** Under Secretary of Defense (Comptroller), DoD.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces the following Federal advisory committee meeting of the Defense Audit Advisory Committee on November 23, 2009. Subject to the availability of space, this meeting is open to the public. Seating is on a first-come basis.

**DATES:** The meeting will be held Monday, November 23, 2009 beginning at 3 p.m. and ending at 5 p.m.

**ADDRESSES:** The meeting will be held at the Pentagon, Room 3E754, Washington DC (escort required, see **SUPPLEMENTARY INFORMATION**).

**FOR FURTHER INFORMATION CONTACT:** The Committee's Designated Federal Officer (DFO) is Dave Smith, Office of the Under Secretary of Defense (Comptroller) (OUSD(C)), 1155 Defense Pentagon, Room 3C653A, Washington, DC 20301–1155, *dave.smith2@osd.mil,* (703) 695–7000. For meeting information please contact Amanda Boelke, OUSD(C), 1155 Defense Pentagon, Room 3E769, Washington, DC 20301–1155, *Amanda.Boelke.ctr@osd.mil,* (703) 614–4819.

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

The mission of the DAAC is to provide the Secretary of Defense, through the Under Secretary of Defense (Comptroller)/Chief Financial Officer, independent advice and recommendations on DoD financial management to include financial reporting processes, systems of internal controls, audit processes, and processes for monitoring compliance with relevant laws and regulations.

**B. Agenda**

*Below is the agenda for the November 23, 2009 meeting:*

3 p.m. Welcome and update
3:15 Review of last meeting minutes
3:30 Update on Revised FIAR plan
3:45 Open discussion on key elements of plan:
''Taking the offensive''
4:10 Communication Strategy
4:20 Open Discussion to include Quarterly milestones and goals for DAAC
4:55 Closing Remarks

**C. Accessibility to the Meeting**

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis. Members of the public who wish to attend the meeting must contact Ms. Boelke (see **FOR FURTHER INFORMATION CONTACT**) no later than noon on Tuesday, November 17, 2009, to arrange a Pentagon escort. Public attendees are required to arrive at the Pentagon Metro Entrance by 2 p.m. and complete security screening by 2:15 p.m. Security screening requires two forms of identification: (1) a government-issued photo I.D., and (2) any type of secondary I.D. which verifies the individual's name (*i.e.,* debit card, credit card, work badge, social security card).

*Special Accommodations:* Individuals requiring special accommodation to access the public meeting should contact Ms. Boelke at least five business days prior to the meeting to ensure appropriate arrangements can be made.

**D. Procedures for Providing Written Comments**

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Committee about its mission and topics pertaining to this public session.

Written comments are accepted until the date of the meeting, however, written comments should be received by the DFO at least five business days prior to the meeting date so that the comments may be made available to the Committee members for their consideration prior to the meeting. Written comments should be submitted via e-mail to the address for the DFO listed in this notice in the following formats (Adobe Acrobat, WordPerfect, or Word format). Please note: since the committee operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection, up to and including being posted on the OUSD(C) Web site.

Dated: October 15, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25695 Filed 10–23–09; 8:45 am]

**BILLING CODE 5001–06–P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Health Board (DHB) Meeting

**AGENCY:** Department of Defense.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, and in accordance with section 10(a)(2) of Public Law, the following meeting of the Defense Health Board (DHB) is announced:

**DATES:**

**November 12, 2009**

7 a.m.–8:30 a.m. (Administrative Working Meeting)
8:45 a.m.–12 p.m. (Open Session)
12 p.m.–1 p.m. (Administrative Working Meeting)
1:15 p.m.–5 p.m. (Open Session)

**November 13, 2009**

7 a.m.–11:30 a.m. (Open Session)
11:30 a.m.–12:30 p.m. (Administrative Working Meeting)
12:30 p.m.–1:30 p.m. (Open Session)

**ADDRESSES:** Hyatt Fair Lakes, Commonwealth Ballroom, 12777 Fair Lakes Circle, Fairfax, VA 22033.

Written statements may be mailed to the above address, e-mailed to

*dhb@ha.osd.mil* or faxed to (703) 681–3317.

**FOR FURTHER INFORMATION CONTACT:** Commander Edmond F. Feeks, Executive Secretary, Defense Health Board, Five Skyline Place, 5111 Leesburg Pike, Suite 810, Falls Church, Virginia 22041–3206, (703) 681–8448, ext. 1228, Fax: (703) 681–3317, *edmond.feeks@tma.osd.mil.*

Additional information, agenda updates, and meeting registration are available online at the Defense Health Board Web site, *http://www.ha.osd.mil/dhb.*

The public is encouraged to register for the meeting. If special accommodations are required to attend (sign language, wheelchair accessibility) please contact Ms. Lisa Jarrett at (703) 681–8448 ext. 1280 by October 29, 2009.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Meeting:* The purpose of the meeting is to address and deliberate pending and new Board issues and provide briefings for Board members on topics related to ongoing Board business.

*Agenda:* On November 12, 2009, the DHB will receive briefings on military health needs and priorities. The following Defense Health Board Subcommittees will present updates to the Board: Panel on the Care of Individuals with Amputation and Functional Limb Loss, Traumatic Brain Injury Family Caregiver Subcommittee, and Psychological Health External Advisory Subcommittee. Additionally, the Board will receive briefings from representatives from the Joint Pathology Center, Walter Reed National Military Medical Center, and the UK Advisory Group on Military Medicine.

On November 13, 2009 the following DHB Subcommittees will present updates: Infectious Disease Control Subcommittee, Vaccine Safety and Effectiveness Workgroup, Medical Ethics Subcommittee, Military Occupational/Environmental Health and Medical Surveillance Subcommittee, DoD Task Force on the Prevention of Suicide by Members of the Armed Forces, Health Care Delivery External Advisory Subcommittee, and the Trauma and Injury Subcommittee. The Board will also receive a briefing regarding influenza, ''Mobile Trauma Bay'' Concept, and Afghanistan Health Sector.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the Defense Health Board meeting from 8:45 a.m. to 12 p.m. and from 1:15 p.m. to 5 p.m. on November 12, 2009, and 7 a.m. to 11:30 a.m. and from 12:30 p.m. to 1:30 p.m. on November 13, 2009, is open to the public. Any member of the public wishing to provide input to the Defense Health Board should submit a written statement in accordance with 41 CFR 102–3.140(C) and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice. Written statement should be not longer than two type-written pages and must address the following detail: The issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and to provide any necessary background information.

Individuals desiring to submit a written statement may do so through the Board's Designated Federal Officer at the address detailed above at any point. If the written statement is not received at least 10 calendar days prior to the meeting, which is subject to this notice, then it may not be provided to or considered by the Defense Health Board until the next open meeting.

The Designated Federal Officer will review all timely submissions with the Defense Health Board Chairperson, and ensure they are provided to members of the Defense Health Board before the meeting that is subject to this notice. After reviewing the written comments, the Chairperson and the Designated Federal Officer may choose to invite the submitter of the comments to orally present their issue during an open portion of this meeting or at a future meeting.

The Designated Federal Officer, in consultation with the Defense Health Board Chairperson, may, if desired, allot a specific amount of time for members of the public to present their issues for review and discussion by the Defense Health Board.

Dated: October 19, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25699 Filed 10–23–09; 8:45 am]

BILLING CODE 5001–06–P

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Health Board (DHB) Meeting

**AGENCY:** Department of Defense.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, and in accordance with section 10(a)(2) of Public Law, the following meeting of the DoD Task Force on the Prevention of Suicide by Members of the Armed Forces, a subcommittee of the Defense Health Board (DHB), is announced:

**DATES:** November 10, 2009 from 9 a.m.–4 p.m.

**ADDRESSES:** Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Written statements may be mailed to the above address, e-mailed to *dhb@ha.osd.mil* or faxed to (703) 681–3317.

**FOR FURTHER INFORMATION CONTACT:** Commander Edmond F. Feeks, Executive Secretary, Defense Health Board, Five Skyline Place, 5111 Leesburg Pike, Suite 810, Falls Church, Virginia 22041–3206, (703) 681–8448, EXT. 1228, Fax: (703) 681–3317, *edmond.feeks@tma.osd.mil.*

Additional information, agenda updates, and meeting registration are available online at the Defense Health Board Web site, *http://www.ha.osd.mil/dhb.*

The public is encouraged to register for the meeting. If special accommodations are required to attend (sign language, wheelchair accessibility) please contact Ms. Severine Bennett at (202) 374–5755 or *bennett_severine@bah.com* by October 29, 2009.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Meeting:* The purpose of the meeting is to receive briefings regarding current efforts towards the prevention of suicide among members of the Armed Services.

*Agenda:* On November 10, 2009, the DoD Task Force on the Prevention of Suicide by Members of the Armed Forces will receive briefings on data and trend analysis of suicide in the Armed Forces regarding suicides in the Army, Navy, Air Force, and Marine Corps. The Task Force will also hear statements from a panel of Service members.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject availability of space, the Defense Health Board meeting November 10, 2009, is open to the public. Any member of the public wishing to provide input to the Task Force on the Prevention of Suicide by Members of the Armed Forces should submit a written statement in accordance with 41 CFR 102–3.140(C) and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice. Written statement should be not longer than two type-written pages and must

address the following detail: The issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and to provide any necessary background information.

Individuals desiring to submit a written statement may do so through the Board's Designated Federal Officer (DFO) at the address detailed above at any point. However, if the written statement is not received at least 10 calendar days prior to the meeting, which is subject to this notice, then it may not be provided to or considered by the Task Force on the Prevention of Suicide by Members of the Armed Forces until the next open meeting.

The DFO will review all timely submissions with the Task Force on the Prevention of Suicide by Members of the Armed Forces Chairperson, and ensure they are provided to members of the Task Force before the meeting that is subject to this notice. After reviewing the written comments, the Chairperson and the Designated Federal Officer may choose to invite the submitter of the comments to orally present their issue during an open portion of this meeting or at a future meeting.

The DFO, in consultation with the Chairpersons of the Task Force on the Prevention of Suicide by Members of the Armed Forces, may, if desired, allot a specific amount of time for members of the public to present their issues for review and discussion by the Task Force on the Prevention of Suicide by Member of the Armed Forces.

Dated: October 20, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25698 Filed 10–23–09; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Membership of the Performance Review Board

**AGENCY:** Department of Defense; Defense Finance and Accounting Service, DoD.

**ACTION:** Notice.

**SUMMARY:** This notice announces the appointment of the members of the Performance Review Board (PRB) of the Defense Finance and Accounting Service (DFAS). 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, DFAS.

**DATES:** *Effective Date:* November 19, 2009.

**FOR FURTHER INFORMATION CONTACT:** Denise Thornburg, DFAS SES Program Manager, Defense Finance and Accounting Service, Arlington, Virginia, (703) 337–3288.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 4314(C)(4), the following executives are appointed to the DFAS PRB:

Richard Gustafson,
Steve Turner,
Nancy Zmyslinski.

Executives listed will serve a one-year renewable term, effective November 19, 2009.

October 19, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25697 Filed 10–23–09; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Modifying the Charter of a Department of Defense Federal Advisory Committee

**AGENCY:** Department of Defense.

**ACTION:** Federal advisory committee charter modification.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.50(d), the Department of Defense gives notice that it is modifying the charter for the Defense Science Board (hereafter referred to as the Board).

**FOR FURTHER INFORMATION CONTACT:** Contact Jim Freeman, DoD Committee Management Office, 703–601–6128.

**SUPPLEMENTARY INFORMATION:** The Defense Science Board, pursuant to 41 CFR 102–3.50(d), is a discretionary federal advisory committee established to provide the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Chairman of the joint Chiefs of Staff and, as requested, other Office of the Secretary of Defense (OSD) Principal Staff Assistants, the Secretaries of the Military Departments, the Commanders of the Combatant Commands, independent advice and recommendations on scientific, technical, manufacturing, acquisition process, and other matters of special interest to the Department of Defense.

Pursuant to DoD policy, the under Secretary of Defense for Acquisition, Technology and Logistics or designated representative shall be authorized to act upon the advice and recommendations of the Board.

The Board shall be composed of not more than 45 members and not more than 12 Senior Fellow members, who are eminent authorities in the fields of scientific, technical, manufacturing, acquisition process, and other matters of special interest to the Department of Defense.

The Board members shall be appointed by the Secretary of Defense, and their appointments will be renewed on an annual basis. Those members, who are not full-time federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109, and serve as special government employees.

Members may be appointed for terms ranging from one to four years. Such appointments will normally be staggered among the Board membership to ensure an orderly turnover in the Board's overall composition on a periodic basis. With the exception of travel and per diem for official travel, they shall normally serve with compensation, unless otherwise authorized by the appointing authority.

The Secretary of Defense, based upon the recommendation of the Under Secretary of Defense for Acquisition, Technology and Logistics, shall appoint the Board's Chairperson. The Under Secretary of Defense for Acquisition, Technology and Logistics, shall appoint the Vice Chairperson. The Board Chairman and Vice Chairman shall serve two-year terms and, with the Secretary of Defense's approval may serve additional terms.

The Secretary of Defense may invite other distinguished U.S. Government officers to serve as non-voting observers, and the Under Secretary of Defense for Acquisition, Technology and Logistics may invite chairpersons from other DoD-supported federal advisory committees to serve as non-voting observers.

The Under Secretary of Defense for Acquisition, Technology and Logistics may appoint experts and consultants, with special expertise, to assist the Board on an ad hoc basis. These experts and consultants, appointed under the authority of 5 U.S.C 3109, shall also serve as special government employees, however, they shall have no voting rights on the Board.

Non-voting observers and those non-voting experts and consultants appointed by the Under Secretary of Defense for Acquisition, Technology and Logistics shall not count toward the Board's total membership.

The Board shall meet at the call of the Board's Designated Federal Officer, in consultation with the Chairperson. The estimated number of Board meetings is four per year.

The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures.

In addition, the Designated Federal Officer is required to be in attendance at all meetings, however, in the absence of the Designated Federal officer, the Alternate Designated Federal officer shall attend the meeting.

With DoD approval, the Board shall is authorized to establish subcommittees, as necessary and consistent with its mission. These subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and other appropriate Federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any federal officers or employees who are not Board members.

Subcommittee members, who are not Board members, shall be appointed in the same manner as the Board members.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the Defense Science Board membership about the committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Defense Science Board.

All written statements shall be submitted to the Designated Federal Officer for the Defense Science Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp.*

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Defense Science Board. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: October 19, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25704 Filed 10–23–09; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID DoD–2009–OS–0152]**

### Privacy Act of 1974; System of Records

**AGENCY:** Defense Threat Reduction Agency, DoD.

**ACTION:** Notice to amend a system of records.

**SUMMARY:** Defense Threat Reduction Agency is amending a system of records notices in its existing inventory of record 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 November 25, 2009 unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to the Freedom of Information and Privacy Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

**FOR FURTHER INFORMATION CONTACT:** Ms. Brenda Carter at (703) 767–1771.

**SUPPLEMENTARY INFORMATION:** The Defense Threat Reduction Agency 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 specific changes to the record systems 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: October 20, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

**HDTRA 010**

**SYSTEM NAME:**

Nuclear Test Participants (August 9, 2005, 70 FR 46154).

**CHANGES:**

* * * * *

**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:

National Research Council and Vanderbilt University, for the purpose of conducting epidemiological studies on the effects of ionizing radiation on participants of nuclear test programs.

Department of Labor and the Department of Justice for the purpose of processing claims by individuals who allege job-related disabilities as a result of participation in nuclear test programs and for litigation actions.

Department of Energy for the purpose of identifying DOE and DOE contractor personnel who were, or may be in the future, involved in nuclear test programs; and for use in processing claims or litigation actions.

Department of Veterans Affairs for the purpose of processing claims by individuals who allege service-connected disabilities as a result of participation in nuclear test programs and for litigation actions and to conduct epidemiological studies on the effect of radiation on nuclear test participants.

Information may be released to individuals or their authorized representatives.

Veterans Advisory Board on Dose Reconstruction for the purposes of reviewing and overseeing the Department of Defense Radiation Dose Reconstruction Program. This includes the conduct of audits of dose reconstructions and decisions by the Department of Veterans Affairs (DVA) on claims for radiogenic diseases and the provision of assistance to both the DVA and the DTRA in providing information on the Program, and such other activities as authorized by the Veterans Benefits Act of 2003 (Pub. L. 108–183, section 601, Radiation Dose Reconstruction Program of Department of Defense).

The 'Blanket Routine Uses' published at the beginning of DTRA's compilation of system of records notices apply to this system.''

* * * * *

**NOTIFICATION PROCEDURE:**

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Nuclear Test Participant Review (NTPR) Program Manager, Nuclear Test Personnel Review Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

Written requests for information should contain the full name and signature of the requester. For personal visits the individual should provide a military or civilian identification card.

**RECORD ACCESS PROCEDURES:**

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the NTPR Program Manager, Nuclear Test Personnel Review Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

Written requests for information should contain the full name and signature of the requester. For personal visits the individual should provide a military or civilian identification card.

**CONTESTING RECORD PROCEDURES:**

Delete entry and replace with ''The DTRA rules for accessing records, for contesting contents, and appealing initial agency determinations are published in DTRA Instruction 5400.11; 32 CFR part 318; or may be obtained from the NTPR Program Manager, Nuclear Test Personnel Review Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

Written requests for information should contain the full name and signature of the requester. For personal visits the individual should provide a military or civilian identification card.''

* * * * *

## HDTRA 010

**SYSTEM NAME:**

Nuclear Test Participants.

**SYSTEM LOCATION:**

Nuclear Test Personnel Review (NTPR) Office, Defense Threat Reduction Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Military and DoD civilian participants of the U.S. nuclear testing programs, military occupation forces assigned to Hiroshima or Nagasaki from August 6, 1945 to July 1, 1946, and individuals who participated in the cleanup of Enewetak Atoll.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, rank, grade, service number, Social Security Number (SSN), last known or current address, dates and extent of test participation, exposure data, unit of assignment, medical data, and documentation relative to administrative claims or civil litigation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Atomic Energy Act of 1954, 42 U.S.C. 2013, Tasking Memorandum from Office of the Secretary of Defense to the Director, Defense Nuclear Agency dated 28 Jan 78, Subject: DoD Personnel Participation in Atmospheric Nuclear Weapons Testing and Military Construction Appropriations Act of 1977 (Pub. L. 94–367), DNA OPLAN 600–77, Cleanup of Enewetak Atoll, and the Radiation Exposure Compensation Act (Pub. L. 100–426, as amended by Pub. L. 100–510); and E.O. 9397 (SSN), as amended.

**PURPOSE(S):**

For use by agency officials and employees, or authorized contractors, and other DoD components in the preparation of the histories of nuclear test programs; to conduct scientific studies or medical follow-up programs, and to provide data or documentation relevant to the processing of administrative claims or litigation.

**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:

National Research Council and Vanderbilt University, for the purpose of conducting epidemiological studies on the effects of ionizing radiation on participants of nuclear test programs.

Department of Labor and the Department of Justice for the purpose of processing claims by individuals who allege job-related disabilities as a result of participation in nuclear test programs and for litigation actions.

Department of Energy for the purpose of identifying DOE and DOE contractor personnel who were, or may be in the future, involved in nuclear test programs; and for use in processing claims or litigation actions.

Department of Veterans Affairs for the purpose of processing claims by individuals who allege service-connected disabilities as a result of participation in nuclear test programs and for litigation actions and to conduct epidemiological studies on the effect of radiation on nuclear test participants.

Information may be released to individuals or their authorized representatives.

Veterans Advisory Board on Dose Reconstruction for the purposes of reviewing and overseeing the Department of Defense Radiation Dose Reconstruction Program. This includes the conduct of audits of dose reconstructions and decisions by the Department of Veterans Affairs (DVA) on claims for radiogenic diseases and the provision of assistance to both the DVA and the DTRA in providing information on the Program, and such other activities as authorized by the Veterans Benefits Act of 2003 (Pub. L. 108–183, section 601, Radiation Dose Reconstruction Program of Department of Defense.

The ''Blanket Routine Uses'' published at the beginning of DTRA's compilation of system 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 in files and on electronic storage media.

**RETRIEVABILITY:**

Name, Social Security Number (SSN), service number, or military ID number.

**SAFEGUARDS:**

Paper records are filed in folders, microfilm/fiche and computer printouts stored in area accessible only by authorized personnel. Buildings are protected by security guards and intrusion alarm systems. Magnetic tapes are stored in a vault in a controlled area within limited access facilities. Access to computer programs is controlled through software applications which require validation prior to use.

**RETENTION AND DISPOSAL:**

Records are retained for 75 years after termination of case. Paper and microfiche records are collected in official disposal containers (burn-bags here at Fort Belvoir, and certified records disposal containers (contract service) at NTPR's offsite contract sites). With regard to magnetic tape (or hard

disk drives) bulk demagnetizers are used to clean the disks/tape before they are turned over to DTRA logistics for disposal.

**SYSTEM MANAGER(S) AND ADDRESS:**

NTPR Program Manager, Nuclear Test Personnel Review Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the NTPR Program Manager, Nuclear Test Personnel Review Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

Written requests for information should contain the full name and signature of the requester. For personal visits the individual should provide a military or civilian identification card.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the NTPR Program Manager, Nuclear Test Personnel Review Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

Written requests for information should contain the full name and signature of the requester. For personal visits the individual should provide a military or civilian identification card.

**CONTESTING RECORD PROCEDURES:**

The DTRA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DTRA Instruction 5400.11, DTRA Privacy Program; 32 CFR part 318; or may be obtained from the NTPR Program Manager, Nuclear Test Personnel Review Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

**RECORD SOURCE CATEGORIES:**

Retired Military Personnel records from the National Personnel Records Center, US DTRA Form 10 from individuals voluntarily contacting DTRA or other elements of DoD or other Government Agencies by phone or mail. DoD historical records, dosimetry records and records from the Department of Energy, Department of Veterans Affairs, the Social Security Administration, the Internal Revenue Service, and the Department of Health and Human Services.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. E9–25703 Filed 10–23–09; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Renewal of Department of Defense Federal Advisory Committees

**AGENCY:** Department of Defense.

**ACTION:** Establishment of Federal Advisory Committee.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.50(d), the Department of Defense gives notice that it is establishing the charter for the Defense Intelligence Agency Advisory Board (hereafter referred to as the Board).

**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, Deputy Committee Management Officer for the Department of Defense, 703–601–6128.

**SUPPLEMENTARY INFORMATION:** The Defense Intelligence Agency Advisory Board, pursuant to 41 CFR 102–3.50(d), is a discretionary Federal advisory committee established to provide the Secretary of Defense through the Under Secretary of Defense for Intelligence and the Director of the Defense Intelligence Agency advice on matters relating to DoD's intelligence enterprise.

The Board shall be comprised of no more than fifteen members who have distinguished backgrounds in national security policy, defense intelligence, geopolitical matters, academia and the private sector. All Board member appointments shall be on an annual basis.

Board members appointed by the Secretary of Defense, who are not full-time or permanent part-time Federal employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109 and serve as Special Government Employees. In addition, they shall serve without compensation except for travel and per diem for official Board-related travel.

The Secretary of Defense, based upon the recommendation of the Under Secretary of Defense for Intelligence and the Director of the Defense Intelligence Agency, shall select the Chairperson.

With DoD approval, the Board is authorized to establish subcommittees, as necessary and consistent with its mission. These subcommittees or working groups shall operate under the provision of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. 552B, as amended), and other appropriate Federal regulations.

Such Subcommittees or Working Groups shall not work independently of the chartered Board, and shall report their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or Working Groups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any Federal officers or employees who are not Board members. Subcommittee members, who are not Board members, shall be appointed in the same manner as the Board members.

The Board shall meet at the call of the Board's Designated Federal Officer, in consultation with the Board's Chairperson and the Director of the Defense Intelligence Agency. The estimated number of Board meetings is four per year.

The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer is required to be in attendance at all meetings, however, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the meeting.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the Defense Intelligence Agency Advisory Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Defense Intelligence Agency Advisory Board.

All written statements shall be submitted to the Designated Federal Officer for the Defense Intelligence Agency Advisory Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Defense Intelligence Agency Advisory Board Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp.*

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the

Defense Intelligence Agency Advisory Board. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: October 14, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9–25701 Filed 10–23–09; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

### Notice of Closed Meeting of the Chief of Naval Operations (CNO) Executive Panel

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The CNO Executive Panel will report on the findings and recommendations of the Navy's Role in Irregular Warfare to the Chief of Naval Operations. The meeting will consist of discussions of current and future Navy strategy, plans, and policies in support of U.S. irregular challenges.

**DATES:** The closed Executive Session will be held on Monday, November 16, 2009, from 3:10 p.m. to 5 p.m.

**ADDRESSES:** The meeting will be held in the Boardroom at the CNA Building, 4825 Mark Center Drive, Alexandria, VA 22311–1846.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Brian S. FitzPatrick, CNO Executive Panel, 4825 Mark Center Drive, Alexandria, VA 22311–1846, (703) 681–4924.

**SUPPLEMENTARY INFORMATION:** Pursuant to the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), matters that constitute classified information that have been properly classified pursuant to such Executive Order are specifically authorized to be kept secret in the interest of national defense. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that the sessions of this meeting be closed to the public because they will be concerned with classified matters that are governed by section 552b(c)(1) of title 5, United States Code.

Individuals or interested groups may submit written statements for consideration by the Chief of Naval Operations Executive Panel at any time or in response to the agenda of a scheduled meeting. All requests must be submitted to the Designated Federal Officer at the address detailed below.

If the written statement is in response to the agenda mentioned in this meeting notice then the statement, if it is to be considered by the Panel for this meeting, must be received at least five days prior to the meeting in question.

The Designated Federal Officer will review all timely submissions with the Chief of Naval Operations Executive Panel Chairperson, and ensure they are provided to members of the Chief of Naval Operations Executive Panel before the meeting that is the subject of this notice.

To contact the Designated Federal Officer, write to Executive Director, CNO Executive Panel (N00K), 4825 Mark Center Drive, 2nd Floor, Alexandria, VA 22311–1846.

Dated: October 20, 2009.

**A. M. Vallandingham,**

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

[FR Doc. E9–25642 Filed 10–23–09; 8:45 am]

**BILLING CODE 3810–FF–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

### Notice of Partially Closed Meeting of the Chief of Naval Operations (CNO) Executive Panel

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The CNO Executive Panel will report on the findings and recommendations to the Chief of Naval Operations of the Subcommittee on Radical Economic Change. The matters to be discussed during the meeting have been divided into unclassified topics and classified topics. The unclassified topics will be presented during the open portion of the meeting, and those unclassified topics include: Overview of the Global Economic Recession; Security Impacts of the Global Economic Recession in the U.S., Japan, Europe, India, and Russia.

The classified topics will be presented during the closed portion of the meeting, and the classified topics include: Chinese Economic Stimulus Analysis; Chinese Defense Budget and Long Term Military Ambitions; and Intelligence Community's Assessment of Chinese Economic and Security Decisions in the Global Recession. The topics to be presented during the closed portion are classified CONFIDENTIAL//NOFORN and TOP SECRET//SI//NOFORN respectively, making them fall within a specific category that is exempt from open meeting disclosure pursuant to 5 U.S.C. 552b(c)(1).

**DATES:** The open session of the meeting will be held on Tuesday, November 17, 2009, from 2:15 p.m. to 3 p.m. The closed Executive Session will be held from 3 p.m. to 3:45 p.m.

**ADDRESSES:** The meeting will be held in CNA Boardroom, Center for Naval Analysis, 4825 Mark Center Drive, Alexandria, VA 22311–1846. The meeting will be handicap accessible.

**FOR FURTHER INFORMATION CONTACT:** Commander David Di Tallo, CNO Executive Panel, 4825 Mark Center Drive, Alexandria, VA 22311–1846, (703) 681–4908.

**SUPPLEMENTARY INFORMATION:** The matters to be presented during the closed sessions of this meeting are specifically authorized by Executive Order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that the closed session of this meeting be closed to the public because they will be concerned with matters classified at the CONFIDENTIAL//NOFORN and TOP SECRET//SI//NOFORN levels. Pursuant to section 552b(c)(1) of title 5, United States Code these matters are exempt from public disclosure.

Individuals or interested groups may submit written statements for consideration by the Chief of Naval Operations Executive Panel at any time or in response to the agenda of a scheduled meeting. All requests must be submitted to the Designated Federal Officer at the address detailed below.

If the written statement is in response to the agenda mentioned in this meeting notice then the statement, if it is to be considered by the Panel for this meeting, must be received at least five days prior to the meeting in question.

The Designated Federal Officer will review all timely submissions with the Chief of Naval Operations Executive Panel Chairperson, and ensure they are provided to members of the Chief of Naval Operations Executive Panel before the meeting that is the subject of this notice.

To contact the Designated Federal Officer, write to Executive Director, CNO Executive Panel (N00K), 4825 Mark Center Drive, 2nd Floor, Alexandria, VA 22311–1846.

Dated: October 20, 2009.

**A.M. Vallandingham,**

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

[FR Doc. E9–25643 Filed 10–23–09; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF DEFENSE

### Department of the Navy

**[Docket ID USN–2009–0020]**

### Privacy Act of 1974; System of Records

**AGENCY:** U.S. Marine Corps, DoD.

**ACTION:** Notice to add a system of records.

**SUMMARY:** The U.S. Marine Corps is proposing to add a new system of records notice to 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 November 25, 2009 unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to Headquarters, U.S. Marine Corps, FOIA/PA Section (ARSF), 2 Navy Annex, Room 3134, Washington, DC 20380–1775.

**FOR FURTHER INFORMATION CONTACT:** Ms. Tracy Ross at (703) 614–4008.

**SUPPLEMENTARY INFORMATION:** The U.S. Marine Corps system 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 October 15, 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: October 15, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

**M11240**

**SYSTEM:**

Transportation Capacity Planning Tool (TCPT).

**SYSTEM LOCATION:**

Marine Corps Systems Command (MCSC), Office of the Chief Information Officer (OCIO), 2201A Marine Corps Base, Quantico, Virginia 22134–5103.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any Marines (active, reserve and retired), sailors, civilians, or contractors.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Full name, rank, title, date of birth, last 4 digits of the Social Security Number (SSN), address, email address, unit, military driver's license, gender and U.S. Government Motor Vehicle Operator's Identification Card (SF 46).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, Departmental Regulations and 10 U.S.C. 5031; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters Marine Corps; 10 U.S.C. 5042, Headquarters, Marine Corps: general duties; MCO 11240.66D, Standard Licensing Policy for Operations of Military Motor Vehicles; MARADMIN 444/05, Logistic Modernization (LOGMOD) and feeds to the Marine, Air-Ground, Task Force (MAGTF) command and control (C2)—interim guidance and road ahead; SECNAVINST 5000.36, Department of the Navy Data Management and Interoperability; and E.O. 9397 (SSN), as amended.

**PURPOSE(S):**

Provides a Web-based tool for transportation planning, equipment management, execution capabilities and tracking for the Operating Forces to support the Warfighter.

**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:

The DoD ''Blanket Routine Uses'' set forth at the beginning of the Marine Corps' 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:**

Records are retrieved by last name and last 4 digits of the Social Security Number (SSN).

**SAFEGUARDS:**

Records are maintained in an electronic data base only accessible by authorized officials. Physical security is being provided by Marine Corps Systems Command, Office of the Chief Information Officer managed hosting facility. Personnel access to the building and enclave of servers is controlled with badges using an Access Control System and cipher lock codes on a ''need to know'' basis. Military police and a Command Duty Officer routinely check buildings for physical security and notify the building manager when potential security violations occur.

**RETENTION AND DISPOSAL:**

Retain on board. Destroy 3 years after separation of employee or 3 years after rescission of authorization to operate government owned vehicles, whichever is earlier.

**SYSTEM MANAGER(S) AND ADDRESS:**

Marine Corps System Command, Chief Information Office: Building 2201A, Marines Corps Base, Quantico, Virginia 22134–5010.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to Marine Corps Systems Command, Program Manager (PM) Global Combat Support System—Marine Corps (GCSS–MC), 118300 Quantico Gateway Drive, Gateway Bldg 1, Triangle, VA 22172–5103.

The request should include full name, last 4 digits of the Social Security Number (SSN), and address of the individual concerned and should be signed.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to Marine Corps Systems Command, PM GCSS–MC, 118300 Quantico Gateway Drive, Gateway Bldg 1, Triangle, VA 22172–5103.

The request should include full name, last 4 digits of the Social Security Number (SSN), and address of the

individual concerned and should be signed.

**CONTESTING RECORD PROCEDURES:**

The Marine Corps rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from: Marine Corps Systems Command, PM GCSS–MC, 118300 Quantico Gateway Drive, Gateway Bldg 1, Triangle, VA 22172–5103.

**RECORD SOURCE CATEGORIES:**

From the individual.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. E9–25706 Filed 10–23–09; 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 November 25, 2009.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, *Attention:* Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or send e-mail to *oira_submission@omb.eop.gov.*

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: October 20, 2009.

**Angela C. Arrington,**

*Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.*

### National Institute for Literacy

*Type of Review:* New.

*Title:* Understanding Effective K–3 Reading Programs Based on Scientific Reading Research.

*Frequency:* One time.

*Affected Public:* Businesses or other for-profit; State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 87.

*Burden Hours:* 1,037.

*Abstract:* The National Institute for Literacy (NIFL) is authorized under the No Child Left Behind Act, Public Law 107–110, Part B, Subpart 1, Section 1207 to "* * * identify and disseminate information about schools, local educational agencies, and State educational agencies that have effectively developed and implemented classroom reading programs that meet the requirements of this subpart (Reading First) * * *" To carry out this authorized activity, the NIFL is first conducting a set of case studies, identifying Schools with Effective Reading Programs, to be implemented by a research team from Education Development Center, Inc. (EDC). The NIFL then will publish findings from the case studies as a report and print and distribute it widely among educators and administrators working with children in kindergarten through third grades as well as reading researchers. The NIFL needs to collect the information proposed in this package to be able to describe in reasonable detail the school- and classroom-based reading strategies employed by schools with high-performing students. The NIFL understands its statutory charge to mean providing information that explains what the schools did and how they did it rather than general information from sources such as school Web sites. While the findings from case studies should not be construed as guidance to schools seeking to improve their K–3 students' reading outcomes, the information from this study may bring to light detail that contributes to deeper understanding of effective reading instruction and informs future research on K–3 reading instruction.

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 4001. 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. E9–25609 Filed 10–23–09; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP10–2–000]**

### Southern Star Central Gas Pipeline, Inc.; Notice of Application

October 19, 2009.

Take notice that on October 9, 2009, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 Highway 56, Owensboro, Kentucky 42301, filed in Docket No. CP10–2–000, an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting authorization to (1) install and operate a natural gas compressor in Montgomery County, Kansas, in order to increase the working gas capacity and maximum daily withdrawal rate of the Elk City Storage Field and (2) amend the current operational plan and other operational changes for the storage field, all as more fully set forth in the application which

is on file with the Commission and open to public inspection. Additionally, Southern Star requests a determination that the project qualifies for market based rates pursuant to section 4(f) of the NGA. 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. For assistance, call (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to David N. Roberts, Manager, Regulatory Affairs, Southern Star Central Gas Pipeline, Inc., 4700 Highway 56, Owensboro, Kentucky 42301, or by calling (270) 852–4654 (telephone) or (270) 852–5010 (fax).

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC., 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

*Comment Date:* November 9, 2009.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25622 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 13562–000]**

### Montana Department of Natural Resources and Conservation; Notice of Competing Preliminary Permit Application Accepted for Filing and Soliciting Comments and Motions To Intervene

October 19, 2009.

On July 31, 2009, the Montana Department of Natural Resources and Conservation (MDNRC) filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Ruby River Power Project, which would be located at the existing Ruby River Dam on the Ruby River, in Madison County, Montana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would use the existing 111-foot-high, 846-foot-long earthen dam with spillway, and the existing 635-foot-long, 90-inch horseshoe-shaped tunnel conduit. MDNRC proposes to construct and install: (1) A new 60-inch-diameter, 635-foot-long steel liner in the existing dam outlet conduit; (2) a new 60-inch-diameter, 100-foot-long steel penstock extending to a bifurcation; (3) a new 60-inch-diameter, 50-foot-long steel penstock extending from the bifurcation to the powerhouse; (4) a new 60-inch-diameter, 50-foot-long steel conduit extending from the bifurcation to an energy dissipation structure for excess flows and bypass during turbine outages; (5) a new powerhouse containing two generating units with a combined installed capacity of 1,800 kilowatts, discharging flows into the Ruby River; (6) a new substation next to the powerhouse; (7) a new 25-kilovolt, 6,000-foot-long transmission line; (8) a new switchyard at the interconnection point with the local grid; (9) a new approximately 650-foot-long access road and bridge across the river channel; (10) a new 50-foot by 60-foot parking area; and (11) appurtenant facilities. The proposed project would have an average annual generation of 7.6 gigawatt-hours.

*Applicant Contact:* Kevin Smith, State Water Projects Bureau, Montana Department of Natural Resources and

Conservation, 1424 9th Ave., P.O. Box 201601, Helena, MT 59620–1601; *phone:* (406) 444–6646.

*FERC Contact:* Dianne Rodman, (202) 502–6077.

*Competing Application:* This application competes with Project No. 13360–000 filed January 29, 2009. The May 8, 2009 notice for Project No. 13360–000 established a July 7, 2009 deadline for filing competing applications and notices of intent to file a competing application. MDNRC's notice of intent to file a competing application was timely filed on June 3, 2009, and its competing application was timely filed on July 31, 2009.

Deadline for filing comments and motions to intervene: 60 days from the issuance of this notice. Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*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–13562) in the docket number field to access the document. For assistance, contact FERC Online Support.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25620 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 13556–000]**

### Montana Department of Natural Resources and Conservation; Notice of Competing Preliminary Permit Application Accepted for Filing and Soliciting Comments and Motions To Intervene

October 19, 2009.

On July 16, 2009, the Montana Department of Natural Resources and Conservation (MDNRC) filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Tongue River Power Project, which would be located at the existing Tongue River Reservoir Dam on the Tongue River, in Big Horn County, Montana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would use the existing 93-foot-high, 1,824-foot-long earthen dam with spillway, and the existing 765-foot-long, 16-foot-diameter horseshoe-shaped auxiliary outlet conduit. MDNRC proposes to construct and install: (1) A new 8-foot-diameter, 765-foot-long steel liner in the existing auxiliary outlet conduit; (2) a new 8-foot-diameter, 400-foot-long steel penstock extending to a bifurcation; (3) a new 8-foot-diameter, 60-foot-long steel penstock extending from the bifurcation to the powerhouse; (4) a new 8-foot-diameter, 60-foot-long steel conduit extending from the bifurcation to an energy dissipation structure for excess flows and bypass during turbine outages; (5) a new powerhouse containing two generating units with a combined installed capacity of 3,000 kilowatts, discharging flows into the Tongue River; (6) a new substation next to the powerhouse; (7) a new 25-kilovolt, 0.75-mile-long transmission line; (8) a new switchyard at the interconnection point with the local grid; and (9) appurtenant facilities. The proposed project would have an average annual generation of 11.5 gigawatt-hours.

*Applicant Contact:* Kevin Smith, State Water Projects Bureau, Montana Department of Natural Resources and Conservation, 1424 9th Ave., P.O. Box 201601, Helena, MT 59620–1601; *phone:* (406) 444–6646.

*FERC Contact:* Dianne Rodman, (202) 502–6077.

*Competing Application:* This application competes with Project No. 13372–000 filed February 12, 2009. The April 23, 2009 notice for Project No. 13372–000 established a June 22, 2009 deadline for filing competing applications and notices of intent to file a competing application. MDNRC's notice of intent to file a competing application was timely filed on June 2, 2009, and its competing application was timely filed on July 16, 2009.

Deadline for filing comments and motions to intervene: 60 days from the issuance of this notice. Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*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–13556) in the docket number field to access the document. For assistance, contact FERC Online Support.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25619 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 13555–000]**

### Montana Department of Natural Resources and Conservation; Notice of Competing Preliminary Permit Application Accepted for Filing and Soliciting Comments and Motions To Intervene

October 16, 2009.

On July 16, 2009, the Montana Department of Natural Resources and Conservation (MDNRC) filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Red Lodge Creek Power Project, which would be located at the existing Cooney Dam on Red Lodge Creek, in Carbon County, Montana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would use the existing 102-foot-high, 2,369-foot-long earthen dam with spillway, and the existing 630-foot-long, 6-foot by 6-foot horseshoe-shaped tunnel conduit. MDNRC proposes to construct and install: (1) A new 5-foot-diameter, 630-foot-long steel liner in the existing dam outlet conduit; (2) a new 5-foot-diameter, 100-foot-long steel penstock extending to a bifurcation; (3) a new 5-foot-diameter, 50-foot-long steel penstock extending from the bifurcation to the powerhouse; (4) a new 5-foot-diameter, 50-foot-long steel conduit extending from the bifurcation to an energy dissipation structure for excess flows and bypass during turbine outages; (5) a new powerhouse containing two generating units with a combined installed capacity of 1,000 kilowatts, discharging flows into Red Lodge Creek; (6) a new substation next to the powerhouse; (7) a new 25-kilovolt, 4,000-foot-long transmission line; (8) a new switchyard at the interconnection point with the local grid; (9) a new approximately 650-foot-long access road; and (10) appurtenant facilities. The proposed project would have an average annual generation of 4.1 gigawatt-hours.

*Applicant Contact:* Kevin Smith, State Water Projects Bureau, Montana Department of Natural Resources and Conservation, 1424 9th Ave., P.O. Box 201601, Helena, MT 59620–1601; *phone:* (406) 444–6646.

*FERC Contact:* Dianne Rodman, (202) 502–6077.

*Competing Application:* This application competes with Project No. 13373–000 filed February 12, 2009. The April 23, 2009, notice for Project No. 13373–000 established a June 22, 2009, deadline for filing competing applications or notices of intent to file a competing application. MDNRC's notice of intent to file a competing application was timely filed on May 19, 2009, and its competing application was timely filed on July 16, 2009.

Deadline for filing comments and motions to intervene: 60 days from the issuance of this notice. Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*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–13555) in the docket number field to access the document. For assistance, contact FERC Online Support.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25614 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

October 19, 2009.

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC10–5–000.

*Applicants:* Puget Sound Energy, Inc.

*Description:* Application for Authorization for Acquisition of an Existing Generation Facility.

*Filed Date:* 10/15/2009.

*Accession Number:* 20091015–5105.

*Comment Date:* 5 p.m. Eastern Time on Thursday, November 5, 2009.

*Docket Numbers:* EC10–6–000.

*Applicants:* Millennium Power Partners, L.P., New Harquahala Generating Company, LLC, MACH Gen, LLC, New Athens Generating Company, LLC, Varde Partners, L.P., Varde Management, L.P., Varde Management International, L.P.

*Description:* Application of MACH Gen, LLC, *et al.* for Order Authorizing Disposition of Jurisdictional Facilities Under Section 203 of the Federal Power Act and Request for Waivers and Expedited Action.

*Filed Date:* 10/19/2009.

*Accession Number:* 20091019–5020.

*Comment Date:* 5 p.m. Eastern Time on Monday, November 9, 2009.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER98–855–011.

*Applicants:* Wisconsin Electric Power Company.

*Description:* Amendment to Application of Wisconsin Electric Power Company.

*Filed Date:* 10/19/2009.

*Accession Number:* 20091019–5081.

*Comment Date:* 5 p.m. Eastern Time on Monday, November 9, 2009.

*Docket Numbers:* ER03–552–011; ER03–984–009.

*Applicants:* New York Independent System Operator, Inc.

*Description:* Status Report of the New York Independent System Operator, Inc.

*Filed Date:* 10/15/2009.

*Accession Number:* 20091015–5101.

*Comment Date:* 5 p.m. Eastern Time on Thursday, November 5, 2009.

*Docket Numbers:* ER05–1218–005; ER00–2887–008; ER05–1219–005; ER06–703–004; ER07–1341–005; ER07–911–003.

*Applicants:* York Generation Company LLC, Bayonne Plant Holding, L.L.C., Camden Plant Holding, L.L.C., Pedricktown Cogeneration Company LP, Newark Bay Cogeneration Partnership, L.P., RPL Holdings, Inc.

*Description:* Notice of Change in Status of Bayonne Plant Holding, L.L.C., *et al.*

*Filed Date:* 10/16/2009.

*Accession Number:* 20091016–5059.

*Comment Date:* 5 p.m. Eastern Time on Friday, November 6, 2009.

*Docket Numbers:* ER08–1377–002.

*Applicants:* Xcel Energy Services Inc.

*Description:* Northern States Power Company *et al.* submits Substitute

Second Revised Sheet 68 *et al.* to FERC Electric Transmission Tariff, Original Volume 3, Service Agreement 3.

*Filed Date:* 10/15/2009.

*Accession Number:* 20091016–0101.

*Comment Date:* 5 p.m. Eastern Time on Thursday, November 5, 2009.

*Docket Numbers:* ER09–1621–002.

*Applicants:* Jersey Central Power & Light Co.

*Description:* Jersey Central Power & Light Company submits amended agreement as executed and designated as Original Service Agreement No 2269.

*Filed Date:* 10/16/2009.

*Accession Number:* 20091019–0094.

*Comment Date:* 5 p.m. Eastern Time on Friday, November 6, 2009.

*Docket Numbers:* ER09–1624–003.

*Applicants:* Black Creek Hydro, Inc.

*Description:* Black Creek Hydro, Inc. requests that the Commission accept the 2009 Agreement, designated as Supplement 1 to Rate Schedule FERC 1, Second Revised Sheet 1–9 superseding First Revised Sheet 1–9 effective 9/1/09.

*Filed Date:* 10/16/2009.

*Accession Number:* 20091019–0095.

*Comment Date:* 5 p.m. Eastern Time on Friday, November 6, 2009.

*Docket Numbers:* ER09–1783–000.

*Applicants:* Xcel Energy Operating Companies.

*Description:* Southwestern Public Service Company submits a Connection Agreement between SPS *et al.* and Golden Spread Electric Cooperative, Inc. *et al.* and a separate Connection Agreement between SPS, GSEC and RBEC.

*Filed Date:* 09/29/2009.

*Accession Number:* 20091019–0099.

*Comment Date:* 5 p.m. Eastern Time on Monday, October 26, 2009.

*Docket Numbers:* ER10–47–000.

*Applicants:* Geodyne Energy, L.L.C.

*Description:* Geodyne Energy, LLC submits the Petition of Acceptance of Initial Rate Schedule, Waivers and Blanket Authority.

*Filed Date:* 10/15/2009.

*Accession Number:* 20091016–0124.

*Comment Date:* 5 p.m. Eastern Time on Thursday, November 5, 2009.

*Docket Numbers:* ER10–54–000.

*Applicants:* Midwest Independent Transmission System Operator, Inc.

*Description:* Midwest Independent Transmission System Operator, Inc. submits proposed revisions to the Coordination Agreement.

*Filed Date:* 10/15/2009.

*Accession Number:* 20091019–0080.

*Comment Date:* 5 p.m. Eastern Time on Thursday, November 5, 2009.

*Docket Numbers:* ER10–64–000.

*Applicants:* CPV Keenan II Renewable Energy Company.

*Description:* CPV Keenan II Renewable Energy Co, LLC submits an application for authorization to make market-based wholesale sales of energy, *etc.*

*Filed Date:* 10/16/2009.

*Accession Number:* 20091016–0125.

*Comment Date:* 5 p.m. Eastern Time on Friday, November 6, 2009.

*Docket Numbers:* ER10–67–000.

*Applicants:* Northern Indiana Public Service Company.

*Description:* Northern Indiana Public Service Company submits several FERC-jurisdictional agreements that were not filed prior to commencement of service.

*Filed Date:* 10/15/2009.

*Accession Number:* 20091019–0047.

*Comment Date:* 5 p.m. Eastern Time on Thursday, November 5, 2009.

*Docket Numbers:* ER10–68–000.

*Applicants:* Virginia Electric and Power Company.

*Description:* Virginia Electric and Power Company submit revised Attachment H–16E to PJM Interconnection, LLC's Open Access Transmission Tariff, *et al.*

*Filed Date:* 10/15/2009.

*Accession Number:* 20091016–0103.

*Comment Date:* 5 p.m. Eastern Time on Thursday, November 5, 2009.

*Docket Numbers:* ER10–69–000.

*Applicants:* Wolverine Power Supply Cooperative, Inc.

*Description:* Wolverine Power Supply Cooperative, Inc. submits request for change in rates to distribution cooperative member owner *et al.*

*Filed Date:* 10/15/2009.

*Accession Number:* 20091016–0102.

*Comment Date:* 5 p.m. Eastern Time on Thursday, November 5, 2009.

*Docket Numbers:* ER10–70–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* PJM Interconnection, L.L.C. submits Network Integration Transmission Service Agreement between PJM and the North Carolina Electric Membership Corporation.

*Filed Date:* 10/16/2009.

*Accession Number:* 20091016–0121.

*Comment Date:* 5 p.m. Eastern Time on Friday, November 6, 2009.

*Docket Numbers:* ER10–71–000.

*Applicants:* Elmwood Park Power L.L.C.

*Description:* Elmwood Park Power L.L.C. submits notice of succession to RPL Holdings, Inc.'s FERC Electric Tariff, First Revised Volume 1.

*Filed Date:* 10/16/2009.

*Accession Number:* 20091016–0122.

*Comment Date:* 5 p.m. Eastern Time on Friday, November 6, 2009.

*Docket Numbers:* ER10–72–000.

*Applicants:* Elmwood Park Power L.L.C.

*Description:* Elmwood Park Power L.L.C. submits Notice of Succession to RPL Holdings Inc.'s FERC Electric Tariff Original Volume 2.

*Filed Date:* 10/16/2009.

*Accession Number:* 20091016–0123.

*Comment Date:* 5 p.m. Eastern Time on Friday, November 6, 2009.

*Docket Numbers:* ER10–73–000.

*Applicants:* Midwest Independent Transmission System Operator, Inc.

*Description:* Midwest Independent Transmission System Operator, Inc. submits proposed amendments to its Open Access, Transmission, Energy and Operating Reserve Markets Tariff.

*Filed Date:* 10/16/2009.

*Accession Number:* 20091019–0092.

*Comment Date:* 5 p.m. Eastern Time on Friday, November 6, 2009.

Take notice that the Commission received the following public utility holding company filings:

*Docket Numbers:* PH10–1–000.

*Applicants:* NSTAR Companies.

*Description:* Nstar, *et al.,* FERC Form 65B.

*Filed Date:* 10/16/2009.

*Accession Number:* 20091016–5102.

*Comment Date:* 5 p.m. Eastern Time on Friday, November 6, 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. E9–25694 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

October 14, 2009.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER07–1236–004; ER96–719–027; ER97–2801–028; ER99–2156–020.

*Applicants:* Yuma Cogeneration Associates; MidAmerican Energy Company; PacifiCorp; Cordova Energy Company LLC.

*Description:* PacifiCorp *et al.* submits a notice of change in status re continued market-based rate authority.

*Filed Date:* 10/02/2009.

*Accession Number:* 20091009–0004.

*Comment Date:* 5 p.m. Eastern Time on Friday, October 23, 2009.

*Docket Numbers:* ER06–1071–001.

*Applicants:* Kuehne Chemical Company, Inc.

*Description:* Kuehne Chemical Co., Inc. submits the updated market power analysis.

*Filed Date:* 10/09/2009.

*Accession Number:* 20091013–0032.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, December 8, 2009.

*Docket Numbers:* ER10–43–000.

*Applicants:* E.ON U.S. LLC.

*Description:* EONUS, LLC submits Network Integration Transmission Service Agreement and Network Operating Agreement for service to the Kentucky Municipal Power Agency.

*Filed Date:* 10/09/2009.

*Accession Number:* 20091013–0028.

*Comment Date:* 5 p.m. Eastern Time on Friday, October 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.

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. E9–25693 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

October 15, 2009.

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC10–4–000.

*Applicants:* Cross-Sound Cable Company, LLC.

*Description:* Burgundy Acquisition I Ltd. *et al.* submits the Application for Authorization Under Section of the Federal Power Act for Expedited Consideration etc.

*Filed Date:* 10/13/2009.

*Accession Number:* 20091015–0072.

*Comment Date:* 5 p.m. Eastern Time on Friday, October 23, 2009.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER97–4257–014.

*Applicants:* Mid-Power Service Corporation.

*Description:* Mid-Power Service Corporation submits Triennial Market Analysis for the period ended 9/30/09.

*Filed Date:* 10/13/2009.

*Accession Number:* 20091014–0079.

*Comment Date:* 5 p.m. Eastern Time on Monday, December 14, 2009.

*Docket Numbers:* ER09–1538–001.

*Applicants:* Carolina Power & Light Company.

*Description:* Carolina Power & Light Company submits its compliance filing which concerns a cost-based load following power sales agreement with North Carolina Electric Membership Corporation.

*Filed Date:* 10/14/2009.

*Accession Number:* 20091015–0092.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER09–1634–001.

*Applicants:* Midwest Independent Transmission System Operator, Inc.

*Description:* Midwest Independent Transmission System Operator, Inc submits a corrected Adjacent Balancing Authority Coordination Agreement filed on 8/26/09 with the Omaha Public Power District, effective 9/1/09.

*Filed Date:* 10/14/2009.

*Accession Number:* 20091015–0069.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–27–001.

*Applicants:* Midwest Independent Transmission System Operator, Inc.

*Description:* Midwest Independent Transmission System Operator, Inc. submits an amendment to proposed

Attachment RR of the Midwest ISO Open Access Transmission, Energy and Operating Reserve Markets Tariff.
*Filed Date:* 10/14/2009.
*Accession Number:* 20091014–0092.
*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–34–000.
*Applicants:* Energy Consulting Services, LLC.
*Description:* Energy Consulting Services, LLC submits Petition for Acceptance of Initial Tariff, Waivers and Blanket Authority.
*Filed Date:* 10/14/2009.
*Accession Number:* 20091014–0089.
*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–44–000.
*Applicants:* Ameren Services Company.
*Description:* Illinois Power Co. submits the Transmission Construction Agreement between Ameren Services and Prairie State Generating Company, LLC, to be effective 10/6/09.
*Filed Date:* 10/13/2009.
*Accession Number:* 20091014–0081.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, November 3, 2009.

*Docket Numbers:* ER10–45–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* Southwest Power Pool, Inc. submits revised pages to its Open Access Transmission Tariff to incorporate a revenue requirement and a transportation cost of service formula rate for ITC Great Plains, LLC.
*Filed Date:* 10/13/2009.
*Accession Number:* 20091014–0080.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, November 3, 2009.

*Docket Numbers:* ER10–46–000.
*Applicants:* PacifiCorp.
*Description:* PacfiCorp submits notices of termination of Service Agreement No. 368 *et al.*
*Filed Date:* 10/13/2009.
*Accession Number:* 20091014–0078.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, November 3, 2009.

*Docket Numbers:* ER10–48–000.
*Applicants:* Entergy Services, Inc.
*Description:* Entergy Gulf States Louisiana, LLC *et al.* submits the EAI–EGSL Contracts *et al.* and ask the Commission to grant any waivers of the requirements in 18 CFR, Part 35.
*Filed Date:* 10/13/2009.
*Accession Number:* 20091014–0077.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, November 3, 2009.

*Docket Numbers:* ER10–49–000.
*Applicants:* San Diego Gas & Electric Company.
*Description:* San Diego Gas & Electric Company submits Engineering and Procurement Agreement dated 10/8/09 with El Cajon Energy, LLC, to be designated as Service Agreement 10 under FERC Electric Tariff, Volume 6.
*Filed Date:* 10/13/2009.
*Accession Number:* 20091014–0076.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, November 3, 2009.

*Docket Numbers:* ER10–50–000.
*Applicants:* PacifiCorp.
*Description:* PacifiCorp submits Original Service No 1 *et al.* to FERC Electric Tariff, Seventh Revised Volume 11, Second Revised Service Agreement 66.
*Filed Date:* 10/13/2009.
*Accession Number:* 20091014–0088.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, November 3, 2009.

*Docket Numbers:* ER10–51–000.
*Applicants:* PacifiCorp.
*Description:* PacifiCorp submits Small Generator Interconnection Agreement Facilities Maintenance Agreement dated 10/1/09 with Lakeview Biomass, LLC designated as Service Agreement 609 etc.
*Filed Date:* 10/13/2009.
*Accession Number:* 20091014–0087.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, November 3, 2009.

*Docket Numbers:* ER10–52–000.
*Applicants:* ISO New England Inc. & New England Power.
*Description:* ISO New England Inc *et al.* submits First Revised Sheet 8305 *et al.* to FERC Electric Tariff 3, Section III—Market Rule 1—Standard Market Design—Appendix J—Alternative Technologies Regulation Pilot Program to be effective 12/13/09.
*Filed Date:* 10/13/2009.
*Accession Number:* 20091014–0086.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, November 3, 2009.

*Docket Numbers:* ER10–53–000.
*Applicants:* Midwest Independent Transmission System Operator, Inc.
*Description:* Midwest Independent Transmission System Operator, Inc submits an Amended and Restated Small Generator Interconnection Agreement.
*Filed Date:* 10/13/2009.
*Accession Number:* 20091015–0070.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, November 3, 2009.

*Docket Numbers:* ER10–55–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* PJM Interconnection, LLC submits an executed interconnection construction service agreement with Blackstone Wind Farm LLC *et al.*
*Filed Date:* 10/13/2009.
*Accession Number:* 20091014–0090.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, November 3, 2009.

*Docket Numbers:* ER10–56–000.
*Applicants:* MidAmerican Energy Company.
*Description:* MidAmerican Energy Company *et al.* submits jointly executed Joint Pricing Zone Revenue Allocation Agreement.
*Filed Date:* 10/14/2009.
*Accession Number:* 20091014–0091.
*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–57–000.
*Applicants:* PacifiCorp.
*Description:* PacifiCorp submits Large Generator Interconnection Agreement Facilities Maintenance Agreement etc.
*Filed Date:* 10/14/2009.
*Accession Number:* 20091014–0093.
*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–58–000.
*Applicants:* Oncor Electric Delivery Company LLC.
*Description:* Oncor Electric Delivery Co submits FERC Electric Tariff, Seventh Revised Volume No. 2.
*Filed Date:* 10/14/2009.
*Accession Number:* 20091014–0094.
*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–59–000.
*Applicants:* Oncor Electric Delivery Company LLC.
*Description:* Oncor Electric Delivery Co submits FERC Electric Tariff, Twelfth Revised Volume No. 1.
*Filed Date:* 10/14/2009.
*Accession Number:* 20091014–0095.
*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–60–000.
*Applicants:* Virginia Electric and Power Company.
*Description:* Virginia Electric and Power Company submits executed Service Agreement for Wholesale Distribution Service with WM Renewable Energy, LLC.
*Filed Date:* 10/14/2009.
*Accession Number:* 20091015–0067.
*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–61–000.
*Applicants:* ISO New England Inc., New England Power Pool.
*Description:* ISO New England, Inc *et al* submits revisions to the Forward Capacity Market rules and requests expedited consideration of revisions, to be effective 11/3/09.
*Filed Date:* 10/14/2009.
*Accession Number:* 20091015–0068.
*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–62–000.
*Applicants:* ISO New England Inc., New England Power Pool.

*Description:* ISO New England, Inc *et al.* submits revisions to Financial Assurance Policy & request for expedited consideration of filing with an effective date of 11/13/09.

*Filed Date:* 10/14/2009.

*Accession Number:* 20091015–0066.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–63–000.

*Applicants:* Potomac Electric Power Company.

*Description:* Potomac Electric Power Company submits executed Interconnection and Mutual Operating Agreement with Southern Maryland Electric Cooperative, Inc designated as Original Service Agreement 2303 to FERC Elect Tariff, Sixth Revised Volume 1.

*Filed Date:* 10/14/2009.

*Accession Number:* 20091015–0065.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–65–000.

*Applicants:* New York Independent System Operator, Inc.

*Description:* New York Independent System Operator, Inc submits proposed revisions to its Market Administration and Control Area Services Tariff to address notification protocols for market problems etc.

*Filed Date:* 10/14/2009.

*Accession Number:* 20091015–0091.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

*Docket Numbers:* ER10–66–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Southwest Power Pool, Inc submits executed Large Generator Interconnection Agreement between SPP, Southwestern Public Service Company, *et al.*

*Filed Date:* 10/14/2009.

*Accession Number:* 20091015–0090.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 2009.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES09–41–001.

*Applicants:* PATH West Virginia Transmission Company, LLC.

*Description:* PATH West Virginia Transmission Company, LLC Supplemental Filing.

*Filed Date:* 10/13/2009.

*Accession Number:* 20091013–5233.

*Comment Date:* 5 p.m. Eastern Time on Friday, October 23, 2009.

*Docket Numbers:* ES09–42–001.

*Applicants:* PATH Allegheny Transmission Company, LLC.

*Description:* PATH Allegheny Transmission Company, LLC and PATH Allegheny Virginia Transmission Corporation Supplemental Filing.

*Filed Date:* 10/13/2009.

*Accession Number:* 20091013–5267.

*Comment Date:* 5 p.m. Eastern Time on Friday, October 23, 2009.

*Docket Numbers:* ES10–3–000.

*Applicants:* Mississippi Power Company.

*Description:* Application of Mississippi Power Company for Authorization to Issue Securities and Request for Exemption from Competitive Bidding Requirements.

*Filed Date:* 10/14/2009.

*Accession Number:* 20091014–5373.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, November 4, 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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. E9–25692 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. PR09–25–002]**

### Crosstex North Texas Pipeline, L.P.; Notice of Compliance Filing

October 19, 2009.

Take notice that on October 12, 2009, Crosstex North Texas Pipeline, L.P. filed a Statement of Operating Conditions, including a Statement of Rates summary page, pursuant to section 284.123(e) of the Commission's regulations and to comply with the Commission's letter order issued on September 10, 2009, in Docket Nos. PR09–25–000 and PR05–21–001.

Any person desiring to participate in this proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for

review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5 p.m. Eastern on Monday, October 26, 2009.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25621 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2232–570]**

### Duke Energy Carolinas, LLC; Notice of Availability of Final Environmental Assessment

October 16, 2009.

In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Commission has reviewed an application, filed June 18, 2009, for non-project use of project lands and waters at the Catawba-Wateree Project, FERC Project No. 2232. The licensee seeks Commission approval to permit the City of Lenoir, North Carolina to construct a new raw water intake at Lake Rhodhiss. The Environmental Assessment (EA) analyzes the environmental impacts of the proposed construction and operation of the new intake facility and concludes that approval of the application, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment. The project is located on the Catawba and Wateree Rivers in North and South Carolina.

The EA was written by staff in the Office of Energy Projects, Federal Energy Regulatory Commission (Commission). A copy of the EA is attached to a Commission order titled ''Order Approving Non-Project Use of Project Lands and Waters: Construction of Raw Water Intake'' issued October 16, 2009, and is on file with the Commission and is available for public inspections. 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 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 1–866–208–3372, or for TTY, (202) 502–8659.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25615 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP09–465–000]**

### Northern Natural Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Cunningham Storage Boundary Expansion Project and Request for Comments on Environmental Issues

October 16, 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 proposed Cunningham Storage Boundary Expansion Project (Project) involving Northern Natural Gas Company's (Northern) extension of the certificated boundary of the Cunningham Gas Storage Field in Pratt and Kingman Counties, Kansas.[1] The 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[2] 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 November 16, 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.

If you are a landowner receiving this notice, you may be contacted by a Northern representative about the acquisition of natural gas storage rights beneath your property. Northern would seek to negotiate a mutually acceptable agreement for the rights to operate a natural gas storage field beneath your property. If the project is approved by the Commission, that approval would convey with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, Northern could initiate condemnation proceedings in accordance with state law. It should be noted that the current proposal does not involve the construction of any facilities at this time. Any future proposal to construct jurisdictional facilities at the Cunningham Storage Field would be subject to an appropriate environmental review by the Commission.

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

Northern is proposing to expand its existing Cunningham Gas Storage Field by 14,240 acres in order to protect the integrity of the storage field. Northern believes that third party operators outside of the storage field boundaries are producing storage gas. The location of the proposed storage field expansion is shown in Appendix 1.[3]

#### Land Requirements

No facilities would be constructed. Northern's proposal is for expansion of the certificated Cunningham Storage Field boundary by an additional 14,240 acres, including the underlying Viola and Simpson Formations. This area is

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[1] On September 14, 2009, Northern filed its application with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations. The Commission issued its Notice of Application on September 22, 2009.

[2] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices are available on the Commission's website 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.

located due north and adjacent to the northern boundary of the storage field.

**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 will discuss impacts that could occur as a result of the storage field extension. 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.

**Public Participation**

You can make a difference by providing us with your specific comments or concerns about the 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 November 16, 2009.

For your convenience, there are three methods in which you can use to submit your comments to the Commission. In all instances please reference the project docket number CP09–465–000 with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the *Quick Comment* feature, which is located on the Commission's Internet Web site at *http://www.ferc.gov* under the link to *Documents and Filings.* A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Internet Web site at *http://www.ferc.gov* under the link to *Documents and Filings.* eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on *''Sign up''* or *''eRegister.''* You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing;'' or

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

Label one copy of the comments for the attention of Gas Branch 3, PJ11.3.

**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.

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 route evaluations, if applicable, 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. E9–25616 Filed 10–23–09; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EL09–21–002]**

### PacificCorp; Notice of Filing

October 16, 2009.

Take notice that on October 14, 3009, PacificCorp submitted for filing its compliance filing with corrected pagination, headers, and footers of the tariff sheets in its Rate Schedule FERC No. 355, submitted on June 22, 2009.

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 November 13, 2009.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25612 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. OA08–14–006]**

### Midwest Independent Transmission System Operator, Inc.; Notice of Filing

October 16, 2009.

Take notice that on October 14, 2009, Midwest Independent Transmission System Operator, Inc., tendered for filing an information filing regarding operational penalties.

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 online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5 p.m. Eastern Time on November 4, 2009.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25613 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2696–033]**

### Albany Engineering Corporation: Town of Stuyvesant; Notice of Scoping Meetings and Environmental Site Review and Soliciting Scoping Comments

October 16, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of application:* New Major License.

b. *Project No.:* 2696–033.

c. *Date filed:* July 31, 2009.

d. *Submitted by:* Albany Engineering Corporation and the Town of Stuyvesant.

e. *Name of project:* Stuyvesant Falls Hydroelectric Project.

f. *Location:* On Kinderhook Creek (in the Hudson River drainage basin) in the town of Stuyvesant, Columbia County, New York. The project does not occupy any federal lands.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Mr. James A. Besha, P.E., President, Albany Engineering Corporation, 5 Washington Square, Albany, New York 12205; (518) 456–7712.

i. *FERC contact:* Carolyn Templeton at (202) 502–8785 or *carolyn.templeton@ferc.gov.*

j. *Deadline for filing scoping comments:* December 17, 2009.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''eFiling'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.'' For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener

files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. The Stuyvesant Falls Hydroelectric Project is located on Kinderhook Creek in Columbia County, New York. All project features pre-date the license by 80 years, and there were no operational changes or construction when the project was licensed in 1980, backdated to 1965. The Stuyvesant Falls Hydroelectric Project consists of a 13-foot-high, 240-foot-long, masonry gravity dam and stone and concrete intake structure that impounds Kinderhook Creek, forming a 46-acre reservoir with a normal pool elevation of 174.3 feet USGS datum. A Taintor gate and trash sluice is located near the south abutment of the gravity dam. The intake structure is enclosed in a prefabricated steel intake house and carries water from the reservoir to two 7.5-foot-diameter, 2,860-foot-long, riveted-steel pipelines. From the pipelines, water flows into a 25-foot-diameter surge tank. Water is then transported from the surge tank to a brick and steel powerhouse via two 200-foot-long steel penstocks. The powerhouse contains a single 2.8-megawatt horizontal double runner Francis turbine.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (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.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Scoping Process.

The Commission intends to prepare an Environmental Assessment (EA) on the project 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 daytime scoping meeting and one evening scoping meeting. The daytime scoping meeting will focus on resource agency and non-governmental organization (NGO) concerns, while the evening scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the scope of the environmental issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

**Evening Scoping Meeting**

*Date and Time:* Monday, November 16, 2009, at 6 p.m.

*Location:* Stuyvesant Town Hall, 5 Sunset Drive, Stuyvesant, NY 12173.

*Phone Number:* 518–758–6248.

**Daytime Scoping Meeting**

*Date and Time:* Tuesday, November 17, 2009, at 10 a.m.

*Location:* Stuyvesant Town Hall, 5 Sunset Drive, Stuyvesant, NY 12173.

*Phone Number:* 518–758–6248.

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of the SD1 will be available at the scoping meeting or may be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link [*see* item (m) above].

**Environmental Site Review**

The Applicant and FERC staff will conduct a project environmental site review beginning at 1 p.m. (EST) on Monday, November 16, 2009. All interested individuals, organizations, and agencies are invited to attend. All participants should meet at the Stuyvesant Falls Hydroelectric Project powerhouse. All participants are responsible for their own transportation to the site. Please notify Wendy Carey, Albany Engineering Corporation at 518–456–7712, ext. 401 or *wendy@albanyengineering.com* by November 9, 2009, if you plan to attend the environmental site review. Directions are as follows:

From Albany, take 90E to Exit 12, US–9 toward Hudson. Turn Right onto US–9 S. Stay straight through circular onto NY–9H S. Take slight right onto CR–25 into Stuyvesant Falls. Take right onto CR–25A. Driveway is on the left approximately 500 feet before old bridge.

From Hudson, drive north on 66 to 9H. Go north on 9H to CR–25. Go south on CR–25 into Stuyvesant Falls. Take a right onto CR–25A. Driveway is on the left approximately 500 feet before old bridge.

**Objectives**

*At the scoping meetings, 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.

**Procedures**

The meetings are recorded by a stenographer and become part of the formal record of the Commission proceeding on the project. Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the EA.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25611 Filed 10–23–09; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. PR10–1–000]**

### Peoples Gas Light and Coke Company; Notice of Petition for Rate Approval

October 19, 2009.

Take notice that on October 13, 2009, Peoples Gas Light and Coke Company (Peoples Gas) filed a petition for rate approval pursuant to Sections 284.123 and 284.224 of the Commission's regulations. Peoples Gas is requesting that the Commission approve as fair and equitable rates for the services that Peoples Gas provides pursuant to its blanket certificate authority, and revised rates for its firm and interruptible transportation and storage service, firm one-cycle exchange service and its interruptible parking and loaning service, all as more fully set forth in the application.

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 Monday, October 26, 2009.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25617 Filed 10–23–09; 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 Deferring Technical Conference

October 19, 2009.

On September 15, 2009, the Commission issued a notice in the above-captioned proceeding,[1] seeking comments from parties on the need for Commission staff to convene a technical conference as directed in *Cal Indep. Sys. Operator Corp.,* 122 FERC ¶ 61,271 (2008). Comments were submitted by the Indicated Parties,[2] Western Power Trading Forum, Pacific Gas and Electric Company, the California Independent System Operator Corporation, and Southern California Edison Company. Upon consideration, the Commission will defer holding a technical conference pending further notice.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–25618 Filed 10–23–09; 8:45 am]

**BILLING CODE 6717–01–P**

[1] Notice Seeking Comment on Need for Technical Conference, Docket Nos. ER06–615–011, *et al.* (Sept. 15, 2009).

[2] Indicated Parties include the California Municipal Utilities Association, Silicon Valley Power, M–S–R Public Power Agency, Transmission Agency of Northern California, Modesto Irrigation District, Bay Area Municipal Transmission Group, Northern California Power Agency, Sacramento Municipal Utility District, Metropolitan Water District of Southern California, the Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California, and the City and County of San Francisco, California.

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OAR–2004–0500; FRL–8973–3]**

### Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; ENERGY STAR Program in the Residential Sector (Renewal), EPA ICR Number 2193.02, OMB Control Number 2060–0586

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before November 25, 2009.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2004–0500, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by e-mail to *a-and-r-docket@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Air and Radiation Docket, Mailcode: 28221T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Attention:* Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Brian Ng, Office of Air and Radiation, Mailcode: 6202J, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; *telephone number:* (202) 343–9162; *fax number:* (202) 343–2200; *e-mail address: ng.brian@epa.gov.*

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On May 29, 2009 (74 FR 25732), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2004–0500, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center 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 Air and Radiation Docket is (202) 566–1742.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically.

*Title:* ENERGY STAR Program in the Residential Sector (Renewal).

*ICR Numbers:* EPA ICR No. 2193.02, OMB Control No. 2060–0586.

*ICR Status:* This ICR is scheduled to expire on November 30, 2009. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. 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.

*Abstract:* EPA introduced ENERGY STAR, a voluntary public-private energy efficiency partnership program, in 1992 to label energy efficient computers. Since then, EPA and the Department of Energy (DOE) have expanded the ENERGY STAR Program to promote energy efficiency in over 60 product categories and in commercial and residential buildings. Increased energy efficiency through ENERGY STAR provides cost savings to businesses and homeowners, reduces greenhouse gas emissions from power plants, and increases U.S. energy security and reliability.

EPA announced ENERGY STAR for New Homes in 1995 as part of its effort to promote energy efficient construction in the new homes market. EPA rolled out its existing homes effort in 2000 to promote cost-effective upgrades to the existing homes market. These two efforts promote home envelope improvements such as the proper installation of adequate insulation and HVAC equipment, and installation of energy efficient windows, lights, and appliances. Since participation in the ENERGY STAR program is voluntary, partners are not required to submit information to EPA. Information received to date has been submitted voluntarily to EPA and is not of a confidential nature. EPA has developed this ICR to obtain authorization to collect information from the public, including businesses, for the following activities:

*ENERGY STAR Partnership and Related Activities:* An organization interested in joining ENERGY STAR as a partner is asked to submit a partnership agreement establishing its commitment to ENERGY STAR. Partners agree to undertake efforts such as educating staff and the public about their partnership with ENERGY STAR, developing and implementing a plan to improve energy performance in homes, and highlighting achievements utilizing the ENERGY STAR brand.

*Evaluation:* Partners and other program participants are asked to periodically submit information to EPA as needed to assist in evaluating ENERGY STAR's effectiveness in helping organizations promote energy efficiency in homes, to assess partners' level of interest and ability in promoting ENERGY STAR in the residential sector, and to determine the impact that ENERGY STAR has on residential energy use and the supply and demand for energy-efficient homes and home improvement products and services.

*Quarterly Reporting:* Partners are asked to submit information each calendar quarter to assist EPA in tracking and measuring progress in building and promoting ENERGY STAR qualified homes and installing and promoting energy-efficient improvements including those made under a Home Performance with ENERGY STAR program. This includes submitting quarterly updates on partners' level of activity in qualifying new homes for the ENERGY STAR label and activity in improving the energy efficiency of existing homes under Home Performance with ENERGY STAR and ENERGY STAR's HVAC Quality Installation program.

*ENERGY STAR Awards:* Each year, partners are eligible for an ENERGY STAR award, which recognizes organizations demonstrating outstanding support in promoting ENERGY STAR. This award program provides partners public recognition and market differentiation. An application form is submitted to EPA by partners interested in being eligible for an award.

*Outreach Partnership:* Partners have the opportunity to participate in an outreach partnership with EPA to develop public education campaigns featuring the benefits of ENERGY STAR qualified homes. Partners interested in participating in the outreach program are asked to submit a form detailing their level of participation.

*Burden Statement:* The average annual reporting and recordkeeping burden for the ENERGY STAR Program and related activities is estimated to be about one and a quarter hours per respondent. 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; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Home builders, home energy verification organizations, lenders, regional energy efficiency programs/utilities, contractors, retailers, manufactured home plants, modular home plants, realtors, architects, homeowners.

*Estimated Number of Respondents:* 56,000.

*Frequency of Response:* once, occasionally, quarterly, annually.

*Estimated Total Annual Hour Burden:* 180,958.

*Estimated Total Annual Cost:* $10,896,852, which includes $16,000 in annualized capital/startup costs, $1,439 in annual operation and maintenance costs, and $10,879,413 in annual labor costs.

*Changes in the Estimates:* There is an increase of 5,509 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is due to changes in ENERGY STAR's residential programs. New partnership categories have been added that have collection activities associated with them. In addition, new collection activities related to the evaluation of ENERGY STAR's residential programs have been added. Finally, EPA has adjusted some of its burden assumptions for its existing information collections to reflect changes in the industry.

Dated: October 20, 2009.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. E9–25673 Filed 10–23–09; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2009–0406; FRL–8973–5]**

## Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Stationary Source Combustion Turbines (Renewal), EPA ICR Number 2177.03, OMB Control Number 2060–0582

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the collection and the estimated burden and cost.

**DATES:** Additional comments may be submitted on or before November 25, 2009.

**ADDRESSES:** Submit your comments, referencing docket ID number EPA–HQ–OECA–2009–0406, to (1) EPA online using *http://www.regulations.gov* (our

preferred method), or by e-mail to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Learia Williams, Compliance Assessment and Media Programs Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; e-mail address: *williams.learia@epa.gov*.

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 8, 2009 (74 FR 32580), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2009–0406, which is available for public viewing online at *http://www.regulations.gov*, in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center 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 Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper will be made available for public viewing at *http://www.regulations.gov*, as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov*.

*Title:* NSPS for Stationary Source Combustion Turbines (Renewal).

*ICR Numbers:* EPA ICR Number 2177.03, OMB Control Number 2060–0582.

*ICR Status:* This ICR is scheduled to expire on October 31, 2009. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* The New Source Performance Standards (NSPS) for Stationary Source Combustion Turbines were proposed on February 18, 2005, and promulgated on July 6, 2006. The standards apply to stationary combustion turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10 MMMBtu) per hour, based on the higher heating value of the fuel, which commenced construction, modification or reconstruction after February 18, 2005. The pollutants regulated by this subpart are nitrogen oxide ($NO_X$) and sulfur dioxide ($SO_2$).

Owners or operators of stationary source combustion turbines are required to submit an initial notification of compliance report. In addition, owners or operators are required to submit stack tests, continuous emission monitoring, performance tests and periodic reports. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Semiannual reports are also required.

Any owner or operator subject to the provisions of this subpart must maintain a file of these measurements, and retain the file for at least two years following the collection of such measurements, maintenance reports, and records.

All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office. This information is being collected to assure compliance with 40 CFR part 60, subpart KKKK, as authorized in sections 112 and 114(a) of the Clean Air Act. The required information consists of emissions data and other information that have been determined to be private.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 37 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose and 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. All existing ways will have to adjust to comply with any previously applicable instructions and requirements that have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Owners and operators of stationary source combustion turbines.

*Estimated Number of Respondents:* 307.

*Frequency of Response:* Initially and semiannually.

*Estimated Total Annual Hour Burden:* 32,075.

*Estimated Total Annual Cost:* $2,983,850 in labor costs and no capital/startup or O&M costs.

*Changes in the Estimates:* There is an adjustment increase of 16,066 hours in the total estimated labor hour burden as currently identified in the OMB Inventory of Approved ICR Burdens because the standard is now fully implemented. The increase is not due to any program changes. The previous ICR covered the initial phase of the standard implementation, which occurred over a three-year period. Hence, the average number of respondents during the initial phase is less than the number of respondents when the standard is fully implemented. This ICR shows the labor hour and cost burden after full implementation.

Dated: October 20, 2009.

**Joseph A. Sierra,**

*Acting Director, Collection Strategies Division.*

[FR Doc. E9–25724 Filed 10–23–09; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2009–0529; FRL–8973–4]**

## Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Surface Coating of Large Appliances (Renewal), EPA ICR Number 0659.11, OMB Control Number 2060–0108

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the collection and the estimated burden and cost.

**DATES:** Additional comments may be submitted on or before November 25, 2009.

**ADDRESSES:** Submit your comments, referencing docket ID number EPA–OECA–2009–0529, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by e-mail to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Attention:* Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Robert C. Marshall, Jr., Office of Enforcement Compliance Assurance, 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; *telephone number:* (202) 564–7021; *e-mail address: marshall.robert@epa.gov.*

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 30, 2009 (74 *FR* 38004), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2009–0529, which is available for public viewing online at *http://www.regulations.gov,* in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center 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 Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov,* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

*Title:* NSPS for Surface Coating of Large Appliances.

*ICR Numbers:* EPA ICR Number 0659.11, OMB Control Number 2060–0108.

*ICR Status:* This ICR is scheduled to expire on October 31, 2009. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and 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:* Owners or operators of large appliance surface coating operations are required to report startup, initial performance test, and retest information. Facilities will also report on a regular basis emission exceedances, changes to equipment, and other requirements.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 53 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Large appliance surface coating facilities.

*Estimated Number of Respondents:* 72.

*Frequency of Response:* Initially, occasionally, and semiannually.

*Estimated Total Annual Hour Burden:* 7,659.

*Estimated Total Annual Cost:* $657,087, which includes $648,687 in labor costs, no capital/startup costs, and $8,400 in operation and maintenance (O&M) costs.

*Changes in the Estimates:* There is no change in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. There is a minor change to the cost figures, since the previous ICR rounded to the nearest $1,000; this ICR presents cost figures which differ by less than $500 from the previous ICR due to using exact figures instead of rounding.

Dated: October 20, 2009.

**Joseph A. Sierra,**

*Acting Director, Collection Strategies Division.*

[FR Doc. E9–25677 Filed 10–23–09; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OW–2002–0059; FRL–8973–8; EPA ICR No. 1803.06; OMB Control No. 2040–0185]**

## Agency Information Collection Activities; Proposed Collection; Comment Request; Safe Drinking Water Act State Revolving Fund Program

**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 February 28, 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 December 28, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OW–2002–0059 by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: OW–Docket@epa.gov.*
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* Water Docket, EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave, NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–HQ–OW–2002–0059. 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:** Howard Rubin, Mail Code 4606M, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* (202) 564–2051; *fax number:* (202) 564–3757; *e-mail address: Rubin.HowardE@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–OW–2002–0059, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Water 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 Water Docket is 202–566–2426.

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 the 50 States, Puerto Rico, and the recipients of assistance in each of these jurisdictions.

*Title:* Safe Drinking Water Act State Revolving Fund Program

*ICR numbers:* EPA ICR No. 1803.06, OMB Control No. 2040–0185.

*ICR status:* This ICR is currently scheduled to expire on February 28, 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, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* The Safe Drinking Water Act (SDWA) Amendments of 1996 (Pub. L. 104–182) authorized the creation of the Drinking Water State Revolving Fund (DWSRF; the Fund) program in each State and Puerto Rico to assist public water systems to finance the costs of infrastructure needed to achieve or maintain compliance with SDWA requirements and to protect public health. Section 1452 authorizes the Administrator of the EPA to award capitalization grants to the States and Puerto Rico which, in turn, provide low-cost loans and other types of assistance to eligible drinking water systems. States can also reserve a portion of their grants to conduct various set-aside activities. The information collection activities will occur primarily at the program level through the (1) Capitalization Grant Application and Agreement/State Intended Use Plan; (2) Biennial Report; (3) Annual Audit; and (4) Assistance Application Review. Information collected is needed for input into the DWSRF National Information Management System.

(1) *Capitalization Grant Application and Agreement/State Intended Use Plan:* The State must prepare a Capitalization Grant Application that includes an Intended Use Plan (IUP) outlining in detail how it will use all the funds covered by the capitalization grant. The State may, as an alternative, develop the IUP in a two part process with one part identifying the distribution and uses of the funds among the various set-asides in the DWSRF program and the other part dealing with project assistance from the Fund.

(2) *Biennial Report:* The State must agree to complete and submit a Biennial Report on the uses of the capitalization grant. The scope of the report must cover assistance provided by the Fund and all other set-aside activities included under the Capital Grant Agreement. States which jointly administer DWSRF and Clean Water State Revolving Fund (CWSRF) programs, in accordance with section 1452(g)(1), may submit reports (according to the schedule specified for each program) which cover both programs.

(3) *Annual Audit:* A State must comply with the provisions of the Single Audit Act Amendments of 1996. Best management practices suggest and EPA recommends that a State conduct an annual independent audit of its DWSRF program. The scope of the report must cover the DWSRF Fund and all other set-aside activities included in the Capitalization Grant Agreement. States which jointly administer DWSRF and CWSRF programs, in accordance with section 1452(g)(1), may submit audits that cover both programs but which report financial information for each program separately.

(4) *Assistance Application Review:* Local applicants seeking financial assistance must prepare and submit DWSRF loan applications. States then review completed loan applications and verify that proposed projects will comply with applicable Federal and State requirements.

As a result of the American Recovery and Reinvestment Act signed by the President on February 17, 2009, the Drinking Water State Revolving Fund received an additional $2 billion in funding for assistance agreements for projects to be under contract or construction by February 17, 2010. EPA expects an estimated two-fold increase of respondents (in some years) due to this additional funding.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to be an average of 131 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:

*DWSRF—Base Program*

Estimate total number of potential respondents: 1505 respondents per year, at a cost of $4,565.35 average annual burden per response.

*Frequency of response:* For Capitalization Grants and Audits responses are annual, for Biennial reports and Loan Applications, responses are on occasion.

*Estimated total average number of responses for each respondent:* This ICR estimates one annual response per respondent.

*Estimated total annual burden hours per response:* Approximately 131 hrs. (197,155 hrs./1505 respondents)

*Estimated total annual burden hours:* Respondent burden is estimated at 197,155 hrs. annually.

Estimated total annual costs: Respondent total cost is estimated at $6,870,852 annually.

*DWSRF—American Recovery and Reinvestment Act of 2009*

Estimate total number of potential respondents: 1505 respondents per year at a cost of $3,849.40 average annual burden per response.

*Frequency of response:* For Capitalization Grants and Audits responses are annual, for Biennial reports and Loan Applications, responses are on occasion.

*Estimated total average number of responses for each respondent:* This ICR estimates one annual response per respondent.

*Estimated total annual burden hours per response:* Approximately 97 hrs. (146,550 hrs./1505 respondents)

*Estimated total annual burden hours:* Respondent burden is estimated at 146,550 hrs. annually.

*Estimated total annual costs:* Respondent total cost is estimated at $5,793,489 annually.

SUMMARY: ANNUAL BURDEN FOR ASSISTANCE RECIPIENTS RECEIVING DWSRF LOANS

| Program | Hours | Cost |
|---|---|---|
| DWSRF—Base ..... | 197,155 | $6,870,852 |
| DWSRF—ARRA ... | 146,550 | 5,793,489 |
| Total ..... | 343,705 | 12,664,341 |

**Are There Changes in the Estimates From the Last Approval?**

There is an increase of 197,155 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This reflects EPA's calculation of the burden hours resulting from a possible two-fold increase in respondents due to additional funds from the American Reinvestment and Recovery Act.

**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: October 20, 2009.

**Cynthia C. Dougherty,**

*Director, Office of Ground Water & Drinking Water.*

[FR Doc. E9–25738 Filed 10–23–09; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–8973–9]**

## Science Advisory Board Staff Office; Notification of a Public Teleconference of the Science Advisory Board Drinking Water Committee

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the SAB Drinking Water Committee (DWC) to finalize its draft advisory report on EPA's *Microbial Risk Assessment Protocol to Support Human Health Protection for Water-Based Media.*

**DATES:** The SAB DWC will conduct a public teleconference on November 19, 2009. The teleconference will begin at 1 p.m. and end at 4 p.m. (Eastern Time).

**ADDRESSES:** The teleconference will be conducted by telephone only.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing to obtain general information concerning the public teleconference may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), via telephone at (202) 343–9878 or e-mail at *yeow.aaron@epa.gov.* General information concerning the EPA Science Advisory Board can be found on the EPA Web site at *http://www.epa.gov/sab.*

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C., App. 2 (FACA), notice is hereby given that the SAB Drinking Water Committee will hold a public teleconference to discuss and finalize their draft advisory report on EPA's *Microbial Risk Assessment Protocol to Support Human Health Protection for Water-Based Media.* The SAB was established pursuant to 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under FACA. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

*Background:* EPA's Office of Water conducts microbial risk assessments as part of its responsibility for protecting human health and the environment from contaminants in water. The Office of Water has developed a draft document, *Microbial Risk Assessment Protocol to Support Human Health Risk Assessment for Water-Based Media* to provide guidance for performing these assessments. The Office of Water has requested that the SAB provide advice on the draft protocol, including recommendations on how to improve the overall approach, the applicability of the protocol, the reasonableness of the protocol, the clarity of the protocol, the completeness and robustness of the protocol, and the ease of use of the protocol for conducting water-based microbial risk assessments.

The SAB DWC met on September 21–22, 2009 to review the EPA document [see **Federal Register** Notice dated August 18, 2009 (74 FR 41697–41698)]. Materials from the September meeting are posted on the SAB Web site at *http://yosemite.epa.gov/sab/SABPRODUCT.NSF/MeetingCal/67921B908251CE9C8525760A004C1F87?OpenDocument.* The purpose of this upcoming teleconference is for the DWC to complete its draft report. The draft Committee report will be submitted to the chartered SAB for their consideration and approval. Additional information about this advisory activity can be found on the SAB Web site at *http://www.epa.gov/sab.* A meeting agenda and the draft SAB review report will be posted at the above noted SAB Web site prior to the meeting.

*Availability of Meeting Materials:* Agendas and materials in support of the teleconference will be placed on the SAB Web site at *http://www.epa.gov/sab* in advance of the teleconference. For technical questions and information concerning EPA's draft document, please contact Dr. Stephen Schaub at (202) 566–1126, or *schaub.stephen@epa.gov.*

*Procedures for Providing Public Input:* Interested members of the public may submit relevant written or oral information for the SAB DWC to consider during the advisory process. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker, with no more than a total of one hour for all speakers. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact the DFO, in writing (preferably via e-mail) at the contact information noted above, by November 13, 2009 to be placed on the list of public speakers for the meeting. *Written Statements:* Written statements should be received in the SAB Staff Office by November 13, 2009 so that the information may be made available to the Committee members for their consideration. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format). Submitters are requested to provide versions of each document submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

*Accessibility:* For information on access or services for individuals with disabilities, please contact Mr. Aaron Yeow at (202) 343–9878 or *yeow.aaron@epa.gov.* To request accommodation of a disability, please contact Mr. Yeow preferably at least ten days prior to the teleconference to give EPA as much time as possible to process your request.

Dated: October 20, 2009.

**Anthony Maciorowski,**

*Deputy Director, EPA Science Advisory Staff Office.*

[FR Doc. E9–25742 Filed 10–23–09; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–8973–7]**

### Meeting of the National Drinking Water Advisory Council—Notice of Public Meeting

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** Under Section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given of a meeting of the National Drinking Water Advisory Council (NDWAC), established under the Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*). The Council will consider various issues associated with drinking water protection, water security, and research.

**DATES:** The Council meeting will be held on November 11, 2009, from 1 p.m. to 5 p.m., November 12, 2009, from 8:30 a.m. to 5 p.m., and November 13, 2009, from 8 a.m. to noon Eastern Time.

**ADDRESSES:** The meeting will be held at the Marriott Philadelphia Downtown, 1201 Market Street, Philadelphia, PA 19107.

**FOR FURTHER INFORMATION CONTACT:** Members of the public who would like to attend the meeting, present an oral statement, or submit a written statement, should contact Veronica Blette, by e-mail at: *blette.veronica@epa.gov,* by phone, 202–564–4094, or by regular mail at the U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (MC 4601M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. The Council encourages the public's input and will allocate one hour (11:30 a.m.–12:30 p.m.) on November 12, 2009, for this purpose. Oral statements will be limited to five minutes. It is preferred that only one person present the statement on behalf of a group or organization. To ensure adequate time for public involvement, individuals or organizations interested in presenting an oral statement should notify Veronica Blette by telephone at 202–564–4094 no later than November 4, 2009. Any person who wishes to file a written statement can do so before or after a Council meeting. Written statements received by November 4, 2009 will be distributed to all members of the Council before any final discussion or vote is completed. Any statements received November 5, 2009, or after the meeting will become part of the permanent meeting file and will be forwarded to the Council members for their information.

**Special Accommodations**

For information on access or services for individuals with disabilities, please contact Veronica Blette at 202–564–4094 or by e-mail at *blette.veronica@epa.gov.* To request accommodation of a disability, please contact Veronica Blette, preferably, at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: October 20, 2009.

**Cynthia C. Dougherty,**

*Director, Office of Ground Water and Drinking Water.*

[FR Doc. E9–25740 Filed 10–23–09; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2009–0735; FRL–8794–2]**

### Pesticide Products; Registration Applications

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of applications to register new uses for pesticide products containing currently registered active ingredients, pursuant to the provisions of section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. EPA is publishing this notice of receipt of applications to register new uses, pursuant to section 3(c)(4) of FIFRA.

**DATES:** Comments must be received on or before November 25, 2009.

**ADDRESSES:** Submit your comments, identified by the docket identification (ID) number and the registration number and/or file symbol for the pesticide of interest as shown in the registration application summary, by one of the following methods:

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

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

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

*Instructions*: Direct your comments to the docket ID number specified for the pesticide of interest as shown in the registration application summaries. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket*: All documents in the docket are listed in the docket index available at *http://www.regulations.gov*: Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal

holidays. The Docket Facility telephone number is (703) 305–5805.

**FOR FURTHER INFORMATION CONTACT:** A contact person is listed at the end of each registration application summary and may be contacted by telephone or e-mail. The mailing address for each contact person listed is: Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

**SUPPLEMENTARY INFORMATION:**

## I. General Information

*A. Does this Action Apply to Me?*

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under in the registration application summary.

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

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

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

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number). If you are commenting in a docket that addresses multiple products, please indicate to which registration number(s) your comment applies.

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

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

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

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

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

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

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

## II. Registration Applications

EPA received applications as follows to register new uses of pesticide products containing currently registered active ingredients pursuant to the provisions of section 3(c) of FIFRA, and is publishing summaries of the notices of receipt of applications pursuant to section 3(c)(4) of FIFRA. Notice of receipt of these applications for new uses does not imply a decision by the Agency on the applications.

1. *Registration Number/File Symbol*: 100–763. *Docket Number*: EPA–HQ–OPP–2008–0276. *Company name and address*: Syngenta Crop Protection, Inc, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient*: Prosulfuron. *Proposed Use*: Cereal grains (except rice and wild rice), crop group 15. *Contact*: Jim Tompkins, (703) 305–5697, *tompkins.jim@epa.gov*.

2. *Registration Number/File Symbol*: 100–RGEI, 100–811. *Docket Number*: EPA–HQ–OPP–2009–0719. *Company name and address*: Syngenta Crop Protection, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient*: Cyprodinil. *Proposed Use*: Ornamentals. *Contact:* Lisa Jones, (703) 308–9424, *jones.lisa@epa.gov*.

3. *Registration Number/File Symbol*: 100–993. *Docket Number*: EPA–HQ–OPP–2009–0575. *Company name and address*: Syngenta Crop Protection, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient*: Fomesafen. *Proposed Uses*: Potato, tomato. *Contact:* Michael Walsh, (703) 308–2972, *walsh.michael@epa.gov*.

4. *Registration Number/File Symbol*: 100–1159. *Docket Number*: EPA–HQ–OPP–2007–0416. *Company name and address*: Syngenta Crop Protection, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient*: Azoxystrobin. *Proposed Uses*: Seed treatment application for head and stem Brassica, subgroup 5A; sorghum. *Contact*: John Bazuin, (703) 305–7381, *bazuin.john@epa.gov*.

5. *Registration Number/File Symbol*: 100–1204. *Docket Number*: EPA–HQ–OPP–2009–0733. *Company name and address*: Syngenta Crop Protection, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient*: Avermectin. *Proposed Use*: Soybean seed treatment. *Contact*: Thomas C. Harris, (703) 308–9423, *harris.thomas@epa.gov*.

6. *Registration Number/File Symbol*: 100–1294. *Docket Number*: EPA–HQ–OPP–2009–0737. *Company name and address*: Syngenta Crop Protection, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient*: Thiamethoxam. *Proposed Use*: Seed treatment on dry bulb onion seeds. *Contact*: Julie Chao, (703) 308–8735, *chao.julie@epa.gov*.

7. *Registration Number/File Symbol*: 241–245, 241–418. *Docket Number*: EPA–HQ–OPP–2008–0876. *Company name and address*: BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. *Active ingredient*: Pendimethalin. *Proposed Use*: Grass. *Contact*: Philip V. Errico, (703) 305–6663, *errico.philip@epa.gov*.

8. *Registration Number/File Symbol*: 264–718, 264–719, 264–850. *Docket Number*: EPA–HQ–OPP–2008–0262 *Company name and address*: Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Spiromesifin. *Proposed Use*: Vegetable, bulb, crop group 3–07. *Contact*: Jennifer Gaines, (703) 305–5967, *gaines.jennifer@epa.gov*.

9. *Registration Number/File Symbol*: 264–748, 264–752. *Docket Number*: EPA–HQ–OPP–2009–0611. *Company name and address*: Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Tebuconazole. *Proposed Use*: Fruiting vegetables, crop group 8. *Contact*: Tracy Keigwin, (703) 305–6605, *Keigwin.tracy@epa.gov*.

10. *Registration Number/File Symbol*: 264–749. *Docket Number*: EPA–HQ–OPP–2005–0097. *Company name and*

*address*: Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Tebuconazole. *Proposed Use*: Post-harvest cherry application. *Contact*: Tracy Keigwin, (703) 305–6605, *Keigwin.tracy@epa.gov*.

11. *Registration Number/File Symbol*: 264–755, 264–827. *Docket Number*: EPA–HQ–OPP–2008–0772. *Company name and address*: Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Imidacloprid. *Proposed Uses*: Vegetable, bulb, crop group 3; cereal, grain, crop group 15. *Contact*: Kable Bo Davis, (703) 306–0415, *davis.kable@epa.gov*.

12. *Registration Number/File Symbol*: 264–990. *Docket Number*: EPA–HQ–OPP–2006–0283. *Company name and address*: Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Thiophanate-methyl. *Proposed Uses*: Sweet corn and sunflower seeds. *Contact*: Lisa Jones, (703) 308–9424, *jones.lisa@epa.gov*.

13. *Registration Number/File Symbol*: 264–1007, 247–1011. *Docket Number*: EPA–HQ–OPP–2007–0004. *Company name and address*: Bayer CropScience LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Deltamethrin. *Proposed Use*: Flax. *Contact*: Olga Odiott, (703) 308–9369, *odiott.olga@epa.gov*.

14. *Registration Number/File Symbol*: 264–RNIR. *Dockets Number*: EPA–HQ–OPP–2008–0771 (clothianidin) and 2008–0772 (imidicloprid). *Company name and address*: Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredients*: Clothianidin and Imidacloprid. *Proposed Uses*: Clothianidin: Vegetable, root, except sugar beet, subgroup 1B; vegetable, tuberous and corm, subgroup 1C; vegetable, bulb, crop group 3; vegetable, leafy greens, except Brassica, subgroup 4A; vegetable, Brassica, leafy, crop group 5; vegetable, fruiting, crop group 8; vegetable, cucurbit, crop group 9; cereal grain, except rice, crop group 15; wheat; Imidacloprid: Vegetable, bulb, crop group 3; cereal grain, crop group 15. *Contact*: Kable Bo Davis, (703) 306–0415, *davis.kable@epa.gov*.

15. Registration Number/*File Symbol*: 264–RNIE. *Docket Number*: EPA–HQ–OPP–2008–0771. *Company name and address*: Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredienst*: Clothianidin, Prothioconazole, Tebuconazole, Metalaxyl. *Proposed Uses*: Vegetable, root, except sugar beet, subgroup 1B; vegetable, tuberous and corm, subgroup 1C; vegetable, bulb, crop group 3; vegetable, leafy greens, except Brassica, subgroup 4A; vegetable, Brassica, leafy, crop group 5; vegetable, fruiting, crop group 8; vegetable, cucurbit, crop group 9; cereal grain, except rice, crop group 15; wheat. *Contact*: Kable Bo Davis, (703) 306–0415, *davis.kable@epa.gov*.

16. *Registration Number/File Symbol*: 264–830, 264–831. *Docket Number*: EPA–HQ–OPP–2009–0139. *Company name and address*: Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Spirodiclofen. *Proposed Uses*: Avocado, black sapote, canistel, mamey sapote, mango, papaya, sapodilla, star apple. *Contact*: Rita Kumar, (703) 308–8291, *kumar.rita@epa.gov*.

17. *Registration Number/File Symbol*: 264–1049, 264–1050, 264–1051, 264–1065. *Docket Number*: EPA–HQ–OPP–2009–0263. *Company name and address*: Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Spirotetramat. *Proposed Uses*: Cotton; soybeans; vegetables, legume, crop group 6; acerola; atemoya; avocado; birida; black sapote; canistel; cherimoya; custard apple; feijoa; jaboticaba; guava; Ilama; longan; mamey sapota; mango; papaya; passionfruit; persimmon; pulasan; rambutan; sapodilla; soursop; Spanish lime; star apple; starfruit; sugar apple; wax jambu; white sapote; lychee; okra; pistachio; dried prune. *Contact*: Rita Kumar, (703) 308–8291, *kumar.rita@epa.gov*.

18. *Registration Number/File Symbol*: 352–IEO. *Docket Number*: EPA–HQ–OPP–2007–0950. *Company name and address*: E.I. du Pont de Nemours & Company, DuPont Crop Protection, P.O. Box 30, Newark, DE 19714. *Active ingredient*: Clorantraniliprole. *Proposed Use*: Termiticide.*Contact*: Kable Bo Davis, (703) 306–0415, *davis.kable@epa.gov*.

19. *Registration Number/File Symbol*: 352–IER. *Docket Number*: EPA–HQ–OPP–2009–0738. *Company name and address*: E.I. du Pont de Nemours & Company, DuPont Crop Protection, P.O. Box 30, Newark, DE 19714. *Active ingredient*: Indoxacarb. *Proposed Use*: Termiticide. *Contact*: Julie Chao, (703) 308–8735, *chao.julie@epa.gov*.

20. *Registration Number/File Symbol*: 352–400 and 352–532. *Docket Number*: EPA–HQ–OPP–2007–0219. *Company name and address*: E.I. DuPont de Nemours and Company, P.O. Box 30, Newark, DE 19714. *Active ingredient*: Oxamyl. *Proposed Use*: Sugar beets. *Contact*: Thomas C. Harris, (703) 308–9423, *harris.thomas@epa.gov*.

21. *Registration Number/File Symbol*: 352–436. *Docket Number*: EPA–HQ–OPP–2009–0009. *Company name and address*: E.I. du Pont de Nemours and Company, P.O. Box 30, Newark, DE 19714. *Active ingredient*: Chlorimuron Ethyl. *Proposed Uses*: Preemergence and postemergence control of annual grasses and broadleaf weeds on OPTIMUM GAT herbicide tolerant corn and soybeans. *Contact*: Mindy Ondish, (703) 605–0723, *ondish.mindy@epa.gov*.

22. *Registration Number/File Symbol*: 352–632. *Docket Number*: EPA–HQ–OPP–2009–0005. *Company name and address*: E.I. du Pont de Nemours and Company, P.O. Box 30, Newark, DE 19714. *Active ingredient*: Tribenuron Methyl. *Proposed Uses*: Pre-plant burndown treatment, postemergence, and/or post-harvest control of broadleaf weeds on OPTIMUM GAT herbicide tolerant field corn and soybeans. *Contact:* Mindy Ondish, (703) 605–0723, *ondish.mindy@epa.gov*.

23. *Registration Number/File Symbol*: 352–748. *Docket Number*: EPA–HQ–OPP–2009–0009. *Company name and address*: E.I. du Pont de Nemours and Company, P.O. Box 30, Newark, DE 19714. *Active ingredient*: Rimsulfuron. *Proposed Uses*: Preemergence and postemergence control of annual grasses and broadleaf weeds on OPTIMUM GAT herbicide tolerant corn and soybeans. *Contact:* Mindy Ondish, (703) 605–0723, *ondish.mindy@epa.gov*.

24. *Registration Number/File Symbol*: 352–728, 352–729, 352–730, 352–IEN. *Docket Number*: EPA–HQ–OPP–2009–0261. *Company name and address*: E.I. du Pont de Nemours & Company, DuPont Crop Protection, P.O. Box 30, Newark, DE 19714. *Active ingredient*: Chlorantraniliprole. *Proposed Uses*: Vegetables, roots, subgroup 1C; corn; tree nuts, group 14; pistachio; corn; egg; peanut; ti palm; cacao bean; rice; hare's ear mustard; jojoba; lesquerella; lunaria; milkweed; mustard; oil radish; poppy seed; rapeseed/canola; rose hip; sesame; tallowwood; tea oil plant; coffee; okra; strawberry; fruit, pome, group 11; fruit, citrus, group 10; pineapple; fruit, caneberry, subgroup 13–07A; acerola; jaboticaba; lychee; papaya; passionfruit; vegetables, legume, group 6, except soybeans; apple, wet pomace; fruit, small vine climbing, subgroup 13–07D; artichoke; atemoya; avocado; banana; biriba; black sapote; canistel; cherimoya; custard apple; feijoa; figs; fruit, stone, group 12; guava; lama; longan; mango; olive; persimmon; pomegranate; pulasan; rambutan; sapodilla; sapote, mamey; soursop; Spanish lime; star apple; starfruit; sugar apple; wax jambu;

white sapote (casimiroa) and other cultivars and/or hybrids; almond; raisins; herbs and spices, subgroups 19A and 19B, spices; crayfish; mint; vegetables, Brassica leafy, group 5; asparagus; prickly pear cactus; sugarcane; cereal grains; vegetable, foliage of legume, group 7; grass; hops. *Contact*: Kable Bo Davis, (703) 306–0415, *davis.kable@epa.gov*.

25. *Registration Number/File Symbol*: 400–480, 400–514. *Docket Number*: EPA–HQ–OPP–2008–0126. *Company name and address*: Chemtura U.S.A. Corporation, 199 Benson Road, Middlebury, CT 06749. *Active ingredient*: Bifenazate. *Proposed Uses*: Bean, dry, seed; grass. *Contact*: Jennifer Gaines, (703) 305–5967, *gaines.jennifer@epa.gov*.

26. *Registration Number/File Symbol*: 773–OG. *Docket Number*: EPA–HQ–OPP–2009–0740. *Company name and address*: Schering-Plough Animal Health; 56 Livingston Avenue, Roseland, NJ 07068. *Active ingredient*: Indoxacarb. *Proposed Use*: Spot-on to control fleas on cats. *Contact*: Julie Chao, (703) 308–8735, *chao.julie@epa.gov*.

27. *Registration Number/File Symbol*: 773–OU. *Docket Number*: EPA–HQ–OPP–2009–0739. *Company name and address*: Schering-Plough Animal Health; 56 Livingston Avenue, Roseland, NJ 07068. *Active ingredient*: Indoxacarb. *Proposed Use*: Spot-on to control fleas on dogs. *Contact*: Julie Chao, (703) 308–8735, *chao.julie@epa.gov*.

28. *Registration Number/File Symbol*: 4822–LAI. *Docket Number*: EPA–HQ–OPP–2009–0720. *Company name and address*: S.C. Johnson & Son, 1525 Howe St., Racine, WI 53403. *Active ingredient*: Bifenthrin. *Proposed Use*: Indoor fogger. *Contact*: BeWanda Alexander, (703) 305–7460, *alexander.bewanda@epa.gov*.

29. *Registration Number/File Symbol*: 7969–EIT. *Docket Number*: EPA–HQ–OPP–2009–0276. *Company name and address*: BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. *Active ingredient*: Triticonazole. *Proposed Use*: Cereal grains (except rice) crop group 15. *Contact*: Bryant Crowe, (703) 305–0025, *crowe.bryant@epa.gov*.

30. *Registration Number/File Symbol*: 7969–226, 7969–ETN. *Docket Number*: EPA–HQ–OPP–2008–168. *Company name and address*: BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. *Active ingredient*: Metaflumizone. *Proposed Use*: Fire ant bait for use in citrus, grape, and tree nut orchards. *Contact*: Julie Chao, (703) 308–8735, *chao.julie@epa.gov*.

31. *Registration Number/File Symbol*: 7969–266. *Docket Number*: EPA–HQ–2007–0214. *Company name and address*: BASF Corporation, P.O. Box 13528, 26 Davis Drive, Research Triangle Park, NC 27709. *Active ingredient*: Pyraclostrobin. *Proposed Uses*: Seed treatment of oat and rapeseed (including canola and crambe). *Contact*: John Bazuin, (703) 305–7381, *bazuin.john@epa.gov*.

32. *Registration Number/File Symbol*: 7969–EOG. *Docket Number*: EPA–HQ–OPP–2009–0736. *Company name and address*: BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. *Active ingredient*: Metaflumizone. *Proposed Use*: Fly control bait. *Contact*: Julie Chao, (703) 308–8735, *chao.julie@epa.gov*.

33. *Registration Number/File Symbol*: 8033–20, 8033–23, 8033–36, 8033–94. *Docket Number*: EPA–HQ–OPP–2009–0289. *Company name and address*: Nippon Soda Co., Ltd, c/o Nisso America Inc., 45 Broadway, Suite 2120; New York, NY 10006. *Active ingredient*: Acetamiprid. *Proposed Uses*: Clover (ID, WA, and OR only); greenhouse-grown tomatoes; tea; small fruit, vineclimbing, except fuzzy kiwi, subgroup 13–07F. *Contact*: Julie Chao, (703) 308–8735, *chao.julie@epa.gov*.

34. *Registration Number/File Symbol*: 10163–273 and 10163–275. *Docket Number*: EPA–HQ–OPP–2007–0536. *Company name and address*: Gowan Company, P.O. Box 5569, Yuma, AZ 85366. *Active ingredient*: Fenarimol. *Proposed Use*: Hops. *Contact*: Mary L. Waller, (703) 308–9354, *waller.mary@epa.gov*.

35. *Registration Number/File Symbol*: 10163–277. *Docket Number*: EPA–HQ–OPP–2007–0330. *Company name and address*: Gowan Company, P.O. Box 5569 Yuma, AZ 85366. *Active ingredient*: Hexythiazox. *Proposed Use*: Potato, Regional use (Pacific Northwest). *Contact*: Olga Odiott, (703) 308–9369, *odiott.olga@epa.gov*.

36. *Registration Number/File Symbol*: 10308–32. *Docket Number*: EPA–HQ–OPP–2008–0771. *Company name and address*: Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596. *Active ingredient*: Clothianidin. *Proposed Uses*: Vegetable, root, except sugar beet, subgroup 1B; vegetable, tuberous and corm, subgroup 1C; vegetable, bulb, crop group 3; vegetable, leafy greens, except Brassica, subgroup 4A; vegetable, Brassica, leafy, crop group 5; vegetable, fruiting, crop group 8; vegetable, cucurbit, crop group 9; cereal grain, except rice, crop group 15; wheat. *Contact*: Kable Bo Davis, (703) 306–0415, *davis.kable@epa.gov*.

37. *Registration Number/File Symbol*: 10308–32, 59639–150, 59639–152. *Docket Number*: EPA–HQ–OPP–2008–0945. *Company name and address*: Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596. *Active ingredient*: Clothianidin. *Proposed Uses*: Berry, low growing, subgroup 13–07H, except strawberry; peach; vegetable, tuberous and corm, subgroup 1C. *Contact*: Kable Bo Davis, (703) 306–0415, *davis.kable@epa.gov*.

38. *Registration Number/File Symbol*: 10308–32, 59639–150, 59639–152. *Docket Number*: EPA–HQ–OPP–2009–0262. *Company name and address*: *Company name and address*: Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596. *Active ingredient*: Clothianidin. *Proposed Uses*: Fig; pomegranate. *Contact*: Kable Bo Davis, (703) 306–0415, *davis.kable@epa.gov*.

39. *Registration Number/File Symbol*: 11678–57 and 66222–35. *Docket Number*: EPA–HQ–OPP–2008–0769. *Company name and address*: Makhteshim-Agan of North America, Inc., 4515 Falls of Neuse Rd., Suite 300, Raleigh, NC 27609. *Active ingredient*: Novaluron. *Proposed Uses*: Bushberries, leafy Brassica greens, turnip greens and stone fruits. *Contact*: Jennifer Gaines, (703) 305–5967, *gaines.jennifer@epa.gov*.

40. *Registration Number/File Symbol*: 33657–10, 33657–17, 33657–38. *Docket Number*: EPA–HQ–OPP–2009–0013. *Company name and address*: Mitsui Chemicals, c/o Landis International Inc., P.O. Box 5126, Valdosta, GA 31603. *Active ingredient*: Dinotefuran. *Proposed Use*: Leafy Brassica greens, crop subgroup 5B; turnip greens. *Contact*: Rita Kumar, (703) 308–8291, *kumar.rita@epa.gov*.

41. *Registration Number/File Symbol*: 59639–RAR. *Docket Number*: EPA–HQ–OPP–2008–0781. *Company name and address*: Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596. *Active ingredient*: Flumioxazin. *Proposed Uses*: General use for management of aquatic weeds in bayous, canals, fresh water ponds, lakes, marshes and reservoirs. *Contact*: James Stone, (703) 305–7391, *stone.james@epa.gov*.

42. *Registration Number/File Symbol*: 59639–95, 59639–114, 59639–115, 59639–160. *Docket Number*: EPA–HQ–OPP–2009–0018. *Company name and address*: Valent, U.S.A. Corporation, 1600 Riviera Avenue, suite 200, Walnut Creek, CA 94596. *Active ingredient*: Pyriproxyfen. *Proposed Uses*: Vegetable, leaves of root and tuber, group 2; fruit, small, vine climbing, except grape, subgroup 13–07E; artichoke, globe;

asparagus and watercress. *Contact*: Kevin Sweeney, (703) 305–5063, *sweeney.kevin@epa.gov*.

43. *Registration Number/File Symbol*: 59639–135. *Docket Number*: EPA–HQ–OPP–2009–0013. *Company name and address*: Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596. *Active ingredient*: Dinotefuran. *Proposed Use*: Leafy Brassica greens, crop subgroup 5B. *Contact*: Rita Kumar, (703) 308–8291, *kumar.rita@epa.gov*.

44. *Registration Number/File Symbol*: 62719–LIN. *Docket Number*: EPA–HQ–OPP–2007–0504. *Company name and address*: Dow Agro Sciences, 9330 Zionsville Rd., Indianapolis, IN 46268. *Active ingredient*: Isoxaben. *Proposed Uses*: Grape; tree nut, crop group 14; pistachio; almond hulls. *Contact*: Kathryn Montague, (703) 305–1243, *montague.kathryn@epa.gov*.

45. *Registration Number/File Symbol*: 62719–519. *Docket Number*: EPA–HQ–OPP–2009–0141. *Company name and address*: Dow Agro Sciences, 9330 Zionsville Rd., Indianapolis, IN 46268. *Active ingredient*: Aminopyralid. *Proposed Use*: Corn. *Contact*: Kathryn Montague, (703) 305–1243, *montague.kathryn@epa.gov*.

46. *Registration Number/File Symbol*: 62719–559, 62719–560, 62719–561. *Docket Number*: EPA–HQ–OPP–2006–0993. *Company name and address*: Dow Agro Sciences, 9330 Zionsville Rd., Indianapolis, IN 46268. *Active ingredient*: Florasulam. *Proposed Use*: Control of annual and perennial broadleaf weeds in established turfgrass. *Contact:* Dianne Morgan, (703) 305–6217, *morgan.dianne@epa.gov*.

47. *Registration Number/File Symbol*: 66330–64, 66330–65. *Docket Number*: EPA–HQ–OPP–2008–0704. *Company name and address*: Arysta LifeScience North America, 15401 Weston Parkway, Suite 150, Cary, NC 27513. *Active ingredient*: Fluoxastrobin. *Proposed Uses*: Low-growing berry, subgroup 13–07G; field corn; soybean. *Contact*: John Bazuin, (703) 305–7381, *bazuin.john@epa.gov*.

48. *Registration Number/File Symbol*: 67690–13, 67690–15, 67690–16, 67690–19, 67690–44, 67690–46. *Docket Number*: EPA–HQ–2009–0798. *Company name and address*: Sepro Corporation, 11550 North Meridian Street, Suite 600, Carmel, IN 46032. *Active ingredient*: Flurprimidol. *Proposed Uses*: Commercial and residential turf; ornamentals. *Contact*: Rosemary Kearns, (703) 305–5611, *kearns.rosemary@epa.gov*.

49. *Registration Number/File Symbol*: 70506–175, 70506–176, 70506–178. *Docket Number*: EPA–HQ–OPP–2008–0730. *Company name and address*: Cerexagri, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406. *Active ingredient*: Endothall. *Proposed Use*: Endothall on irrigated crops with treated water. *Contact:* Tracy White, (703) 308–0042, *white.tracy@epa.gov*.

50. *Registration Number/File Symbol*: 71512–1 and 71512–8. *Docket Number*: EPA–HQ–OPP–2009–0032. *Company name and address*: ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077. *Active ingredient*: Fluazinam. *Proposed Uses*: Foliar treatment of head and leaf lettuce, bulb onions, subgroup 3–07A, carrots and apples. *Contact*: John Bazuin, (703) 305–7381, *bazuin.john@epa.gov*.

51. *Registration Number/File Symbol*: 71711–4, 71711–19. *Docket Number*: EPA–HQ–OPP–2008–0556. *Company name and address*: Nichino America, Inc., 4550 New Linden Hill Road Suite 501, Wilmington, DE, 19808. *Active ingredient*: Fenpyroximate. *Proposed Use*: Berry, low-growing, subgroup 13–07G. *Contact*: Rosanna Louie, (703) 308–0037, *louie.rosanna@epa.gov*.

52. *Registration Number/File Symbol*: 71711–5, 71711–28. *Docket Number*: EPA–HQ–OPP–2009–0553. *Company name and address*: Nichino America Inc., 4550 New Linden Hill Rd., Suite 501, Wilmington, DE 19808. *Active ingredient*: Flutolanil. *Proposed Uses*: Cotton; soybean; sugar beets. *Contact:* Lisa Jones, (703) 308–9424, *jones.lisa@epa.gov*.

53. *Registration Number/File Symbol*: 72642–2. *Docket Number*: EPA–HQ–OPP–2009–0616. *Company name and address*: Elanco Animal Health, A Division of Eli Lilly and Company, 2001 West Main Street, P.O. Box 708, Greenfield, IN 46140. *Active ingredient*: Spinosad. *Proposed Use*: Direct application to poultry. *Contact*: Samantha Hulkower, (703) 603–0683, *hulkower.samantha@epa.gov*.

54. *Registration Number/File Symbol*: 73049–UGI and 73049–UGO. *Docket Number*: EPA–HQ–OPP–2006–0986. *Company name and address*: Valent BioSciences Corporation, 870 Technology Way, Libertyville, IL 60048–6316. *Active ingredient*: Allethrins. *Proposed Use*: Food handling establishments. *Contact*: Carmen Rodia, (703) 306–0327, *rodia.carmen@epa.gov*.

55. *Registration Numbers/File Symbol*: 73545–9, 73545–11, 73545–13, 73545–16 and 73545–18. *Docket Number*: EPA–HQ–OPP–2006–0644. *Company name and address*: United Phosphorous Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406. *Active ingredient*: Thiophanate-methyl. *Proposed Uses*: Bushberry, caneberry, leafy Brassica greens, turnip greens, ginseng, mushroom, tree nuts, tuberous and corm vegetables, tomato and tomatillo, mustard, cotton, sunflower and sweet corn. *Contact*: Lisa Jones, (703) 308–9424, *jones.lisa@epa.gov*.

56. *Registration Number/File Symbol*: 74280–2. *Docket Number*: EPA–HQ–OPP–2009–0715. *Company name and address*: Punjab Chemical and Crop Protection, c/o Source Dynamics LLC, 10039 E. Troon North Drive, Scottsdale, AZ 85262. *Active ingredient*: Tebuconazole. *Proposed Use*: Application to golf course turf. *Contact*: Tracy Keigwin, (703) 305–6605, *keigwin.tracy@epa.gov*.

57. *Registration Number/File Symbol*: 75753–1, 75753–2. *Docket Number*: EPA–HQ–OPP–2009–0722. *Company name and address*: Agriguard Company, LLC, P.O. Box 630, Cranford, NJ 07016. *Active ingredient*: Furfural. *Proposed Use*: Application to turf. *Contact*: Tamue Gibson, (703) 305–9096, *gibson.tamue@epa.gov*.

58. *Registration Number/File Symbol*: 84542–U. *Docket Number*: EPA–HQ–OPP–2009–0794. *Company name and address*: Cupron Inc., P.O. Box 10973, Greensboro NC 27404. *Active ingredient*: Cupric Oxide. *Proposed Use*: Anti-dustmite treated textiles. *Contact*: Olga Odiott, (703) 308–9369, *odiott.olga@epa.gov*.

59. *Registration Number/File Symbol*: 86153–R, 86153–E. *Docket Number*: EPA–HQ–OPP–2009–0550. *Company name and address*: Devgen US Inc., 413 McFarlan Road, Suite B, Kennett Square, PA 19348. *Active ingredient*: Iprodione. *Proposed Use*: Cucurbits; fruiting vegetables. *Contact:* Lisa Jones, (703) 308–9424, *jones.lisa@epa.gov*.

## List of Subjects

Environmental protection, Pesticides and pests.

Dated: October 15, 2009.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. E9–25736 Filed 10–23–09; 8:45 am]

BILLING CODE 6560–50–S

## FEDERAL COMMUNICATIONS COMMISSION

**[CG Docket No. 03–123; DA 09–2097]**

## Pleading Cycle Established for Comments on Petition of Qwest Wireless for Waiver of the Commission's Rules on Contributions to the Interstate Telecommunications Relay Service Fund

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission seeks comment on a petition filed by Qwest Wireless for waiver of the Interstate Telecommunications Relay Service Fund contribution requirement contained in the Commission's rules.

**DATES:** Comments are due on or before October 14, 2009. Reply comments are due on or before October 21, 2009. *Ex parte* submissions can be filed on an ongoing basis.

**ADDRESSES:** Pursuant to 47 CFR 1.415 and 1.419 of the Commission rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments identified by [CG Docket No. 03–123], by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting electronic filings.
- *Federal Communications Commission's Electronic Comment Filing System (ECFS):* Follow the instructions for submitting electronic filings.
- By filing paper copies.

For electronic filers through ECFS or the Federal eRulemaking Portal, filers must transmit one electronic copy of the comment or reply comment to the docket number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov,* and include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.

*Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties who choose to file by paper should also submit their documents on a compact disc. The compact disc should be submitted, along with three paper copies, to: Dana Wilson, Consumer and Governmental Affairs Bureau, Disability Rights Office, 445 12th Street, SW., Room 3–C418, Washington, DC 20554. Such a submission should be on a compact disc formatted in an IBM compatible format using Word 2003 or compatible software. The compact disc should be accompanied by a cover letter and should be submitted in ''read only'' mode. It should also be clearly labeled with the party's name, the proceedings (including the docket numbers) which in this case is CG Docket No. 03–123, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the compact disc. The label should also include the following phrase ''Disc Copy—Not an Original.'' Each compact disc should contain only one party's pleadings, preferably in a single electronic file. In addition, paper filers must send compact disc copies to the Commission's copy contractor, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings and electronic media for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

Commercial mail and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

Pursuant to § 1.1206 of the Commission's rules, 47 CFR 1.1206, this proceeding will be conducted as a permit-but-disclosed proceeding in which *ex parte* communications are subjected to disclosure. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. *See* 47 CFR 1.1206(b) of the Commission's rules. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclosed proceedings are set forth in § 1.1206(b) of the Commission's rules.

**FOR FURTHER INFORMATION CONTACT:** Dana Wilson, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418–2247 (voice), (202) 418–7898 (TTY), or e-mail at *Dana.Wilson@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document DA 09–2097, released September 23, 2009, seeking comment on a petition filed by Qwest Wireless for waiver of the Interstate Telecommunications Relay Service Fund contribution requirement contained in 47 CFR 64.604(c)(5)(iii) of the Commission's rules. *See Pleading Cycle Established for Comments on Petition of Qwest Wireless for Waiver of the Commission's Rules on Contributions to the Interstate Telecommunications Relay Service Fund,* CG Docket No. 03–123. The full text of document DA 09–2097 and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. Document DA 09–2097 and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at its Web site *http://www.bcpiweb.com*, or by calling 1–800–378–3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Document DA 09–2097 can also be downloaded in Word or Portable Document Format (PDF) at: *http://www.fcc.gov/cgb/dro/trs.html.*

### Synopsis

On June 26, 2009, Qwest Wireless filed a petition for waiver of the Interstate Telecommunications Relay Service (TRS) Fund contribution requirement contained in 47 CFR 64.604(c)(5)(iii) of the Commission's rules. *See Qwest Wireless, Petition for Waiver of the TRS Fund Contribution*

*Rules, 47 CFR 64.604(c)(5)(iii) of the Commission's rules,* CG Docket No. 03–123, filed June 26, 2009 (Qwest Wireless Petition). Specifically, Qwest Wireless seeks a waiver of the relevant contribution rule so that it would not contribute to the Interstate TRS Fund in the funding year beginning July 1, 2009.

Qwest Wireless states that it is exiting the telecommunications business and will discontinue service on October 31, 2009. *Qwest Wireless Petition at 3.* Qwest Wireless further states that it is seeking this waiver ''so that its contributions to the TRS Fund in calendar year 2009 are better aligned with the recovery of TRS costs from its current customers.'' *Qwest Wireless Petition at 3.*

Federal Communications Commission.

**Mark Stone,**

*Deputy Chief, Consumer and Governmental Affairs Bureau.*

[FR Doc. E9–25691 Filed 10–23–09; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Privacy Act of 1974, as Amended; System of Records

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of new and revised systems of records.

**SUMMARY:** The Federal Deposit Insurance Corporation (''FDIC'') proposes to add one new system of records to its existing inventory of record systems subject to the Privacy Act of 1974. This new system of records is entitled Online Ordering Request Records. The FDIC also proposes to revise and republish a compilation of all its system of records notices. The systems revisions are minor corrective and administrative changes that do not meet the threshold criteria established by the Office of Management and Budget for either a new or altered system of records. We hereby publish this notice for comment on the proposed actions.

**DATES:** Comments on the proposed systems of records must be received on or before November 25, 2009. The proposed systems of records will become effective 45 days following publication in the **Federal Register**, unless a superseding notice to the contrary is published before that date.

**ADDRESSES:** You may submit written comments by any of the following methods:

- *Agency Web site:* Located at *http://www.fdic.gov/regulations/laws/federal/propose.html.* Follow instructions for submitting comments on this Web site.
- *E-mail:* Send to *comments@fdic.gov.* Include ''Notice of New and Revised FDIC Systems of Records'' in the subject line.
- *Mail:* Send to Fredrick L. Fisch, Supervisory Counsel, Attention: Comments, FDIC System of Records, 550 17th Street, NW., Washington, DC 20429.

All submissions should refer to ''Notice of New and Revised FDIC System of Records.'' By prior appointment, comments may also be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, Virginia 22226, between 9 a.m. and 4 p.m. (EST), Monday to Friday.

**FOR FURTHER INFORMATION CONTACT:** Fredrick L. Fisch, Supervisory Counsel, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, (202) 898–6901.

**SUPPLEMENTARY INFORMATION:** In accordance with the Privacy Act of 1974, as amended, the FDIC has conducted a review of its Privacy Act systems of records and has determined that it needs to introduce one new system of records, and to revise and republish a compilation of its thirty existing system of records notices. The FDIC previously published one or more of its existing system of records notices at various times. These publications may be viewed at the FDIC's Privacy Act Web page: *http://www.fdic.gov/about/privacy/.*

The FDIC proposes to add one new system of records notice to cover information maintained by a new data technology system that will collect, process, and store personal information. The new system of records is designated as FDIC–30–64–0031 (Online Ordering Request Records). This system of records will be used to process online requests by individuals for certain FDIC products, publications, and materials such as brochures, pamphlets, CD–ROMs, and subscriptions to newsletters. Information proposed to be collected and stored includes the name of the requesting individual, business or organization affiliations, addresses, phone numbers, e-mail addresses, order history, payment information, identity verification information, fulfillment information, and other contact information provided by the requester. FDIC employees will administer the system, along with FDIC contractors and subcontractors who will assist the FDIC in managing the information collection. The information will be collected by entering information on an online form linked from the FDIC web site that populates the contractor's electronic information system on the contractor's web site. Requesters that call, mail or make requests by other means will be guided to the web site to complete the online request or allow FDIC staff to enter the information they provide. Once collected, the information will be maintained on the contractor's electronic system in a secured environment. The collection of the information is required in order to obtain the requested information.

The FDIC also proposes to revise and republish a compilation of its thirty existing system of records notices. The systems revisions are minor corrective and administrative changes that do not meet the threshold criteria established by the Office of Management and Budget for either a new or altered system of records. More detailed information on the proposed new and revised systems of records may be viewed in the complete text below.

**Index of FDIC Privacy Act Systems of Records In This Publication**

FDIC 30–64–01 Attorney and Legal Intern Applicant Records
FDIC 30–64–0002 Financial Institution Investigative and Enforcement Records
FDIC 30–64–0003 Administrative and Personnel Action Records
FDIC 30–64–0004 Changes in Financial Institution Control Ownership Records
FDIC 30–64–0005 Consumer Complaint and Inquiry Records
FDIC 30–64–0006 Employee Confidential Financial Disclosure Records
FDIC 30–64–0007 Employee Training Information Records
FDIC 30–64–0008 Chain Banking Organizations Identification Records
FDIC 30–64–0009 Safety and Security Incident Records
FDIC 30–64–0010 Investigative Files of the Office of Inspector General
FDIC 30–64–0011 Corporate Recruiting, Evaluating, and Electronic Referral System
FDIC 30–64–0012 Financial Information Management Records
FDIC 30–64–0013 Insured Financial Institution Liquidation Records
FDIC 30–64–0014 Personnel Benefits and Enrollment Records
FDIC 30–64–0015 Personnel Records
FDIC 30–64–0016 Professional Qualification Records for Municipal Securities Dealers, Municipal Securities Representatives and U.S. Government Securities Brokers/Dealers
FDIC 30–64–0017 Employee Medical and Health Assessment Records
FDIC 30–64–0018 Grievance Records
FDIC 30–64–0019 Potential Bidders List
FDIC 30–64–0020 Telephone Call Detail Records

FDIC 30–64–0021 Fitness Center Records
FDIC 30–64–0022 Freedom of Information Act and Privacy Act Request Records
FDIC 30–64–0023 Affordable Housing Program Records
FDIC 30–64–0024 Unclaimed Deposit Account Records
FDIC 30–64–0025 Beneficial Ownership Filings (Securities Exchange Act)
FDIC 30–64–0026 Transit Subsidy Program Records
FDIC 30–64–0027 Parking Program Records
FDIC 30–64–0028 Office of the Chairman Correspondence Records
FDIC 30–64–0029 Congressional Correspondence Records
FDIC 30–64–0030 Legislative Information Tracking System Records
FDIC 30–64–0031 Online Ordering Request Records

## FDIC–30–64–0001

**SYSTEM NAME:**

Attorney and Legal Intern Applicant Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Applicants for the position of attorney or legal intern with the Legal Division of the FDIC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains correspondence from the applicants and individuals whose names were provided by the applicants as references; applicants' resumes; application forms; and in some instances, comments of individuals who interviewed applicants; documents relating to an applicant's suitability or eligibility; writing samples; and copies of academic transcripts and class ranking.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE:**

The information in this system is used to evaluate the qualifications of individuals who apply for attorney or legal intern positions in the Legal Division.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; and

(10) To individuals or concerns whose names were supplied by the applicant as references and/or past or present employers in requesting information about the applicant.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in paper format within individual file folders in file cabinets. **Note:** In the future all or some portion of the records may be stored in electronic media. These records will be: stored on a secured computer server; password protected; and accessible only by authorized personnel.

**RETRIEVABILITY:**

Individual file folders are indexed and retrieved by name. Records of unsuccessful applicants are indexed first by job position category and year and then by name.

**SAFEGUARDS:**

Records are maintained in lockable metal file cabinets accessible only by authorized personnel.

**RETENTION AND DISPOSAL:**

Records of unsuccessful applicants are retained two years after their submission; records of successful applicants become a part of the Personnel Records system of records (FDIC 30–64–0015) and are retained two years after the applicant leaves the employ of the FDIC.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant General Counsel, Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

The information is obtained from the applicants; references supplied by the applicants; current and/or former employers of the applicants; and FDIC employees who interviewed the applicants.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Pursuant to 12 CFR Part 310.13(b), investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for FDIC employment may be withheld from disclosure to the extent that disclosure of such material would reveal the identity of a source who furnished information to the FDIC under an express promise of confidentiality.

## FDIC–30–64–0002

**SYSTEM NAME:**

Financial Institution Investigative and Enforcement Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Supervision and Consumer Protection, FDIC, 550 17th Street, NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Individuals who participate or have participated in the conduct of or who are or were connected with financial institutions, such as directors, officers, employees, and customers, and who have been named in suspicious activity reports or administrative enforcement orders or agreements. Financial institutions include banks, savings and loan associations, credit unions, other similar institutions, and their affiliates whether or not federally insured and whether or not established or proposed.

(2) Individuals, such as directors, officers, employees, controlling shareholders, or persons who are the subject of background checks designed to uncover criminal activities bearing on the individual's fitness to be a director, officer, employee, or controlling shareholder.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains interagency or intra-agency correspondence or memoranda; criminal referral reports; suspicious activity reports; newspaper clippings; Federal, State, or local criminal law enforcement agency investigatory reports, indictments and/or arrest and conviction information; and administrative enforcement orders or agreements. **Note:** Certain records contained in this system (principally criminal investigation reports prepared by the Federal Bureau of Investigation, Secret Service, and other federal law enforcement agencies) are the property of federal law enforcement agencies. Upon receipt of a request for such records, the FDIC will notify the proprietary agency of the request and seek guidance with respect to disposition. The FDIC may forward the request to that agency for processing in accordance with that agency's regulations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 5, 6, 7, 8, 9, 18, and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1815, 1816, 1817, 1818, 1819, 1828, 1829).

**PURPOSE:**

The information is maintained to support the FDIC's regulatory and supervisory functions by providing a centralized system of information (1) for conducting and documenting investigations by the FDIC or other financial supervisory or law enforcement agencies regarding conduct within financial institutions by directors, officers, employees, and customers, which may result in the filing of suspicious activity reports or criminal referrals, referrals to the FDIC Office of the Inspector General, or the initiation of administrative enforcement actions; and (2) to identify whether an individual is fit to serve as a financial institution director, officer, employee or controlling shareholder.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To a financial institution affected by enforcement activities or reported criminal activities;

(11) To the Internal Revenue Service and appropriate State and local taxing authorities;

(12) To other Federal, State or foreign financial institutions supervisory or regulatory authorities; and

(13) To the Department of the Treasury, federal debt collection centers, other appropriate federal agencies, and private collection contractors or other third Parties authorized by law, for the purpose of collecting or assisting in the collection of delinquent debts owed to the FDIC. Disclosure of information contained in these records will be limited to the individual's name, Social Security number, and other information necessary to establish the identity of the individual, and the existence, validity, amount, status and history of the debt.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by name of the individual.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized persons. File folders are maintained in lockable metal file cabinets.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGERS AND ADDRESS:**

Director, Division of Supervision and Consumer Protection, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Financial institutions; financial institution supervisory or regulatory authorities; newspapers or other public records; witnesses; current or former FDIC employees; criminal law enforcement and prosecuting authorities.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Portions of the records in this system of records were compiled for law enforcement purposes and are exempt from disclosure under 12 CFR Part 310.13 and 5 U.S.C. 552a(k)(2). Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

## FDIC–30–64–0003

**SYSTEM NAME:**

Administrative and Personnel Action Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Legal Division, Executive Secretary Section, FDIC, 550 17th Street, NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have been the subject of administrative actions or personnel actions by the FDIC Board of Directors or by standing committees of the FDIC and individuals who have been the subject of administrative actions by FDIC officials under delegated authority.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Minutes of the meetings of the FDIC Board of Directors or standing committees and orders of the Board of Directors, standing committees, or other officials as well as annotations of entries into the minutes and orders.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 8, 9, and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1818, 1819, 1829).

**PURPOSE:**

The system is maintained to record the administrative and personnel actions taken by the FDIC Board of Directors, standing committees, or other officials.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests,

identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; and

(10) To the U.S. Office of Personnel Management, General Accounting Office, the Office of Government Ethics, the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission, or the Federal Labor Relations Authority or its General Counsel of records or portions thereof determined to be relevant and necessary to carrying out their authorized functions, including but not limited to a request made in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or issuance of a grant, license, or other benefit by the requesting agency, but only to the extent that the information disclosed is necessary and relevant to the requesting agency's decision on the matter.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

#### STORAGE:

Records are stored in electronic media, microfilm, paper format within individual file folders, minute book ledgers and index cards.

#### RETRIEVABILITY:

Records are indexed and retrieved by name.

#### SAFEGUARDS:

Electronic files are password protected and accessible only by authorized personnel. Paper format, index cards, and minute book ledgers are stored in lockable metal file cabinets or vault accessible only by authorized personnel. A security copy of certain microfilmed portions of the records is retained at another location.

#### RETENTION AND DISPOSAL:

Permanent.

#### SYSTEM MANAGER(S) AND ADDRESS:

Legal Division, Executive Secretary Section, FDIC, 550 17th Street, NW., Washington, DC 20429.

#### NOTIFICATION PROCEDURE:

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

#### RECORD ACCESS PROCEDURES:

*See* ''Notification Procedure'' above.

#### CONTESTING RECORD PROCEDURES:

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

#### RECORD SOURCE CATEGORIES:

Intra-agency records.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

### FDIC–30–64–0004

#### SYSTEM NAME:

Changes in Financial Institution Control Ownership Records.

#### SECURITY CLASSIFICATION:

Unclassified but sensitive.

#### SYSTEM LOCATION:

Division of Supervision and Consumer Protection, FDIC, 550 17th Street, NW., Washington, DC 20429.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals who acquired or disposed of voting stock in an FDIC-insured financial institution resulting in a change of financial institution control or ownership; and

(2) Individuals who filed or are included as a member of a group listed in a ''Notice of Acquisition of Control'' of an FDIC-insured financial institution. **Note:** The information is maintained only for the period 1989 to 1995. Commencing in 1996 the records were no longer collected nor maintained on an individual name or personal identifier basis and are not retrievable by individual name or personal identifier. Beginning in 1996, information concerning changes in financial institution control is collected and maintained based upon the name of the FDIC-insured financial institution or specialized number assigned to the FDIC-insured financial institution.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Records include the name of proposed acquirer; statement of assets and liabilities of acquirer; statement of income and sources of income for each acquirer; statement of liabilities for each acquirer; name and location of the financial institution; number of shares to be acquired and outstanding; date ''Change in Control Notice'' or ''Notice of Acquisition of Control'' was filed; name and location of the newspaper in which the notice was published and date of publication. For consummated transactions, names of sellers/transferors; names of purchasers/transferees and number of shares owned after transaction; date of transaction on institution's books, number of shares acquired and outstanding. If stock of a holding company is involved, the name and location of the holding company and the institution(s) it controls.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

#### PURPOSE:

The system maintains information on individuals involved in changes of control of FDIC-insured financial institutions for the period 1989 to 1995 and is used to support the FDIC's regulatory and supervisory functions.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; and

(10) To other Federal or State financial institution supervisory authorities.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Records for the period 1989 to 1995 are indexed and retrieved by name of the individual.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized persons. File folders are maintained in lockable metal file cabinets.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Supervision and Consumer Protection, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Persons who acquired control of an FDIC-insured financial institution; the insured financial institution or holding company in which control changed; filed ''Change in Control Notice'' form and ''Notice of Acquisition of Control'' form during the period 1989 to 1995; federal and state financial institution supervisory authorities.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0005

**SYSTEM NAME:**

Consumer Complaint and Inquiry Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Supervision and Consumer Protection, FDIC, 550 17th Street, NW., Washington, DC 20429, and FDIC regional offices for complaints or inquiries originating within or involving an FDIC-insured depository institution located in an FDIC region. (See *Appendix A* for a list of the FDIC regional offices and their addresses.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have submitted complaints or inquiries concerning activities or practices of FDIC-insured depository institutions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains correspondence and records of other communications between the FDIC and the individual submitting a complaint or making an inquiry, including copies of supporting documents and contact information supplied by the individual. May contain correspondence between the FDIC and the FDIC-insured depository institution in question and/or intra-agency or inter-agency memoranda or correspondence concerning the complaint or inquiry.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and

Section 202(f) of Title II of the Federal Trade Improvement Act (15 U.S.C. 57a(f)).

**PURPOSE:**

The system maintains correspondence from individuals regarding complaints or inquiries concerning activities or practices of FDIC-insured depository institutions. The information is used to identify concerns of individuals, to manage correspondence received from individuals and to accurately respond to complaints, inquiries, views and concerns expressed by individuals. The information in this system supports the FDIC regulatory and supervisory functions.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To the insured depository institution which is the subject of the complaint or inquiry when necessary to investigate or resolve the complaint or inquiry;

(11) To authorized third-party sources during the course of the investigation in order to resolve the complaint or inquiry. Information that may be disclosed under this routine use is limited to the name of the complainant or inquirer and the nature of the complaint or inquiry and such additional information necessary to investigate the complaint or inquiry; and

(12) To the Federal or State supervisory/regulatory authority that has direct supervision over the insured depository institution that is the subject of the complaint or inquiry.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Electronic media and paper format are indexed and retrieved by unique identification number which may be cross referenced to the name of complainant or inquirer.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. Paper format files are maintained in lockable metal file cabinets accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director, Division of Supervision and Consumer Protection, FDIC, 550 17th Street, NW., Washington, DC 20429, or the Regional Director, Division of Supervision and Consumer Protection for records maintained in FDIC regional offices (*See Appendix A* for the location of FDIC Regional Offices).

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

The information is obtained from the individual on whom the record is maintained; FDIC-insured depository institutions that are the subject of the complaint; the appropriate agency, whether Federal or State, with supervisory authority over the institution; congressional offices that

may initiate the inquiry; and other parties providing information to the FDIC in an attempt to resolve the complaint or inquiry.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**FDIC–30–64–0006**

**SYSTEM NAME:**

*Employee Confidential Financial Disclosure Records.*

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Records are located in component divisions, offices and regional offices to which individuals covered by the system are assigned. Duplicate copies of the records are located in the Legal Division, Executive Secretary Section, Ethics Unit, FDIC, 550 17th Street, NW., Washington, DC 20429. (*See Appendix A* for a list of the FDIC regional offices and their addresses).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former officers and employees, and special government employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains statements of personal and family financial holdings and other interests in business enterprises and real property; listings of creditors and outside employment; opinions and determinations of ethics counselors; information related to conflict of interest determinations; and information contained on the following forms:

(1) Confidential Financial Disclosure Report—contains listing of personal and family investment holdings, interests in business enterprises and real property, creditors, and outside employment.

(2) Confidential Report of Indebtedness—contains information on extensions of credit to employees, including loans and credit cards, by FDIC-insured depository institutions or their subsidiaries; may also contain memoranda and correspondence relating to requests for approval of certain loans extended by insured financial institutions or subsidiaries thereof.

(3) Confidential Report of Interest in FDIC-Insured Depository Institution Securities—contains a brief description of an employee's direct or indirect interest in the securities of an FDIC-insured depository institution or affiliate, including a depository institution holding company, and the date and manner of acquisition or divestiture; a brief description of an employee's direct or indirect continuing financial interest through a pension or retirement plan, trust or other arrangement, including arrangements resulting from any current or prior employment or business association, with any FDIC-insured depository institution, affiliate, or depository institution holding company; and a certification acknowledging that the employee has read and understands the rules governing the ownership of securities in FDIC-insured depository institutions.

(4) Employee Certification and Acknowledgment of Standards of Conduct Regulation—contains employee's certification and acknowledgment that he or she has received a copy of the Standards of Ethical Conduct for Employees of the FDIC.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Ethics in Government Act of 1978 (5 U.S.C. 7301 and App.); Section 9 and 12(f) of the Federal Deposit Insurance Act (12 U.S.C. 1819(a), 1822(f)); 26 U.S.C. 1043; Executive Order Nos. 12674 (as modified by 12731), 12565, and 11222; 5 CFR Part 2634, 2635, and 3201.

**PURPOSE:**

The records are maintained to assure compliance with the standards of conduct for Government employees contained in the Executive Orders, Federal Statutes and FDIC regulations and to determine if a conflict of interest exists between employment of individuals by the FDIC and their personal employment and financial interests.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections; and

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by name of individual. Electronic media and paper format do not index the

names of prospective employees who are not selected for employment.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. Paper format copies are maintained in lockable file cabinets.

**RETENTION AND DISPOSAL:**

Records concerning prospective employees who are not selected for employment are retained for one year and then destroyed, except that documents needed in an ongoing investigation will be retained until no longer needed in the investigation. All other records are retained for six years and then destroyed. Entries maintained in electronic media are deleted, except that paper format documents and electronic media entries needed in an ongoing investigation will be retained until no longer needed for the investigation. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Ethics Program Manager, Executive Secretary Section, Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

The information is obtained from the individual or a person or entity designated by the individual; FDIC employees designated as Ethics Counselors or Deputy Ethics Counselors; other employees or individuals to whom the FDIC has provided information in connection with evaluating the records maintained.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0007

**SYSTEM NAME:**

Employee Training Information Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

FDIC Corporate University, 3501 North Fairfax Drive, Arlington, VA 22226, and FDIC Office of Inspector General, 3501 North Fairfax Drive, Arlington, VA 22226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All current and former employees and any non-FDIC employees that have attended training conducted or sponsored by the FDIC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains the training history of an individual while employed by the FDIC. Records may include schedule of employee's training classes and other educational programs attended, dates of attendance, tuition fees and expenses. The system used by the Office of Inspector General may also contain employee certifications on training attended, employee certifications or other information on educational degrees or professional memberships and other similar information. The Corporate University system does not record or track educational degrees, professional memberships, or similar information, and it is not used by the FDIC to confirm continuing education requirements of employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Sections 4(b) and 6(e) of the Inspector General Act of 1978, at amended (5 U.S.C. app).

**PURPOSE:**

The system is used to record and manage comprehensive training information that is available to employees, training administrators, and management. The system is also used to schedule training events, enroll students, and launch online training. The system is utilized for reporting purposes and to maintain records for applicable continuing education requirements.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or

appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To educational institutions for purposes of enrollment and verification of employee attendance and performance;

(11) To vendors, professional licensing boards or other appropriate third parties, for the purpose of verification, confirmation, and substantiation of training or licensing requirements;

(12) To the U.S. Office of Personnel Management for purposes of tracking and analyzing training and related information of FDIC employees; and

(13) To other Federal Offices of Inspector General or other entities for purposes of conducting quality assessments or peer reviews of the OIG or any of its components.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Electronic media are accessible by FDIC Employee ID number or name. A small number of archived historical records are accessible only by Social Security number, with no associated name recorded. File folders are indexed and retrieved by name of individual.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. Paper records within individual file folders are maintained in lockable metal file cabinets accessible only by authorized personnel.

**RETENTION AND DISPOSAL:**

Permanent retention.

**SYSTEM MANAGER(S) AND ADDRESSES:**

Associate Chief Learning Officer, Corporate University, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226; Deputy Assistant Inspector General for Management, Office of Inspector General, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

The information is obtained from the employee about whom the record is maintained; training administrators; and the training facility or institution attended.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0008

**SYSTEM NAME:**

Chain Banking Organizations Identification Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Supervision and Consumer Protection, FDIC, 550 17th Street, NW., Washington, DC 20429, and FDIC regional offices. (*See Appendix A* for a list of the FDIC regional offices and their addresses.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who directly, indirectly, or in concert with others, own or control two or more insured depository institutions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains the names of and contact information for individuals who, either alone or in concert with others, own or control two or more insured depository institutions as well as the insured depository institutions' names, locations, stock certificate numbers, total asset size, and percentage of outstanding stock owned by the controlling individual or group of individuals; charter types and, if applicable, name of intermediate holding entity and percentage of holding company held by controlling individual or group.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 7(j) and 9 of the Federal Deposit Insurance Act (12 U.S.C. 1817(j), 1819).

**PURPOSE:**

This system identifies and maintains information of possible linked FDIC-insured depository institutions or holding companies which, due to their common ownership, present a concentration of resources that could be susceptible to common risks. The information in this system is used to support the FDIC's regulatory and supervisory functions.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings,

when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; and

(10) To other Federal or State financial institution supervisory authorities for: (a) coordination of examining resources when the chain banking organization is composed of insured depository institutions subject to multiple supervisory jurisdictions; (b) coordination of evaluations and analysis of the condition of the consolidated chain organization; and (c) coordination of supervisory, corrective or enforcement actions.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media.

**RETRIEVABILITY:**

Indexed and retrieved by name of controlling individual(s) or assigned identification number.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel.

**RETENTION AND DISPOSAL:**

Records are maintained in electronic media. Certain records are archived in off-line storage and all records are periodically updated to reflect changes. These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Supervision and Consumer Protection, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Examination reports and related materials; regulatory filings; and Change in Financial Institution Control Notices filed pursuant to 12 U.S.C. 1817(j).

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0009

**SYSTEM NAME:**

Safety and Security Incident Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

FDIC, Division of Administration, 550 17th Street, NW., Washington, DC 20429, and the FDIC regional or area offices. (*See Appendix A* for a list of the FDIC regional offices and their addresses.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

To the extent not covered by any other system, this system covers current and past FDIC employees, contractors, volunteers, visitors, and others involved in the investigation of accidents, injuries, criminal conduct, and related civil matters involving the FDIC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains investigative reports, correspondence and other communications that may include, without limitation, name, home and office address and phone numbers, physical characteristics, and vehicle information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE(S):**

This system of records is used to support the administration and maintenance of a safety and security incident investigation, tracking and reporting system involving FDIC facilities, property, personnel, contractors, volunteers, or visitors.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or

by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government; and

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by name, date, or case number.

**SAFEGUARDS:**

Electronic records are password-protected and accessible only by authorized personnel. Paper records are maintained in lockable metal file cabinets accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Paper records and electronic media are retained for five years after their creation in accordance with the FDIC Records Retention and Disposition Schedule. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director, Division of Administration, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system of records should specify the information being contested, their reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

The sources of records in this category include current FDIC employees, contractors, members of the public, witnesses, law enforcement officials, medical providers, and other parties providing information to the FDIC to facilitate an inquiry or resolve the complaint.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Certain records contained within this system of records may be exempted from certain provisions of the Privacy Act (5 U.S.C. 552a) pursuant to 5 U.S.C. 552a(c)(3), (d)(5), (e)(1), (e)(4)(G), (H), and (I), (f) and (k).

## FDIC–30–64–0010

**SYSTEM NAME:**

Investigative Files of the Office of Inspector General.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

FDIC Office of Inspector General (OIG), 3501 North Fairfax Drive, Arlington, VA 22226. In addition, records are maintained in OIG field offices. OIG field office locations can be obtained by contacting the Assistant Inspector General for Investigations at said address.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former FDIC employees and individuals involved in or associated with FDIC programs and operations including contractors, subcontractors, vendors and other individuals associated with investigative inquiries and investigative cases, including, but not limited to, witnesses, complainants, suspects and those contacting the OIG Hotline.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Investigative files, including memoranda, computer-generated background information, correspondence, electronic case management and tracking files, reports of investigations with related exhibits, statements, affidavits, records or other pertinent documents, reports from or to other law enforcement bodies, pertaining to violations or potential violations of criminal laws, fraud, waste, and abuse with respect to administration of FDIC programs and operations, and violations of employee and contractor Standards of Conduct as set forth in section 12(f) of the Federal Deposit Insurance Act (12 U.S.C. 1822(f)), 12 CFR Parts 336, 366, and 5 CFR Parts 2634, 2635, and 3201. Records in this system may contain personally identifiable information such as names, Social Security numbers, dates of birth and addresses.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); the

Inspector General Act of 1978, as amended (5 U.S.C. app.).

**PURPOSE:**

Pursuant to the Inspector General Act, the system is maintained for the purposes of (1) Conducting and documenting investigations by the OIG or other investigative agencies regarding FDIC programs and operations in order to determine whether employees or other individuals have been or are engaging in waste, fraud and abuse with respect to the FDIC's programs or operations and reporting the results of investigations to other Federal agencies, other public authorities or professional organizations which have the authority to bring criminal or civil or administrative actions, or to impose other disciplinary sanctions; (2) documenting the outcome of OIG investigations; (3) maintaining a record of the activities which were the subject of investigations; (4) reporting investigative findings to other FDIC components or divisions for their use in operating and evaluating their programs or operations, and in the imposition of civil or administrative sanctions; and (5) acting as a repository and source for information necessary to fulfill the reporting requirements of the Inspector General Act or those of other federal instrumentalities.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To the appropriate Federal, State, local, foreign or international agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order, when the record, either by itself or in combination with other information, indicates a violation or potential violation of law, or contract, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, alternative dispute resolution mediator or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings when the FDIC or OIG is a party to the proceeding or has a significant interest in the proceeding and the information is determined to be relevant and necessary;

(3) To the FDIC's or another Federal agency's legal representative, including the U.S. Department of Justice or other retained counsel, when the FDIC, OIG or any employee thereof is a party to litigation or administrative proceeding or has a significant interest in the litigation or proceeding;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To a grand jury agent pursuant either to a Federal or State grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury;

(6) To the subjects of an investigation and their representatives during the course of an investigation and to any other person or entity that has or may have information relevant or pertinent to the investigation to the extent necessary to assist in the conduct of the investigation;

(7) To third-party sources during the course of an investigation only such information as determined to be necessary and pertinent to the investigation in order to obtain information or assistance relating to an audit, trial, hearing, or any other authorized activity of the OIG;

(8) To a congressional office in response to a written inquiry made by the congressional office at the request of the individual to whom the records pertain;

(9) To a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary for the FDIC to obtain information concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit;

(10) To a Federal agency responsible for considering suspension or debarment action where such record is determined to be necessary and relevant;

(11) To a consultant, person or entity who contracts or subcontracts with the FDIC or OIG, to the extent necessary for the performance of the contract or subcontract. The recipient of the records shall be required to comply with the requirements of the Privacy Act of 1974, as amended (5 U.S.C. 552a);

(12) To a governmental, public or professional or self-regulatory licensing organization when such record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed;

(13) To the U.S. Office of Personnel Management, Government Accountability Office, Office of Government Ethics, Merit Systems Protection Board, Office of Special Counsel, Equal Employment Opportunity Commission, Department of Justice, Office of Management and Budget or the Federal Labor Relations Authority of records or portions thereof determined to be relevant and necessary to carrying out their authorized functions, including but not limited to a request made in connection with hiring or retaining an employee, rendering advice requested by OIG, issuing a security clearance, reporting an investigation of an employee, reporting an investigation of prohibited personnel practices, letting a contract or issuing a grant, license, or other benefit by the requesting agency, but only to the extent that the information disclosed is necessary and relevant to the requesting agency's decision on the matter;

(14) To the Department of the Treasury, federal debt collection centers, other appropriate federal agencies, and private collection contractors or other third parties authorized by law, for the purpose of collecting or assisting in the collection of delinquent debts owed to the FDIC or to obtain information in the course of an investigation (to the extent permitted by law). Disclosure of information contained in these records will be limited to the individual's name, Social Security number, and other information necessary to establish the identity of the individual, and the existence, validity, amount, status and history of the debt; and

(15) To other Federal Offices of Inspector General or other entities for the purpose of conducting quality assessments or peer reviews of the OIG, or its investigative components, or for

statistical purposes. **Note:** In addition to the foregoing, a record which is contained in this system and derived from another FDIC system of records may be disclosed as a routine use as specified in the published notice of the system of records from which the record is derived.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by name of individual, unique investigation number assigned, referral number, social security number, or investigative subject matter.

**SAFEGUARDS:**

The electronic system files are accessible only by authorized personnel and are safeguarded with user passwords and authentication, network/database permission, and software controls. File folders are maintained in lockable metal file cabinets and lockable offices accessible only by authorized personnel.

**RETENTION AND DISPOSAL:**

Data maintained in file folders is retained for ten years and then destroyed by shredding. The retention period for electronic system data is ten years. However, the manner of disposing of electronic system records has not been determined. This determination will depend on expected future guidance from legislation or from the National Archives and Records Administration. Until that determination is made, electronic system records may be retained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Inspector General for Investigations, FDIC Office of Inspector General, 3501 North Fairfax Drive, Arlington, VA 22226.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity. **Note:** This system contains records that are exempt under 5 U.S.C. 552a(j)(2), (k)(2) and (k)(5). See ''Exemptions Claimed for the System'' below.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310. **Note:** This system contains records that are exempt under 5 U.S.C. 552a(j)(2), (k)(2) and (k)(5). See ''Exemptions Claimed for the System'' below.

**RECORD SOURCE CATEGORIES:**

Current and former employees of the FDIC, other government employees, private individuals, vendors, contractors, subcontractors, witnesses and informants.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

This system of records, to the extent that it consists of information compiled for the purpose of criminal investigations, has been exempted from the requirements of subsections (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(4)(G) and (H); (e)(5); (e)(8); (e)(12); (f); (g); and (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, this system of records, to the extent that it consists of investigatory material compiled: (A) for other law enforcement purposes (except where an individual has been denied any right, privilege, or benefit for which he or she would otherwise be entitled to or eligible for under Federal law, so long as the disclosure of such information would not reveal the identity of a source who furnished information to the FDIC under an express promise that his or her identity would be kept confidential); or (B) solely for purposes of determining suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the FDIC on a confidential basis, has been exempted from the requirements of subsections (c)(3); (d); (e)(1); (e)(4)(G) and (H); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), respectively.

**FDIC–30–64–0011**

**SYSTEM NAME:**

Corporate Recruiting, Evaluating and Electronic Referral System.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Human Resources Branch, Division of Administration, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals filing applications for employment with the FDIC in response to advertised position vacancy announcements.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Position vacancy announcement information such as position title, series and grade level(s), office and duty location, opening and closing date of the announcement, and dates of referral and return of lists of qualified candidates; applicant personal data such as name, address, other contact information, social security number, sex, veterans' preference and federal competitive status; and applicant qualification and processing information such as qualifications, grade level eligibility, reason for ineligibility, referral status, and dates of notification.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); 5 U.S.C. 1104.

**PURPOSE:**

The records are collected and maintained to monitor and track individuals filing employment applications with the FDIC and to assess recruiting goals and objectives.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation

of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government; and

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media.

**RETRIEVABILITY:**

Indexed and retrieved by name and Social Security number of individual applicant.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. Network servers are located in a locked room with physical access limited to only authorized personnel.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director, Information Systems and Services Section, Human Resources Branch, Division of Administration, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information originates from position vacancy announcements, applications for employment submitted by individuals, and the applicant qualification and processing system.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0012

**SYSTEM NAME:**

Financial Information Management Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Finance, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226. Records concerning garnishments, attachments, wage assignments and related records concerning FDIC employees are located with the General Counsel, Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former employees, current and former vendors and contractors providing goods and/or services to the FDIC, current and former FDIC customers, and individuals who were depositors or claimants of failed financial institutions for which the FDIC was appointed receiver. **Note:** Only records reflecting personal information are subject to the Privacy Act. This system also contains records concerning failed financial institution receiverships, corporations, other business entities, and organizations whose records are not subject to the Privacy Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains (1) Employee payroll, benefit, and disbursement-related records; (2) contractor and vendor invoices and other accounts payable records; (3) customer records related to accounts receivables; (4) payment records for individuals who were depositors or claimants of failed financial institutions for which the FDIC was appointed receiver; and (5) accounting and financial management records. The payroll and/or disbursement records include employees' mailing addresses and home addresses; financial institution account information; social security number and unique employee identification number; rate and amount of pay; tax exemptions; tax deductions for employee payments; and corporate payments information for tax reporting. Records relating to

employee claims for reimbursement of official travel expenses include travel authorizations, vouchers showing amounts claimed, exceptions taken as a result of audit, and amounts paid. Other records maintained on employees include reimbursement claims for relocation expenses consisting of authorizations, advances, vouchers of amounts claimed and amounts paid; reimbursement for educational expenses or professional membership dues and licensing fees; awards, bonuses, and buyout payments; Life-Cycle and other reimbursements/payments; advances or other funds owed to the FDIC; and garnishments, attachments, wage assignments or related records. Copies of receipts/invoices provided to the FDIC for reimbursement from employees may contain credit card or other identifying account information. Records on individuals who are not employees of the FDIC consist of all documents relating to the purchase of goods and/or services from those individuals including contractual documents, vendor addresses and financial institution account information, vendor invoice statements; amounts paid, and vendor tax identification number. Copies of documentation supporting vendor invoice statements may contain identifying data, such as account number. Customer information is also captured as necessary for the collection of accounts receivable. Payment records for individuals who were depositors or claimants of failed financial institutions for which the FDIC was appointed receiver include name, address, and payment amount; tax ID numbers or social security numbers are also included for depositors or claimants when an informational tax return must be filed. The records also include general ledger and detailed trial balances and supporting data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 9 and 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1820(a)).

**PURPOSE:**

The records are maintained for the FDIC and the failed financial institution receiverships managed by the FDIC. The records are used to manage and account for financial transactions and financial activities of the FDIC. The records and associated databases and subsystems provide a data source for the production of reports and documentation for internal and external management reporting associated with the financial operations of the FDIC.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To auditors employed by the U.S. Government Accountability Office;

(11) To the Internal Revenue Service and appropriate State and local taxing authorities;

(12) To vendors, carriers, or other appropriate third parties by the FDIC Office of Inspector General for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations; and

(13) To the Department of the Treasury, federal debt collection centers, other appropriate federal agencies, and private collection contractors or other third parties authorized by law, for the purpose of collecting or assisting in the collection of delinquent debts owed to the FDIC. Disclosure of information contained in these records will be limited to the individual's name, Social Security number, and other information necessary to establish the identity of the individual, and the existence, validity, amount, status and history of the debt.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and paper format in file folders.

**RETRIEVABILITY:**

Electronic media are indexed and retrievable by social security number or specialized identifying number; paper format records are generally indexed and retrieved by name.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by

authorized personnel. Paper format records are maintained in secure areas.

**RETENTION AND DISPOSAL:**

Financial records are retained by the FDIC for ten years in electronic format and then transferred to the Federal Records Center or destroyed. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Finance, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226. For records about FDIC employees concerning garnishments, attachments, wage assignments and related records, the system manager is the General Counsel, Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

The information is obtained from the individual upon whom the record is maintained; other government agencies; contractors; or from another FDIC office maintaining the records in the performance of their duties. Where an employee is subject to a tax lien, a bankruptcy, an attachment, or a wage garnishment, information also is obtained from the appropriate taxing or judicial authority.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**FDIC–30–64–0013**

**SYSTEM NAME:**

Insured Financial Institution Liquidation Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Resolutions and Receiverships, FDIC, 550 17th Street, NW., Washington, DC 20429; and Field Operations Branch, Division of Resolutions and Receiverships, FDIC, 1601 Bryan Street, Dallas, Texas 75201.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who were obligors or obligees of FDIC-insured financial institutions for which the FDIC was appointed receiver or conservator of FDIC-insured financial institutions that were provided assistance by the FDIC and the FDIC is acting as receiver or conservator of certain of the financial institution's assets. **Note:** Only records reflecting personal information are subject to the Privacy Act. This system also contains records concerning failed financial institution receiverships, corporations, other business entities, and organizations whose records are not subject to the Privacy Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains the individual's files held by the closed or assisted financial institution, including loan or contractual agreements, related documents, and correspondence. The system also contains FDIC asset files, including judgments obtained, restitution orders, and loan deficiencies arising from the liquidation of the obligor's loan asset(s) and associated collateral, if any; information relating to the obligor's financial condition such as financial statements and income tax returns; asset or collateral verifications or searches; appraisals; and potential sources of repayment. FDIC asset files also include intra- or inter-agency memoranda, as well as notes, correspondence, and other documents relating to the liquidation of the loan obligation or asset. FDIC's receivership claims files may include all information related to claims filed with the receivership estate by a failed financial institution's landlords, creditors, service providers or other obligees or claimants. **Note:** Records held by the FDIC as receiver are a part of this system only to the extent that the state law governing the receivership is not inconsistent or does not otherwise establish specific requirements.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 9, 11, and 13 of the Federal Deposit Insurance Act (12 U.S.C. 1819, 1821, and 1823) and applicable State laws governing the liquidation of assets and wind-up of the affairs of failed financial institutions.

**PURPOSE:**

The records are maintained to: (a) Identify and manage loan obligations and assets acquired from failed FDIC-insured financial institutions for which the FDIC was appointed receiver or conservator, or from FDIC-insured financial institutions that were provided assistance by the FDIC; (b) identify, manage and discharge the obligations to creditors, obligees and other claimants of FDIC-insured financial institutions for which the FDIC was appointed receiver or conservator, or of FDIC-insured financial institutions that were provided assistance by the FDIC; and (c) assist with financial and management reporting. The records support the receivership and conservatorship functions of the FDIC required by applicable Federal and State statutes.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors or entities performing services for the FDIC in connection with the liquidation of an individual's obligation(s), including judgments and loan deficiencies or in connection with the fulfillment of a claim filed with the FDIC as receiver or liquidator. Third party contractors include, but are not limited to, asset marketing contractors; loan servicers; appraisers; environmental contractors; attorneys retained by the FDIC; collection agencies; auditing or accounting firms retained to assist in an audit or investigation of FDIC's liquidation activities; grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the FDIC;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To prospective purchaser(s) of the individual's obligation(s), including judgments and loan deficiencies, for the purpose of informing the prospective purchaser(s) about the nature and quality of the loan obligation(s) to be purchased;

(11) To Federal or State agencies, such as the Internal Revenue Service or State taxation authorities, in the performance of their governmental duties, such as obtaining information regarding income, including the reporting of income resulting from a compromise or write-off of a loan obligation;

(12) To participants in the loan obligation in order to fulfill any contractual or incidental responsibilities in connection with the loan participation agreement;

(13) To the Department of the Treasury, federal debt collection centers, other appropriate federal agencies, and private collection contractors or other third parties authorized by law, for the purpose of collecting or assisting in the collection of delinquent debts owed to the FDIC. Disclosure of information contained in these records will be limited to the individual's name, Social Security number, and other information necessary to establish the identity of the individual, and the existence, validity, amount, status and history of the debt.

(14) To Federal or State agencies or to financial institutions where information is relevant to an application or request by the individual for a loan, grant, financial benefit, or other entitlement;

(15) To Federal or State examiners for the purposes of examining borrowing relationships in operating financial institutions that may be related to an obligation of an individual covered by this system; and

(16) To the individual, the individual's counsel or other representatives, insurance carrier(s) or underwriters of bankers' blanket bonds or other financial institution bonds for failed or assisted FDIC-insured financial institutions in conjunction with claims made by the FDIC or litigation instituted by the FDIC or others on behalf of the FDIC against former officers, directors, accountants, lawyers, consultants, appraisers, or underwriters of bankers' blanket bonds or other financial institution bonds of a failed or assisted FDIC-insured financial institution.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed by financial institution number, name of failed or assisted insured institution, and by name of individual.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. Paper format records maintained in individual file folders are stored in lockable file cabinets and/or in secured vaults or warehouses and are accessible only by authorized personnel.

**RETENTION AND DISPOSAL:**

Credit/loan files or files concerning the obligees of the failed or assisted financial institution are maintained until the receivership claim, loan obligation, judgment, loan deficiency or other asset or liability is sold or otherwise disposed of, or for the period of time provided under applicable Federal or State laws pursuant to which the FDIC liquidates the assets, discharges the liabilities or processes the claims. FDIC asset files will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Division of Resolutions and Receiverships, FDIC, 550 17th Street, NW., Washington, DC 20429; and Deputy Director, Field Operations Branch, FDIC, 1601 Bryan Street, Dallas, Texas 75201.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the individual on whom the record is maintained; appraisers retained by the originating financial institution or the FDIC; investigative and/or research companies; credit bureaus and/or services; loan servicers; court records; references named by the individual; attorneys or accountants retained by the originating financial institution or the FDIC; participants in the obligation(s) of the individual; officers and employees of the failed or assisted financial institution; congressional offices that may initiate an inquiry; and other parties providing services to the FDIC in its capacity as liquidator or receiver.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0014

**SYSTEM NAME:**

Personnel Benefits and Enrollment Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

The Division of Administration, FDIC, 550 17th Street, NW., Washington, DC 20429. For administrative purposes, duplicate systems may exist within the FDIC at the duty station of each employee. (See Appendix A for a list of the FDIC regional offices.) The FDIC also has an interagency agreement with the U.S. Department of Agriculture, National Finance Center in New Orleans, Louisiana, to provide and maintain payroll, personnel, and related services and systems involving FDIC employees. The FDIC also has agreements with T. Rowe Price, Benefit Allocation Systems, and other benefit plan contractors to provide employee benefits and related administrative services.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

To the extent not covered by any other system, this system covers current and former FDIC employees and their dependents who are enrolled in the FDIC-sponsored Savings Plan, health, life, and other insurance or benefit programs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains general personnel and enrollment information for the FDIC-sponsored Savings Plan, flexible spending account (FSA) plans and insurance plans (life, dental, vision, or long-term disability). The FDIC maintains information on earnings, number and name of dependents, gender, birth date, home address, social security number, employee locator information (including e-mail and office addresses), claims for FSA reimbursements, and related correspondence.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and Executive Order 9397.

**PURPOSE(S):**

The records are collected, maintained and used to support the administration and management of the FDIC personnel benefits programs.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(9) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(10) To the Department of Agriculture, National Finance Center to provide personnel, payroll, and related services and systems involving FDIC personnel;

(11) To the Internal Revenue Service and appropriate State and local taxing authorities;

(12) To appropriate Federal agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States;

(13) To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for the purpose of locating individuals to establish paternity, establish and modify orders of child support enforcement actions as required by the Personal Responsibility and Work Opportunity

Reconciliation Act, the Federal Parent Locator System and the Federal Tax Offset System;

(14) To the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the Federal Parent Locator System by the Office of Child Support Enforcement;

(15) To the Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program and verifying a claim with respect to employment in a tax return;

(16) To Benefit Allocation Systems, T. Rowe Price, and other benefit providers, carriers, vendors, contractors, and agents to process claims and provide related administrative services involving FDIC personnel.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media or in paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by the name or social security number of the employee.

**SAFEGUARDS:**

Electronic records are password-protected and accessible only by authorized personnel. Paper records are maintained in lockable metal file cabinets accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Paper records and electronic media are retained in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director, Human Resources Branch, FDIC Division of Administration, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information pertaining to themselves or who are seeking access to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, and comply with the procedures contained in FDIC's Privacy Act regulations, 12 CFR 310.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system of records should specify the information being contested, their reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR 310.

**RECORD SOURCE CATEGORIES:**

The sources of records in this category include the individuals to whom the records pertain and information retrieved from official FDIC records.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0015

**SYSTEM NAME:**

Personnel Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

The Division of Administration, FDIC, 550 17th Street, NW., Washington, DC 20429. For administrative purposes, duplicate systems may exist within the FDIC at the duty station of each employee. (*See* Appendix A for a list of the FDIC regional offices.) The FDIC also has an interagency agreement with the U.S. Department of Agriculture, National Finance Center in New Orleans, Louisiana, to provide and maintain payroll, personnel, and related services and systems involving FDIC employees.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

To the extent not covered by any other system, this system covers current and former FDIC employees, contractors, and applicants for employment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains a variety of records relating to personnel actions and determinations made about individuals while employed or seeking employment. These records may contain information about an individual relating to name, birth date, Social Security Number (SSN), personal telephone numbers and addresses, employment applications, background, identity verification and credentials, duty station telephone numbers and addresses, compensation, performance, separation, Internal Revenue Service (IRS) or court-ordered levies, emergency contacts, and related records and correspondence.

**Note:** Records maintained by the FDIC in the official personnel file are described in the government-wide Privacy Act System Notice known as OPM/GOVT–1 and other government-wide system notices published by the Office of Personnel Management, and are not included within this system. Also not included in this system are records covered by FDIC–30–64–0009 (Safety and Security Incident Records), FDIC–30–64–0014 (Personnel Benefits and Enrollment Records), FDIC–30–64–0026 (Transit Subsidy Program Records), and FDIC–30–64–0027 (Parking Program Records).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and Executive Order 9397.

**PURPOSE(S):**

The records are collected, maintained and used to support the administration and management of the FDIC personnel and benefits programs.

**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 At, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation,

or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(9) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(10) To the Department of Agriculture, National Finance Center to provide personnel, payroll, and related services and systems involving FDIC personnel;

(11) To the Internal Revenue Service and appropriate State and local taxing authorities;

(12) To appropriate Federal agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States;

(13) To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for the purpose of locating individuals to establish paternity, establish and modify orders of child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act, the Federal Parent Locator System and the Federal Tax Offset System;

(14) To the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the Federal Parent Locator System by the Office of Child Support Enforcement;

(15) To the Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program and verifying a claim with respect to employment in a tax return.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures may be made pursuant to 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982. Debt information concerning a government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt. Disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media or in paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by the name or social security number of the employee.

**SAFEGUARDS:**

Electronic records are password-protected and accessible only by authorized personnel. Paper records are maintained in lockable metal file cabinets accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Records are retained in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director, Human Resources Branch, FDIC Division of Administration, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information pertaining to themselves or who are seeking access to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, and comply with the procedures contained in FDIC's Privacy Act regulations, 12 CFR 310.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system of records should specify the information being contested, their reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR 310.

**RECORD SOURCE CATEGORIES:**

The sources of records in this category include the individuals to whom the records pertain and information retrieved from official FDIC records.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0016

**SYSTEM NAME:**

Professional Qualification Records for Municipal Securities Dealers, Municipal Securities Representatives, and U.S. Government Securities Brokers/Dealers.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Supervision and Consumer Protection, Risk Management Policy and Exam Oversight Branch, FDIC, 550 17th Street, NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Persons who are or seek to be associated with municipal securities

brokers or municipal securities dealers which are FDIC-insured, state-chartered financial institutions (including insured state-licensed branches of foreign financial institutions), not members of the Federal Reserve System, or are subsidiaries, departments, or divisions of such financial institutions;

(2) Persons who are or seek to be persons associated with U.S. Government securities dealers or brokers which are FDIC-insured state-chartered financial institutions, other than members of the Federal Reserve System.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The records contain identifying information, detailed educational and employment histories, examination information, disciplinary information, if any, and information concerning the termination of employment of individuals covered by the system. Identifying information includes name, address, date and place of birth, and may include social security number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 15B(c), 15C, and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4, 78o–5, and 78q and 78w); and Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE:**

The records are maintained to comply with the registration requirements of municipal securities dealers, municipal securities representatives, and U.S. Government securities brokers or dealers and associated persons contained in the Securities Exchange Act of 1934 and to support the FDIC's regulatory and supervisory functions.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USE:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To the appropriate Federal, State, local, or foreign agency or authority or to the appropriate self-regulatory organization, as defined in section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. 78c (a)(26)), to the extent disclosure is determined to be necessary and pertinent for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order, when the information by itself or together with additional information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or regulation, rule or order issued pursuant thereto;

(11) To assist in any proceeding in which the Federal securities or banking laws are in issue or a proceeding involving the propriety of a disclosure of information contained in this system, in which the FDIC or one of its past or present employees is a party, to the extent that the information is relevant to the proceeding;

(12) To a Federal, State, local, or foreign governmental authority or a self-regulatory organization if necessary in order to obtain information relevant to an FDIC inquiry concerning a person who is or seeks to be associated with a municipal securities dealer as a municipal securities principal or representative or a U.S. Government securities broker or a U.S. Government securities dealer;

(13) To a Federal, State, local, or foreign governmental authority or a self-regulatory organization in connection with the issuance of a license or other benefit to the extent that the information is relevant and necessary; and

(14) To a registered dealer, registered broker, registered municipal securities dealer, U.S. Government securities dealer, U.S. Government securities broker, or an insured financial institution that is a past or present employer of an individual that is the subject of a record, or to which such individual has applied for employment, for purposes of identity verification or for purposes of investigating the qualifications of the subject individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Indexed by name and dealer registration number or FDIC financial institution certificate number.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. Paper format records are stored in file folders in lockable metal file cabinets accessible only by authorized personnel.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Examination Specialist, Risk Management Policy and Exam Oversight Branch, Division of Supervision and Consumer Protection, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Individuals on whom the records are maintained, municipal securities dealers and U.S. Government securities dealers and brokers (as such dealers are described in ''Categories of Individuals Covered by the System'' above), and Federal, State, local, and foreign governmental authorities and self-regulatory organizations or agencies which regulate the securities industry.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0017

**SYSTEM NAME:**

Employee Medical and Health Assessment Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Health Unit, Corporate Services Branch, Division of Administration, FDIC, located at the following addresses: 550 17th Street, NW., Washington, DC 20429, and 3501 North Fairfax Drive, Arlington, VA 22226; and Health Units located in FDIC regional offices. (*See Appendix A* for a list of the FDIC regional offices and their addresses.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All current and former FDIC employees and other individuals who seek information, treatment, medical accommodations, or participate in health screening programs administered by the FDIC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Medical records of the employee, including name, age, height, weight, history of certain medical conditions, health screening records; dates of visits to the FDIC Health Unit, diagnoses, and treatments administered; ergonomic reviews and assessments; and the name and telephone number of the person to contact in the event of a medical emergency involving the employee. **Note:** In addition to the FDIC system of records, the United States Office of Personnel Management maintains government-wide system of records (known as OPM/GOVT–10).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE:**

The records are collected and maintained to identify potential health issues and concerns of an individual and to identify and collect information with respect to medical conditions reported by an individual to the FDIC Health Unit and to identify necessary contacts in the event of a medical emergency involving the covered 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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To the appropriate Federal, State or local agency when necessary to adjudicate a claim (filed by or on behalf of the individual) under the Federal Employees Compensation Act (the FECA) as codified in 5 U.S.C. 8101–8193, or a retirement, insurance or health benefit program;

(11) To a Federal, State, or local agency to the extent necessary to comply with laws governing reporting of communicable disease;

(12) To health or life insurance carriers contracting with the FDIC to provide life insurance or to provide health benefits plan, such information necessary to verify eligibility for payment of a claim for life or health benefits;

(13) To a Health Unit or occupational safety and health contractors, including contract nurses, industrial hygienists, and others retained for the purpose of performing any function associated with the operation of the Health Unit; and

(14) To the person designated on the appropriate form as the individual to contact in the event of a medical emergency of the employee.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by name.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. Paper format records are stored in lockable metal file cabinets. Access is limited to authorized employees, authorized employees of the contractor or contract nurses responsible for servicing the records in the performance of their duties.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Health, Safety and Environmental Program Manager, Corporate Services Branch, Division of Administration, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

The records are compiled by the employee and contractor personnel during the course of a visit to the Health Unit for treatment. Records are also created as a result of the individual's participation in a health screening program, and are used to assist in the performance of accident/incident investigations, or if the individual requests an ergonomic assessment or health or medical accommodation. The employee supplies the information contained in the emergency contact sheet.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0018

**SYSTEM NAME:**

Grievance Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Human Resources Branch, Division of Administration, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226. Records at the regional level generated through grievance procedures negotiated with recognized labor organizations are located in the FDIC regional office where originated (*See* Appendix A for a list of the FDIC regional offices and their addresses). For non-headquarters employees, duplicate copies may be maintained by the Human Resources Branch, Division of Administration, Arlington, VA for the purpose of coordinating grievance and arbitration proceedings.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current or former FDIC employees who have submitted grievances in accordance with part 771 of the United States Office of Personnel Management's regulations (5 CFR Part 771) or a negotiated grievance procedure.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains records relating to grievances filed by FDIC employees under Part 771 of the United States Office of Personnel Management's regulations, or under 5 U.S.C. 7121. Case files contain documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the final decision, and related correspondence and exhibits. This system includes files and records of internal grievance procedures that FDIC may establish through negotiations with recognized labor organizations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) 5 U.S.C. 7121; 5 CFR Part 771.

**PURPOSE:**

The information contained in this system is used to make determinations and document decisions made on filed grievances and settle matters of dissatisfaction or concern of covered individuals. Information from this system may be used for preparing statistical summary or management reports.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of

presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; and

(10) To any source during the course of an investigation only such information as determined to be necessary and pertinent to process a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by name.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. Paper format records are stored in lockable metal file cabinets. Access is limited to authorized employees, authorized employees of the contractor or contract nurses responsible for servicing the records in the performance of their duties.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Personnel, Human Resources Branch, Division of Administration, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226. The appropriate FDIC Regional Director for records maintained in FDIC regional offices (*see* Appendix A for a list of the FDIC regional offices and their addresses).

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information in this system is provided: (1) By the individual on whom the record is maintained; (2) by testimony of witnesses; (3) by agency officials; and (4) from related correspondence from organizations or persons.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0019

**SYSTEM NAME:**

Potential Bidders List.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Resolutions and Receiverships, FDIC, 550 17th Street, NW., Washington, DC 20429; and Field Operations Branch, Division of Resolutions and Receiverships, FDIC, 1601 Bryan Street, Dallas, Texas 75201.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have purchased or submitted written notice of an interest in purchasing loans, owned real estate, securities, or other assets from the FDIC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains the individual's name, address, telephone number and electronic mail address, if available; information as to the kind or category and general geographic location of loans or owned real estate that the individual may be interested in purchasing; and information relating to whether any bids have been submitted on prior sales.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 9, 11 and 13 of the Federal Deposit Insurance Act (12 U.S.C. 1819, 1821 and 1823).

**PURPOSE:**

The system collects, identifies and maintains information about potential purchasers of assets (primarily loans and owned real estate) from the FDIC. The information is utilized by the FDIC in the marketing of assets, to identify potential purchasers and to solicit bids for assets. The information in this system is used to support the FDIC's liquidation/receivership functions.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; and

(10) To other Federal or State agencies and to contractors to assist in the marketing and sale of loans, real estate, or other assets held by the FDIC.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and paper format in file folders.

**RETRIEVABILITY:**

Electronic media and paper format are indexed and retrieved by name of prospective purchaser or unique identification number assigned to the prospective purchaser.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. Hard copy printouts are maintained in lockable metal file cabinets or offices.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Resolutions and Receiverships, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

See ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the individual about whom the record is maintained.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0020

**SYSTEM NAME:**

Telephone Call Detail Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Information Technology, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals assigned telephone numbers by the FDIC, including current and former FDIC employees and contractor personnel, who make local and long distance telephone calls and individuals who receive telephone calls placed from or charged to FDIC telephones.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records, including telephone number, location, dates and duration of telephone call, relating to use of FDIC telephones to place or receive long distance and local calls; records of any charges billed to FDIC telephones; records indicating assignment of telephone numbers to individuals covered by the system; and the results of administrative inquiries to determine responsibility for the placement of specific local or long distance calls.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSES:**

The records in this system are maintained to identify and make a record of all telephone calls placed to or from FDIC telephones and enable the

FDIC to analyze call detail information for verifying call usage; to determine responsibility for placement of specific long distance calls; and for detecting possible abuse of the FDIC-provided long distance telephone network.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To current and former FDIC employees and other individuals currently or formerly provided telephone services by the FDIC to determine their individual responsibility for telephone calls;

(11) To a telecommunications company providing telecommunications support to permit servicing the account; and

(12) To the Department of the Treasury, federal debt collection centers, other appropriate federal agencies, and private collection contractors or other third parties authorized by law, for the purpose of collecting or assisting in the collection of delinquent debts owed to the FDIC. Disclosure of information contained in these records will be limited to the individual's name, Social Security number, and other information necessary to establish the identity of the individual, and the existence, validity, amount, status and history of the debt.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media.

**RETRIEVABILITY:**

Records are indexed and retrieved by telephone number and office location.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel.

**RETENTION AND DISPOSAL:**

Records are destroyed after the close of the fiscal year in which they are audited or after three years from the date the record was created, whichever occurs first.

**SYSTEM MANAGER AND ADDRESS:**

Associate Director, Division of Information Technology, 3501 North Fairfax Drive, Arlington, VA 22226.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Telephone assignment records; call detail listings; results of administrative inquiries relating to assignment of responsibility for placement of specific long distance and local calls.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0021

**SYSTEM NAME:**

Fitness Center Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Fitness Centers, Corporate Services Branch, Division of Administration, FDIC, 3501 North Fairfax Drive, Arlington, VA, 22226, and 550 17th Street, NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

FDIC employees who apply for membership and participate in the Fitness Centers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains the individual's name, gender, age; fitness assessment results; identification of certain medical conditions; and the name and phone number of the individual's personal physician and emergency contact.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE:**

The records are collected and maintained to control access to the fitness center; to enable the Fitness Centers' contractor to identify any potential health issues or concerns and the fitness level of an individual; and to identify necessary contacts in the event of a medical emergency while the individual is participating in a fitness activity.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To the individuals listed as emergency contacts or the individual's personal physician, in the event of a medical emergency; and

(11) To a Health Unit or occupational safety and health contractors, including contract nurses, industrial hygienists, and others retained for the purpose of performing any function associated with the operation of the Fitness Centers.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:**

**STORAGE:**

Records are stored in paper format within individual file folders. Information recorded on index cards is stored in a card file box.

**RETRIEVABILITY:**

Individual file folders and cards are indexed and retrieved by name.

**SAFEGUARDS:**

Records are maintained in lockable metal file cabinets. Access is limited to authorized employees of the contractor responsible for servicing the records in the performance of their duties. **Note:** In the future, all or some portion of the records may be stored in electronic media. These records will be indexed and retrieved by name and will be password protected and accessible only by authorized personnel.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Health, Safety and Environmental Program Manager, Acquisition and Corporate Services Branch, Division of Administration, FDIC, 3501 North Fairfax Drive, Arlington, VA 22226.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information is principally obtained from the individual who has applied for membership and Fitness Center personnel. Some information may be provided by the individual's personal physician.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**FDIC–30–64–0022**

**SYSTEM NAME:**

Freedom of Information Act and Privacy Act Request Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATIONS:**

Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429. In addition, records may be maintained at the division or office level in the FDIC Washington office or at FDIC Regional offices (*see Appendix A* for a list of the FDIC regional offices and their addresses).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have submitted requests for information pursuant to the Freedom of Information Act; individuals who have submitted requests for records about themselves under the provisions of the Privacy Act of 1974, and individuals filing an administrative appeal of a denial, in whole or part, of any such requests.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains names and addresses of individuals making written requests for access to information; written requests for amendment of records made pursuant to the Privacy Act; correspondence to or from the requester; correspondence to or from a person writing on the requester's behalf; internal FDIC memoranda; memoranda to or from other Federal agencies having a substantial interest in the determination of the request; responses to requests (including for example acknowledgment letters, fee estimate letters, and final determinations); administrative appeals of denials of access to records; administrative appeals of denials of requests for amendment of records made pursuant to the Privacy Act. These records may contain personal information retrieved in response to a request. **Note:** Freedom of Information Act and Privacy Act case records may contain inquiries and requests regarding any of the FDIC's other systems of records subject to the Freedom of Information Act and Privacy Act, and information about individuals from any of these other systems may become part of this system of records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C 552a), 12 CFR 309 and 310.

**PURPOSES:**

The records maintained in this system are collected to process requests made under the provisions of the Freedom of Information Act and the Privacy Act. The records are also used by the FDIC to prepare reports to the Office of Management and Budget, the Department of Justice, and Congress required by the Freedom of Information Act or the Privacy Act.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To another Federal government agency having a substantial interest in the determination of the request or for the purpose of consulting with that agency as to the propriety of access or correction of the record in order to complete the processing of requests;

(11) To a third party authorized in writing to receive such information by the individual about whom the information pertains; and

(12) To the Department of the Treasury, federal debt collection centers, other appropriate federal agencies, and private collection contractors or other third parties authorized by law, for the purpose of collecting or assisting in the collection of delinquent debts owed to the FDIC. Disclosure of information contained in these records will be limited to the individual's name, Social Security number, and other information necessary to establish the identity of the individual, and the existence, validity, amount, status and history of the debt.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and paper format within individual file folders.

**RETRIEVABILITY:**

Electronic media and paper format records are indexed and retrieved by the requester's name or by unique log number assigned to the request. Records sometimes are retrieved by reference to the name of the requester's firm, if any, or the subject matter of the request.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. File folders are maintained in lockable metal file cabinets.

**RETENTION AND DISPOSAL:**

Records for Freedom of Information Act requests which are granted, withdrawn or closed for non-compliance or similar reason, are destroyed two years after the date of the reply. Records for all other Freedom of Information Act requests (*e.g.,* requests denied in part, requests denied in full, and requests for which no responsive information was located) are destroyed six years after the date of the reply, unless the denial is appealed, in which case the request and related documentation are destroyed six years after the final agency determination or three years after final adjudication by the courts, whichever is later. Records maintained for control purposes are destroyed six years after the last entry. Records maintained for processing Privacy Act requests are disposed of in accordance with established disposition schedules for individual records, or five years after the date of the disclosure was made, whichever is later. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER AND ADDRESS:**

Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Requesters and persons acting on behalf of requesters, FDIC offices and divisions, other Federal agencies having a substantial interest in the determination of the request, and employees processing the requests.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

The FDIC has claimed exemptions for several of its other systems of records under 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5) and 12 CFR Part 310.13. During the processing of a Freedom of Information Act or Privacy Act request, exempt records from these other systems of records may become part of the case record in this system of records. To the extent that exempt records from other FDIC systems of records are entered or become part of this system, the FDIC has claimed the same exemptions, and any such records compiled in this system of records from any other system of records continues to be subject to any exemption(s) applicable for the records as they have in the primary systems of records of which they are a part.

## FDIC–30–64–0023

**SYSTEM NAME:**

Affordable Housing Program Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Resolutions and Receiverships, FDIC, 550 17th Street NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Purchasers and prospective purchasers of residential properties offered for sale through the FDIC's Affordable Housing Program. **Note:** To be considered a prospective purchaser for purposes of this record system, the individual must have: (1) completed and signed an FDIC ''Certification of Income Eligibility;'' and (2) delivered the form to an authorized representative of the FDIC's Affordable Housing Program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains the purchaser's or prospective purchaser's income qualification form and substantiating documents (such as personal financial statements, income tax returns, asset or collateral verifications, appraisals, and sources of income); copies of sales contracts, deeds, or other recorded instruments; intra-agency forms, memoranda, or notes related to the property and purchaser's participation in the FDIC's Affordable Housing Program; correspondence; and other documents related to the FDIC's Affordable Housing Program.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 9, 11, 13, and 40 of the Federal Deposit Insurance Act (12 U.S.C. 1819, 1821, 1823, 1831q).

**PURPOSE:**

The records are collected and maintained to determine and verify eligibility of individuals to participate in the FDIC Affordable Housing Program and to monitor compliance by individuals with purchaser income restrictions. The information in the system supports the FDIC's liquidation of qualifying residential housing units and the FDIC's goal to provide home ownership for low-income and moderate-income families.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings,

when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, and local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; and

(10) To mortgage companies, financial institutions, Federal agencies (such as the Federal Housing Administration, the Housing and Urban Development Agency, the Farm Service Agency, and the Veterans Administration), or state and local government housing agencies where information is determined to be relevant to an application or request for a loan, grant, financial benefit, or other type of assistance or entitlement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and in paper format within individual file folders.

**RETRIEVABILITY:**

Electronic media and paper format are accessible by name of purchaser or prospective purchaser and by address of the property purchased.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. File folders are maintained in lockable metal file cabinets accessible only by authorized personnel.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Supervisory Resolutions and Receiverships Specialist, Operations Branch, Division of Resolutions and Receiverships, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

See ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the individual seeking to participate in the FDIC's Affordable Housing Program. Information pertaining to an individual may, in some cases, be supplemented with reports from credit bureaus and/or similar credit reporting services.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0024

**SYSTEM NAME:**

Unclaimed Deposit Account Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Resolutions and Receiverships, Field Operations Branch, FDIC, 1601 Bryan Street, Dallas, Texas 75201.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals identified as deposit account owners of unclaimed insured deposits of a closed insured depository institution for which the FDIC was appointed receiver after January 1, 1989.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Deposit account records, including signature cards, last known home address, social security number, name of insured depository institution, relating to unclaimed insured deposits or insured transferred deposits from closed insured depository institutions for which the FDIC was appointed receiver after January 1, 1989.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 9, 11, and 12 of the Federal Deposit Insurance Act (12 U.S.C. 1819, 1821, and 1822).

**PURPOSE:**

The information in this system is used to process inquiries and claims of individuals with respect to unclaimed insured deposit accounts of closed insured depository institutions for which the FDIC was appointed receiver after January 1, 1989, and to assist in complying with the requirements of the Unclaimed Deposits Amendments Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation

of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, and local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(9) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government; and

(10) To the appropriate State agency accepting custody of unclaimed insured deposits.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and in paper format.

**RETRIEVABILITY:**

Electronic media and paper format are indexed and retrieved by depository institution name, depositor name, depositor social security number, or deposit account number.

**SAFEGUARDS:**

Electronic files are password protected and accessible only by authorized personnel. Hard copy printouts are maintained in lockable metal file cabinets accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

If the appropriate State has accepted custody of unclaimed deposits, a record of the unclaimed deposits will be retained by the FDIC during the custody period of ten years. Such records will subsequently be destroyed in accordance with the FDIC's records retention policy in effect at the time of return of any deposits to the FDIC from the State. If the appropriate State has declined to accept custody of the unclaimed deposits of the closed insured depository institution, the FDIC will retain the unclaimed deposit records and upon termination of the receivership of the closed insured depository institution, the records will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director, Field Operations Branch, Division of Resolutions and Receiverships, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information originates from deposit records of closed insured depository institutions. Records of unclaimed transferred deposits are provided to the FDIC from assuming depository institutions to which the FDIC transferred deposits upon closing of the depository institution.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0025

**SYSTEM NAME:**

Beneficial Ownership Filings (Securities Exchange Act).

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

Division of Supervision and Consumer Protection, FDIC, 550 17th Street NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Any director or officer of an FDIC-insured depository institution with a class of equity securities registered pursuant to section 12 of the Securities Exchange Act of 1934, and (2) Any person who is directly or indirectly the beneficial owner of greater than 10% of a class of equity securities issued by an FDIC-insured depository institution that are registered under section 12 of the Securities Exchange Act of 1934; including any trust, trustee, beneficiary or settlor required to report pursuant to Securities and Exchange Commission Rule 16a–8.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reporting persons submit electronically or on paper reports on any of the following three forms: ''Initial Statement of Beneficial Ownership of Securities,'' ''Statement of Changes in Beneficial Ownership of Securities'' and

''Annual Statement of Beneficial Ownership of Securities.'' Reporting persons are required to use these forms to disclose ownership and transactional information relative to their beneficial ownership of securities of FDIC-insured depository institutions with securities registered under the Securities Exchange Act of 1934. Under section 403 of the Sarbanes-Oxley Act of 2002, these forms must be submitted in electronic form and must be made available to the public on a Federal agency's external Internet Web site. The forms require disclosure of the name of the financial institution, relationship of reporting person to the financial institution, reporting person's name and street address, date of form or amendment, and filer's signature and date. A description of the securities' terms and transactional information including transaction date, type of transaction, amount of securities acquired or disposed, price, aggregate amount of securities beneficially owned, and form and nature of beneficial ownership must also be disclosed on the forms.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 12(i) and 16(a) of the Securities Exchange Act of 1934 (respectively, 15 U.S.C. 78l(i) and 78p(a)).

**PURPOSE:**

In accordance with Section 16(a) of the Securities Exchange Act of 1934, as amended by section 403 of the Sarbanes-Oxley Act of 2002, this information is being made available to the public on the FDIC's external Internet Web site in order to facilitate the more efficient transmission, dissemination, analysis, storage and retrieval of insider ownership and transaction information in a manner that will benefit investors, filers and financial institution regulatory agencies.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, and local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(8) To appropriate Federal agencies and other public authorities for use in records management inspections;

(9) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government; and

(10) To the appropriate governmental or self-regulatory organizations when relevant to the organization's regulatory or supervisory responsibilities or if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media or on paper format in file folders.

**RETRIEVABILITY:**

Electronically filed reports are indexed and retrieved by the name of the reporting party. Paper-filed reports are indexed by the name of the depository institution issuing the securities being reported, with sub-indexing by the filer's name.

**SAFEGUARDS:**

Access to the information in this electronic system of records is unrestricted. The filing and amendment of electronic records is restricted to authorized users who have been issued non-transferable user IDs and passwords.

**RETENTION AND DISPOSAL:**

These records will be maintained for fifteen years from the date of filing, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Accounting & Securities Disclosure Section, Division of Supervision and Consumer Protection, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information originates from (1) any director or officer of an FDIC-insured depository institution with a class of equity securities registered pursuant to section 12 of the Securities Exchange Act of 1934; and (2) any beneficial owner of greater than 10% of an FDIC-insured depository institution with a class of equity securities registered under the Securities Exchange Act of 1934, including any trust, trustee, beneficiary or settlor required to report pursuant to SEC Rule 16a–8.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0026

**SYSTEM NAME:**

Transit Subsidy Program Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

The Division of Administration, FDIC, 550 17th Street, NW., Washington, DC 20429 and the FDIC regional or area offices. (*See* Appendix A for a list of the FDIC regional offices.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

To the extent not covered by any other system, this system covers employees who apply for and receive transit subsidy program benefits.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains completed transit subsidy application forms (FDIC Form 3440). The applications include, but are not limited to, the applicant's name, home address, title, grade, Division, Office, work hours, room and telephone numbers, commuting schedule, and transit system(s) used.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE(S):**

The records are used to administer the FDIC transit subsidy program.

**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 At, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(9) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media or in paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by the name of the transit subsidy program participant.

**SAFEGUARDS:**

Electronic records are password-protected and accessible only by authorized personnel. Paper records are maintained in lockable metal file cabinets accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Records are retained in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director, FDIC Division of Administration, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information pertaining to themselves or who are seeking access to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, and comply with the procedures contained in FDIC's Privacy Act regulations, 12 CFR 310.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend

information maintained in this system of records should specify the information being contested, their reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR 310.

**RECORD SOURCE CATEGORIES:**

The sources of records in this category include the individuals to whom the records pertain and information taken from official FDIC records.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0027

**SYSTEM NAME:**

Parking Program Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

The Division of Administration, FDIC, 550 17th Street, NW., Washington, DC 20429 and regional offices with FDIC parking facilities. (*See* Appendix A for a list of the FDIC regional offices.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

To the extent not covered by any other system, this system covers employees and others who have applied for and/or been issued a parking permit for the use of FDIC parking facilities; individuals who car-pool with employees holding such permits; and employees interested in joining a car pool.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains completed parking application forms (FDIC Forms 3410), car pool information, disability parking applications, special parking authorizations, and visitor parking requests. The information includes, but is not limited to, the applicant's name, home address, title, grade, make, year and license number of vehicle, Division, Office, work hours, room and telephone numbers, and arrival/departure times.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE(S):**

The records are used to administer the parking program, to allocate the limited number of parking spaces in the FDIC parking facilities among employees and visitors, to facilitate the formation of car pools with employees who have been issued parking permits, and to provide for the safe use of FDIC facilities.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(9) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media or in paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by the name of the permit holder, employee identification number, or license tag number.

**SAFEGUARDS:**

Electronic records are password-protected and accessible only by authorized personnel. Paper records are maintained in lockable metal file cabinets accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Records are retained in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director, FDIC Division of Administration, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information pertaining to themselves or who are seeking access to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, and comply with the procedures contained in FDIC's Privacy Act regulations, 12 CFR 310.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend

information maintained in this system of records should specify the information being contested, their reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR 310.

**RECORD SOURCE CATEGORIES:**

The sources of records in this category include the individuals to whom the records pertain, information retrieved from official FDIC records, or information from other agency parking records.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**FDIC–30–64–0028**

**SYSTEM NAME:**

Office of the Chairman Correspondence Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

FDIC, Office of Legislative Affairs, 550 17th Street, NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who correspond to, or receive correspondence from, the Office of the Chairman; and individuals who are the subject of correspondence to or from the Office of the Chairman.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains correspondence, memoranda, E-mail, and other communications with the Office of the Chairman that may include, without limitation, name and contact information supplied by the individual as well as information concerning subject matter, internal office assignments, processing, and final response or other disposition.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE(S):**

This system of records is used to respond to correspondence addressed to the FDIC, Office of the Chairman.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To an insured depository institution which is the subject of an inquiry or complaint when necessary to investigate or resolve the inquiry or complaint; and

(10) To the primary Federal or State financial regulator of an insured depository institution that is the subject of an inquiry or complaint.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by name, date, and subject.

**SAFEGUARDS:**

Electronic records are password-protected and accessible only by authorized personnel. Paper records are maintained in lockable metal file cabinets accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of Legislative Affairs, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system of records should specify the information being contested, their

reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information maintained in this system is obtained from individuals who submit correspondence to the FDIC for response, and FDIC personnel.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**FDIC–30–64–0029**

**SYSTEM NAME:**

Congressional Correspondence Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

FDIC, Office of Legislative Affairs, 550 17th Street, NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former Members of the U.S. Congress and Congressional staff; and individuals whose inquiries relating to FDIC activities are forwarded by Members of Congress or Congressional staff to the FDIC for response.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains correspondence from Members of the U.S. Congress or Congressional staff making inquiries or transmitting inquiries, correspondence or documents from constituents that may include, without limitation, name and contact information as well as information concerning subject matter, internal office assignments, processing, and final response or other disposition.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE(S):**

This system of records is used to document and respond to constituent and other inquiries forwarded by Members of the U.S. Congress or Congressional staff.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To an insured depository institution which is the subject of an inquiry or complaint when necessary to investigate or resolve the inquiry or complaint;

(10) To the primary Federal or State financial regulator of an insured depository institution that is the subject of an inquiry or complaint; and

(11) To authorized third-party sources during the course of the investigation in order to resolve the inquiry or complaint. Information that may be disclosed under this routine use is limited to the name of the inquirer or complainant and the nature of the inquiry or complaint and such additional information necessary to investigate the inquiry or complaint.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by name, date, and subject.

**SAFEGUARDS:**

Electronic records are password-protected and accessible only by authorized personnel. Paper records are maintained in lockable metal file cabinets accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of Legislative Affairs, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system of records should specify the information being contested, their reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information maintained in this system is obtained from individuals who submit correspondence to the FDIC for response, and FDIC personnel.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0030

**SYSTEM NAME:**

Legislative Information Tracking System Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

FDIC, Office of Legislative Affairs, 550 17th Street, NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former Members of the U.S. Congress and Congressional staff; and individuals who contact, or are contacted by the FDIC Office of Legislative Affairs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains memoranda, e-mail and other communications with the Office of Legislative Affairs that may include without limitation, name and contact information supplied by the individual as well as information related to the inquiry that was developed by FDIC staff.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE(S):**

This system of records is used to respond to inquiries regarding FDIC's views on proposed legislation, facilitate Congressional briefings, and coordinate preparation of FDIC responses to constituent inquiries.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate Federal agencies and other public authorities for use in records management inspections;

(8) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To an insured depository institution which is the subject of an inquiry or complaint when necessary to investigate or resolve the inquiry or complaint;

(10) To the primary Federal or State financial regulator of an insured depository institution that is the subject of an inquiry or complaint; and

(11) To authorized third-party sources during the course of the investigation in order to resolve the inquiry or complaint. Information that may be disclosed under this routine use is limited to the name of the inquirer or complainant and the nature of the inquiry or complaint and such additional information necessary to investigate the inquiry or complaint.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media and paper format within individual file folders.

**RETRIEVABILITY:**

Records are indexed and retrieved by name, date, and subject.

**SAFEGUARDS:**

Electronic records are password-protected and accessible only by authorized personnel.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Legislative Affairs, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system of records should specify the information being contested, their reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information maintained in this system is obtained from individuals who contact the FDIC for response, and FDIC personnel.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## FDIC–30–64–0031

**SYSTEM NAME:**

Online Ordering Request Records.

**SECURITY CLASSIFICATION:**

Unclassified but sensitive.

**SYSTEM LOCATION:**

These electronic records are collected in a web-based system located at a secure site and on secure servers maintained by a contractor for the FDIC, Office of Public Affairs, 550 17th Street, NW., Washington, DC 20429.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who make an online request for publications, products, or other materials from the FDIC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains names, business or organization affiliations, addresses, phone numbers, e-mail addresses, order history, payment information (debit and/or credit card information), identity verification information (username, user ID, and password), fulfillment information (shipping and delivery instructions), and other contact information provided by individuals covered by this system.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

**PURPOSE(S):**

This system of records is used to organize and process requests for publications, products, or other materials offered by the FDIC.

**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, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate Federal, State, local authorities, and other entities when (a) It is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate Federal agencies and other public authorities for use in records management inspections;

(6) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(7) To Pay.gov to obtain debit or credit card approval or disapproval from the issuing financial institution.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in electronic media at a secure site and on secure servers maintained by a contractor.

**RETRIEVABILITY:**

Records are indexed and retrieved by name, order number, and date.

**SAFEGUARDS:**

Electronic transmission records are password-protected and accessible only by authorized personnel. Debit and credit card information is encrypted.

**RETENTION AND DISPOSAL:**

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with National Archives and Records Administration and FDIC Records Retention and Disposition Schedules. Disposal is completed by electronic purging and removal of records.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief Web Officer, Office of Public Affairs, FDIC, 550 17th Street, NW., Washington, DC 20429.

**NOTIFICATION PROCEDURE:**

Individuals wishing to determine if they are named in this system of records or who are seeking access or amendment to records maintained in this system of records must submit their request in writing to the Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street, NW., Washington, DC 20429, in accordance with FDIC regulations at 12 CFR Part 310. Individuals requesting their records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES:**

*See* ''Notification Procedure'' above.

**CONTESTING RECORD PROCEDURES:**

*See* ''Notification Procedure'' above. Individuals wishing to contest or amend information maintained in this system of records should specify the information being contested, their reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR Part 310.

**RECORD SOURCE CATEGORIES:**

Information maintained in this system is obtained from individuals who contact the FDIC, FDIC personnel, and contractors.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## Appendix A

FDIC Atlanta Regional Office, 10 Tenth Street, NE, Suite 8, Atlanta, GA 30309–3906 FDIC Boston Regional Office, 15 Braintree Hill Office Park, Suite 1, Braintree, MA 02184–8701
FDIC Chicago Regional Office, 3 South Riverside Plaza, Suite 17, Chicago, IL 60606 FDIC Dallas Regional Office, 1601 Bryan Street, Dallas, TX 75201
FDIC Kansas City Regional Office, 2345 Grand Boulevard, Suite 12, Kansas City, MO 64108–2638
FDIC Memphis Area Office, 51 Poplar Avenue, Suite 19, Memphis, TN 38137
FDIC New York Regional Office, 20 Exchange Place, 4th Floor, New York, NY 105
FDIC San Francisco Regional Office, 25 Jessie Street at Ecker Square, Suite 23, San Francisco, CA 94105–2780

By order of the Board of Directors.

Dated at Washington, DC, this 20th day of October, 29.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. E9–25683 Filed 10–23–09; 8:45 am]

**BILLING CODE 6714–01–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 November 18, 2009.

**A. Federal Reserve Bank of Boston** (Richard Walker, Community Affairs Officer) P.O. Box 55882, Boston, Massachusetts 02106–2204:

*1. Charles River Bancorp, MHC and Charles River Bancorp, Inc.*, both of Medway, Massachusetts; to become a mutual bank holding company and stock bank holding company, respectively, by acquiring 100 percent of the voting shares of Charles River Bank, Medway, Massachusetts.

Board of Governors of the Federal Reserve System, October 21, 2009.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E9–25679 Filed 10–23–09; 8:45 am]

**BILLING CODE 6210–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* April 2010 Current Population Survey Supplement on Child Support.

*OMB No.:* 0992–0003.

*Description:* Collection of these data will assist legislators and policymakers in determining how effective their policymaking efforts have been over time in applying the various child support legislation to the overall child support enforcement picture. This information will help policymakers determine to what extent individuals on welfare would be removed from the welfare rolls as a result of more stringent child support enforcement efforts.

*Respondents:* Individuals and households.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| Child Support Survey | 41,300 | 1 | 0.03 | 1,239 |
| Estimated Total Annual Burden Hours: 1,239. | | | | |

*Additional Information:* Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

*OMB Comment:* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–7245, *Attn:* Desk Officer for the Administration for Children and Families.

Dated: October 21, 2009.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. E9–25712 Filed 10–23–09; 8:45 am]

**BILLING CODE 4184–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* National Youth in Transition Database and Youth Outcome Survey.

*OMB No.:* 0970–0340.

*Description:* The Foster Care Independence Act of 1999 (42 U.S.C. 1305 *et seq.*) as amended by Public Law 106–169 requires State child welfare agencies to collect and report to the Administration on Children and Families (ACF) data on the characteristics of youth receiving independent living services and information regarding their outcomes. The regulation implementing the National Youth in Transition Database, listed in 45 CFR 1356.80, contains standard data collection and reporting requirements for States to meet the law's requirements. ACF will use the information collected under the regulation to track independent living services, assess the collective outcomes of youth, and potentially to evaluate State performance with regard to those outcomes consistent with the law's mandate.

*Respondents:* State agencies that administer the John H. Chafee Foster Care Independence Program.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| Youth Outcome Survey | 13,278 | 1 | 0.25 | 3,319.50 |
| Data File | 35 | 2 | 1,031 | 72,170 |

Estimated Total Annual Burden Hours: 75,489.50.

*Additional Information:*

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. *E-mail address: infocollection@acf.hhs.gov.*

*OMB Comment:*

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–7245, *Attn:* Desk Officer for the Administration for Children and Families.

Dated: October 21, 2009.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. E9–25688 Filed 10–23–09; 8:45 am]

BILLING CODE 4184–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day–10–09BL]**

### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

**Proposed Project**

The Epidemiology and Impact of Workplace Violence in Pennsylvania Teachers and Paraprofessionals—NEW—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

Workplace violence (WPV) is a significant concern for employers and employees alike; every year in the U.S., WPV results in hundreds of deaths, nearly two million nonfatal injuries, and billions of dollars in costs. Historically, the education field has not been the focus of WPV research; however, the classroom is a workplace too. From 1999 to 2003, teachers were the victims of approximately 183,000 nonfatal crimes including 119,000 thefts and 65,000 violent crimes such as rape and assault.

Workplace violence is not limited to physical attacks; verbal threats, bullying, and harassment also produce psychological harm to teachers and school staff. A newer form of such violence is that of electronic aggression. The CDC defines the problem as: ''Any type of harassment or bullying (teasing, telling lies, making fun of someone, making rude or mean comments, spreading rumors, or making threatening or aggressive comments) that occurs through e-mail, a chat room, instant messaging, a Web site (including blogs) or text messaging.'' While a recent study found that 35% of young people had been the victims of electronic aggression, the impact of this in the workplace is relatively unknown. The extant evidence indicates that working in a school environment carries an excess risk for becoming a victim of some form of WPV; however, little is known about the incidence or risk factors for such.

The Occupational Safety and Health Act, Public Law 91–596 (section 20[a][1]) authorizes the National Institute for Occupational Safety and Health (NIOSH) to conduct research to advance the health and safety of workers. NIOSH is conducting a population-based, cross-sectional survey among teachers and paraprofessionals in the State of Pennsylvania. The goals of this study are (1) Estimate the number and prevalence proportions (rates) of physical, non-physical, and electronic WPV in teachers and paraprofessionals in Pennsylvania; (2) Identify the circumstances and most common risk

factors for physical, non-physical, and electronic WPV in teachers and paraprofessionals in Pennsylvania; (3) Measure the impact of WPV on job satisfaction and quality of life. These goals are solely based on the State of Pennsylvania and are not based on a nation wide study.

NIOSH is proposing to conduct a population-based, cross-sectional survey among teachers and paraprofessionals in the State of Pennsylvania. Paper-and-pencil surveys will be mailed to potential participants through the Pittsburgh Federation of Teachers (PFT), Philadelphia Federation of Teachers (PA–AFT), and the Pennsylvania State Education Association (PSEA). Since approximately 90% of teachers and 65% of paraprofessionals in the State of Pennsylvania hold membership in one of these three unions and no known State-wide database exists that includes both teachers and paraprofessionals, a sample of eligible participants will be drawn using State-based union records.

A stratified random sample will be drawn to ensure representativeness on important dimensions such as gender of participant and urban-rural status of the school district. In conjunction with each participating union, study packets consisting of an introduction letter, paper-and-pencil survey, and non-response form will be mailed to eligible participant's home addresses. The questionnaire is a paper-and-pencil survey and provides information on the following categories: demographics, occupation, physical assault characteristics, non-physical assault characteristics, electronic aggression characteristics, job satisfaction, and quality of life.

The sample size for the cross-sectional survey is estimated to be approximately 5,000 teachers and paraprofessionals. This estimate is based on the number of reported teachers and paraprofessionals represented by the three unions participating in this study and on an 80% response rate that is comparable to the response rate of previously conducted surveys in similar populations. Pilot test data demonstrates that respondents should take approximately 30 minutes to complete the paper-and-pencil survey, resulting in an annualized burden estimate of 2,500 hours. Participation in the study is completely voluntary.

This survey will also utilize the skills and time of a variety of union office and administrative staff for the preparation of the survey packets. The exact number of administrative staff utilized at each union location, as well as the additional work demands placed on them has yet to be determined, though our best guess is 13 individuals. It is estimated that three office support staff from the Pittsburgh Federation of Teachers, six from the Pennsylvania State Education Association, and four from the Philadelphia Federation of Teachers will be needed for a grand total of 13 support staff personnel. Additional work activities could include: Preparation of the sampling frame database and non-respondent database, printing of mailing labels, affixation of mailing labels onto survey packets, and e-mail and/or phone communication with NIOSH. For each mailing, we estimate that each of the 13 administration assistants will dedicate two hours to the mailing. So, for each mailing, a grand total of 26 hours will be burdened. There will be three separate mailings for a grand total burden of 78 burden hours.

There are no costs to the respondents other than their time. The total estimated annual burden hours are 2,578.

ESTIMATED ANNUALIZED BURDEN HOURS

| Respondents | Number of respondents | Number of responses per respondent | Average burden per response (in hours) |
|---|---|---|---|
| Elementary and Secondary School Employees | 5,000 | 1 | 30/60 |
| Office & Administrative Support Occupations | 13 | 3 | 2 |

Dated: October 19, 2009.

**Maryam Daneshvar,**

*Acting Reports Clearance Officer, Centers for Disease Control and Prevention.*

[FR Doc. E9–25649 Filed 10–23–09; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2009–N–0512]**

### Agency Information Collection Activities; Proposed Collection; Comment Request; Antimicrobial Animal Drug Distribution Reports Under Section 105 of the Animal Drug User Fee Amendments of 2008

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and including each proposed extension of a collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on reporting and recordkeeping requirements for antimicrobial animal drug distribution as required by Section 105 of the Animal Drug User Fee Amendments of 2008 (ADUFA).

**DATES:** Submit written or electronic comments on the collection of information by December 28, 2009.

**ADDRESSES:** Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Denver Presley, Jr., Office of Information Management (HFA–710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3793.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or

provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Antimicrobial Animal Drug Distribution Reports Under Section 105 of the Animal Drug User Fee Amendments of 2008—Federal Food, Drug, and Cosmetic Act, Section 512(1)(3) (OMB Control Number 0910–NEW)**

Section 105 of ADUFA amended section 512 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b) to require that the sponsor of each new animal drug that contains an antimicrobial agent submit an annual report to FDA on the amount of each antimicrobial active ingredient in the drug that is sold or distributed for use in food-producing animals, including information on any distributor-labeled product. The legislation was enacted to address the problem of antimicrobial resistance and to help ensure that FDA has the necessary information to examine safety concerns related to the use of antibiotics in food-producing animals (154 Congressional Record H7534).

Each report must specify: (1) The amount of each antimicrobial active ingredient by container size, strength, and dosage form, (2) quantities distributed domestically and quantities exported and (3) a listing of the target animals, indications, and production classes that are specified on the approved label of the product.

The first report must be submitted not later than March 31, 2010. The report must cover the period of the preceding calendar year and include separate information for each month of the calendar year. The reports required under section 105 of ADUFA are required to be separate from periodic drug experience reports that are required under 21 CFR 514.80(b)(4) (OMB Control No. 0910–0284).

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

| FD&C Act Section 512(1)(3) | No. of Respondents | Annual Frequency per Response | Total Annual Responses | Hours per Response | Total Hours | Capital Cost |
|---|---|---|---|---|---|---|
| Annual Reports for Sponsors with Active Applications | 29 | 6.7 | 194 | 80 | 15,520 | $107,880 |
| Annual Reports for Sponsors with Inactive Applications | 23 | 4.0 | 92 | 1 | 92 | |
| Total | | | | | 15,612 | $107,880 |

[1] There are no operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

| FD&C Act Section 512(1)(3) | No. of Respondents | Annual Frequency of Recordkeeping | Total Annual Records | Hours per Record | Total Hours |
|---|---|---|---|---|---|
| All Applicants | 34 | 1 | 34 | 2 | 68 |
| Total | | | | | 68 |

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The reporting burden estimates, including the total number of annual responses, are based on the number of sponsors and approved applications for antimicrobial drug products in food-producing animals. The annual frequency of responses was calculated as the total annual responses divided by the number of respondents.

The agency arrived at the estimates for reporting as follows: There are 34 sponsors with approved applications for antimicrobial drugs for food-producing animals. There are 29 animal drug manufacturers with 194 approved applications for antimicrobial drugs for food-producing animals for which the drugs are being actively marketed (active applications). Additionally, there are 93 approved applications for antimicrobial drugs for food-producing animals for which the drugs are not being marketed (inactive applications), owned by 23 animal drug manufacturers.

Regarding the reporting burden associated with the collection of information, FDA believes that the large majority of the burden will be incurred by industry in the first year in which reporting is required to design a report that meets the requirements of section 512(l)(3) of the act. The agency has estimated this burden at 80 hours per applicant with active applications. The agency has factored into this estimate the time it will take industry to identify and locate the necessary information within existing records, and to develop a report that complies with section 512(l)(3) of the act. Once this has been accomplished, FDA believes that the process for producing reports in subsequent years will essentially be automated, and that it will take

approximately 3 hours to run a report that satisfies the act's requirements. For sponsors of approved applications that are inactive (i.e., the approved drug is not being marketed), the sponsor would only have to submit a report stating that the drug is not being marketed, which FDA estimates will take approximately 1 hour.

FDA has developed a form to report the information required by section 512(l)(3) of the act. FDA plans to make the form available to animal drug manufacturers through FDA's website however, use of the form would be entirely voluntary. The form contains various fields for information, including the drug manufacturer's name, new animal drug approval number, active ingredient name, National Drug Code number, container size, potency, and the number of units sold by month.

The animal drug manufacturers can meet the statutory requirements by submitting their information in paper format using the FDA-provided form, one of their own designs, or by designing their own electronic form whose results could be submitted to the agency on a compact disc or on paper. The cost to animal drug sponsors for gathering the necessary information for report design and preparation or for completing FDA's form in the first year of reporting is $107,880 (29 active sponsors times 80 hours times $46.50 per hour = $107,880). This is a one-time cost for a computer or mathematic employees to design and prepare a report that satisfies the statutory requirements of section 512(l)(3) of the act.[1] For subsequent years, the preparation of the report should take approximately 3 hours. Thus, the total cost in subsequent years would be $139.50.

Regarding the recordkeeping burden associated with this collection of information, FDA believes that most of the necessary information for the annual report required to be submitted under section 512(l)(3) of the act is already collected and maintained by animal drug manufacturers under existing requirements.

Animal drug manufacturers are already required to maintain distribution records for their drug products to comply with FDA's current good manufacturing practice regulations under § 211.196 (21 CFR § 211.96) (OMB Control No. 0910–0139), and to comply with regulations for periodic drug experience reports under § 514.80(b)(4)(i) (21 CFR § 514.80(b)(4)(i)) (OMB Control No. 0910–0284) of FDA regulations. Therefore, FDA believes that manufacturers of animal drugs already possess the computers, software, and additional equipment necessary to collect and maintain the necessary records, and to make reports.

Section 512(l)(3) of the act differs from § 514.80(b)(4)(i) in that it requires that records include separate information for each month of the calendar year. Under § 211.196 (OMB Control No. 0910–0139), manufacturers currently are required to maintain distribution records that include the dosage form and date the drug is distributed. Additionally, FDA believes that manufacturers already keep detailed records of the dates when antimicrobial drugs are distributed for marketing and recall purposes from which monthly reports can be prepared as part of their usual and customary practice. However, FDA estimates additional hourly burden required by section 512(l)(3) of the Act as shown in table 2 of this document.

Dated: October 16, 2009.

**David Horowitz,**

*Assistant Commissioner for Policy.*

[FR Doc. E9–25671 Filed 10–23–09; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

**Project: Parent-Child Assistance Program (P–CAP) in the Fetal Alcohol Spectrum Disorder (FASD) Center of Excellence—New**

Since 2001, SAMHSA's Center for Substance Abuse Prevention has been operating a Fetal Alcohol Spectrum Disorder (FASD) Center of Excellence which addresses FASD mainly by providing trainings and technical assistance; and developing and supporting systems of care that respond to FASD using effective evidence based practices and interventions.

Currently the integration of evidence-based practices into service delivery organizations is being accomplished through subcontracts. One such intervention which integrates prevention strategies into service delivery organizations is the Parent-Child Assistance Program (P–CAP) targeting pregnant or postpartum women. The P–CAP program uses the following 11 data collection tools.

DESCRIPTION OF INSTRUMENTS/ACTIVITY FOR PARENT-CHILD ASSISTANCE PROGRAM (P–CAP)

| Instrument/Activity | Description |
|---|---|
| At Baseline/Enrollment: | |
| CRSQ | The Community Referral Screening Questionnaire (CRSQ) is a screening form administered to individuals referred to P–CAP. The purpose of the form is to determine eligibility for enrollment in P–CAP. |
| ASI—Part A | The Addiction Severity Index (ASI) Part A is an intake interview administered at client enrollment. The ASI Part A includes questions about past 30-day alcohol use, lifetime use, age at first use, month and year of last use, range of use (T–ACE), and use during pregnancy, thereby providing a thorough assessment of alcohol consumption. |
| ASI—Part B & Twin | The Addiction Severity Index (ASI) Part B is an intake interview administered as soon as possible after the target child birth. The ASI Part B includes questions about the target child at birth and alcohol use during the pregnancy. If the target birth is of twins then the Twins Addendum form is administered. |

[1] BLS Occupation Employment and Wages, May 2006, by occupation, for all industries (*http://www.bls.gov*). Wage ($46.50) includes mean hourly wage of $33.22 for Standard Occupational Classification 15–0000, computer and mathematics occupations, all industries; we add 40 percent to account for benefits.

DESCRIPTION OF INSTRUMENTS/ACTIVITY FOR PARENT-CHILD ASSISTANCE PROGRAM (P–CAP)—Continued

| Instrument/Activity | Description |
|---|---|
| Demographic Data | The Demographic Questionnaire is administered after client enrollment. The questionnaire includes race, educational attainment, marital status, and an alcohol assessment. |
| Process Monitoring: | |
| Weekly Advocate Time Summary | The P–CAP Weekly Advocate Time Summary Sheet is administered on a weekly basis. The form tracks time spent on the phone, in person, or providing transportation to each client. |
| Monthly Updates | The Monthly Update form is administered on a monthly basis. The form records any changes in drug and alcohol use, pregnancy, child custody, and sources of income. |
| Biannual Documentation of Progress (every 6 months). | The Biannual Documentation of Progress is administered every six months. The form documents changes in alcohol/drug treatment, abstinence from alcohol/drugs, birth control and pregnancy, connection to other services, and family stability and client activity. |
| At Exit: | |
| Exit ASI | The Exit ASI Follow-Up is administered at the end of the program, at 36 months. The Exit ASI uses a format that is identical to the Addiction Severity Index administered at intake, providing pre- and post-test data for the intervention. |
| Client Exit Close Out Form | The Client Exit Close-Out Form documents the total number of months the client spent in P–CAP, number of different advocates who worked with the client, and whether the client ever moved out of the area while enrolled in P–CAP. |
| Ad hoc: | |
| Advocate Accounting of Tracing Activity on Missing Post-Exit Client. | The Advocate Accounting of Tracing Activity on Missing Post-Exit Client is used to track activity to locate a missing client. When a client is missing, the form is to be completed each month, instead of the Monthly Update form, until the missing post-exit client is brought in for an Exit Interview. |
| Lost Post-Exit Client Form | The Lost Post-Exit Client Form is used when the client is at least six months past her three-year exit date in the program and has not completed the ASI exit interview. The form documents the reason the client has not completed the ASI exit interview. |

Two P–CAP subcontracts were awarded in February 2008. P–CAP uses an intensive paraprofessional home visitation model to reduce risk behaviors in pregnant women with substance abuse problems. The primary goal of P–CAP is to prevent future births of alcohol and drug exposed children to women who are at risk. The program uses a holistic case management approach, which is a complement to traditional substance abuse treatment. In addition to addressing alcohol and drug use, the program also aims at reducing other risk behaviors and addressing the health and social well being of mothers and their children.

At the initial client visit, the women receive a comprehensive assessment which includes an assessment for alcohol consumption, contraception use, and use of community services. At-risk women receive case management and every 4 months women are re-evaluated to determine their clinical goals. Counselors complete ''Documentation of Client Progress'' form every 6 months and a final ''Documentation of Client Progress'' at 36 months. In addition, the counselors complete a weekly advocate time sheet, summarizing their activities within the program. All forms are completed online using the web-portal. All participating subcontractors will maintain identifiable information on clients for service delivery purposes but no identifiable information will be transmitted to SAMHSA.

The data collection is designed to evaluate the implementation of P–CAP by measuring whether abstinence from alcohol is achieved and risk for alcohol-exposed births is eliminated.

ESTIMATED ANNUALIZED BURDEN HOURS

| Instrument/Activity | Number of respondents | Number of responses per respondent | Total number of responses | Average burden per response | Total burden hours collection |
|---|---|---|---|---|---|
| At Baseline/Enrollment: | | | | | |
| CRSQ | 190 | 1 | 190 | 0.08 | 15 |
| ASI—Part A | 190 | 1 | 190 | 2.75 | 523 |
| ASI—Part B & Twin | 190 | 1 | 190 | 0.25 | 48 |
| Demographic Data | 190 | 1 | 190 | 0.08 | 15 |
| Process Monitoring: | | | | | |
| Weekly Advocate Time Summary | 190 | 52 | 9,880 | 0.50 | 4,940 |
| Intermediate Outcomes: | | | | | |
| Monthly Updates | 190 | 12 | 2,280 | 0.50 | 1,140 |
| Biannual Documentation of Progress (every 6 months) | 161 | 2 | 322 | 0.33 | 106 |
| At Exit: | | | | | |
| Exit ASI | 190 | 1 | 190 | 2.25 | 428 |
| Client Exit Close Out Form | 161 | 1 | 161 | 0.25 | 40 |
| Ad hoc: | | | | | |
| Advocate Accounting of Tracing Activity on Missing Post-Exit Client | 29 | 1 | 29 | 0.25 | 7 |
| Lost Post-Exit Client Form | 29 | 1 | 29 | 0.25 | 7 |
| Total | 190 | | 13,651 | | 7,269 |

Written comments and recommendations concerning the proposed information collection should be sent by November 25, 2009 to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202–395–5806.

Dated: October 19, 2009.

**Elaine Parry,**

*Director, Office of Program Services.*

[FR Doc. E9–25667 Filed 10–23–09; 8:45 am]

**BILLING CODE 4162–20–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2009–N–0496]**

### Agency Information Collection Activities; Proposed Collection; Comment Request; Tobacco Product Standard for Flavored Cigarettes

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the proposed extension of an existing collection of information pertaining to the tobacco product standard for flavored cigarettes under the Family Smoking Prevention and Tobacco Control Act (FSPTCA).

**DATES:** Submit written or electronic comments on the collection of information by December 28, 2009.

**ADDRESSES:** Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Jonna Capezzuto, Office of Information Management (HFA–710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3794, *Jonnalynn.Capezzuto@fda.hhs.gov*.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed extension of an existing collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Title: Tobacco Product Standard on Flavored Cigarettes (OMB Control Number 0910–0647—Extension)**

On June 22, 2009, the President signed the FSPTCA (Public Law 111–31) into law. The FSPTCA amended the Federal Food, Drug, and Cosmetic Act (FDCA) by adding a new chapter granting FDA important new authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors.

FDA is requesting an extension of an existing collection of information pertaining to section 907(a)(1)(A) of the FDCA, as amended by the FSPTCA, which provides a general tobacco standard special rule for cigarettes that became effective on September 22, 2009. This special rule for cigarettes states in part that: ''* * * a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.''

As part of our enforcement strategy, FDA created a Tobacco Call Center (with a toll-free number) to accept information from the public about violations of this provision, known as the cigarette flavor ban. Callers are able to report violations of the cigarette flavor ban and FDA will determine whether to conduct targeted followup investigations based on information the agency receives. Members of the public who wish to report a violation will be asked for certain information: Name and contact information, which are optional, date that the caller observed or purchased the alleged violative product, description of the tobacco product, and address of the retail outlet or Internet address where the violative product was available. FDA developed a form (FDA Form 3734) that Call Center representatives use to record this information. Additionally, this form is posted on FDA's Internet (*http://www.accessdata.fda.gov/scripts/email/TobaccoProducts/flavoredCigarettes.cfm*), which allows the public to report violations of the cigarette flavor ban by filling out the form on-line. Others may simply choose to send a letter to FDA. (Information about how to contact FDA's Center for Tobacco Products is posted at *http://www.fda.gov/TobaccoProducts/default.htm*). FDA described how to report information about possible violations in a **Federal Register** notice reminding regulated industry of the effective date of the ban on certain flavored cigarettes (September 25, 2009; 74 FR 48974). FDA also included this information in the following outreach materials:

- Letter to our tobacco control partners announcing the cigarette flavor ban and soliciting information on possible violations,

• Press release announcing the effective date of the cigarette flavor ban,

• Flavored tobacco products fact sheet, and

• Flavored tobacco products parental advisory.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN

| Activity and Form FDA 3734 | No. of Respondents | Annual Frequency per Response | Total Annual Responses | Minutes per Response | Total Hours |
|---|---|---|---|---|---|
| Reporting violations of section 907(a)(1)(A) of the FDCA | 1,700 | 1 | 1,700 | 10 | 283 |

Dated: October 15, 2009.

**David Horowitz,**

*Assistant Commissioner for Policy.*

[FR Doc. E9–25604 Filed 10–23–09; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Proposed Information Collection Activity; Comment Request

*Proposed Projects:*

*Title:* Community Services Block Grant (CSBG) Program Model Plan Application.

*OMB No.:* New collection.

*Description:* Sections 676 and 677 of the Community Services Block Grant Act require States, including the District of Columbia and the Commonwealth of Puerto Rico, Tribes, Tribal organizations and U.S. territories applying for Community Services Block Grant (CSBG) funds to submit an application and plan (Model Application Plan). The application plan must meet statutory requirements prior to being funded with CSBG funds. Applicants have the option to submit a detailed application annually or biannually. Entities that submit a biannual application must provide an abbreviated application the following year if substantial changes to the initial application will occur. OMB approval is being sought.

*Respondents:* State Governments, including the District of Columbia and the Commonwealth of Puerto Rico, Tribal Governments, Tribal Organizations, and U.S. territories.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| Model State CSBG Application | 56 | 1 | 10 | 560 |
| Model Indian Tribes & Tribal Organizations CSBG Application | 30 | 1 | 10 | 300 |

Estimated Total Annual Burden Hours: 860

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. *E-mail address: infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: October 21, 2009.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. E9–25650 Filed 10–23–09; 8:45 am]

BILLING CODE 4184–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* Cross-Site Evaluation of the Children's Bureau Grantee Cluster: Supporting Evidence-Based Home Visiting Programs to Prevent Child Maltreatment (EBHV).

*OMB No.:* New collection.

*Description:* The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing this cross-site evaluation data collection activity to identify successful strategies for adopting, implementing, and sustaining high-quality home visitation programs to prevent child maltreatment. An evaluation study will address four domains: (1) Systems change to develop infrastructure, (2) fidelity to evidence-

based models, (3) costs of home visiting programs, and (4) family and child outcomes (via a review of grantee analysis reports). A process study will focus on the broader grant initiative to understand how programs plan and develop the infrastructure needed to support home visitation services and how they ensure service quality.

Information will be collected through biennial site visits, web-based data entry, a data quality progress table, a relationship questionnaire completed by participants and home visitors, and a grantee-partner network survey. In particular, site visits will include interviews with key grantee staff and stakeholders involved in the execution of the grant and in the efforts to make system changes. Grantees will complete systems web-based data entry on goals and operations every six months while agencies implementing home visiting programs associated with the grantee will utilize the fidelity/cost web-based data entry to provide EBHV program, provider, and participant characteristics along with yearly data on costs of home visiting programs.

*Respondents:* EBHV grantee and key staff (evaluators, home visitors and supervisors), partners, implementing agencies, home visiting participants, and home visitors.

ANNUAL BURDEN ESTIMATES

| Instrument | Annual number of respondents | Number of responses per respondent | Average burden hour per response | Estimated annual burden hours |
|---|---|---|---|---|
| EBHV grantee and key staff-partner interview guide | 249 | 2 | 1.60 | 797 |
| EBHV grantee systems web-based data entry | 17 | 2 | 1.00 | 34 |
| EBHV agency fidelity/cost web-based data entry | 50 | 12 | 9.00 | 5,400 |
| EBHV grantee data quality progress table | 17 | 4 | 4.25 | 289 |
| Participant-home visitor relationship questionnaire | 4,716 | 2 | 0.25 | 2,358 |
| Home visitor-participant relationship questionnaire | 4,716 | 2 | 0.25 | 2,358 |
| EBHV grantee-partner network survey | 142 | 2 | 0.42 | 119 |
| Estimated Total Burden Hours | | | | 11,355 |

*Additional Information:* Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *OPREinfocollection@acf.hhs.gov.*

*OMB Comment:* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–6974, *Attn:* Desk Officer for the Administration for Children and Families.

Dated: October 14, 2009.

**Seth F. Chamberlain,**

*OPRE Reports Clearance Officer.*

[FR Doc. E9–25259 Filed 10–23–09; 8:45 am]

**BILLING CODE 4184–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2007–D–0307 (formerly Docket No. 2007–D–0173)]**

### Guidance for Industry on Investigator Responsibilities—Protecting the Rights, Safety, and Welfare of Study Subjects; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Investigator Responsibilities—Protecting the Rights, Safety, and Welfare of Study Subjects.'' This guidance is intended to assist investigators in meeting their responsibilities with respect to protecting human subjects and ensuring the integrity of data in the conduct of clinical investigations. The guidance also clarifies FDA's expectations concerning the investigator's responsibility for supervising a clinical study in which some study tasks are delegated to employees of the investigator or to outside parties.

**DATES:** Submit written or electronic comments on agency guidances at any time.

**ADDRESSES:** Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

**FOR FURTHER INFORMATION CONTACT:** Joseph Griffin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 4204, Silver Spring, MD 20993, 301–796–2270, *Joseph.Griffin@fda.hhs.gov*.

**SUPPLEMENTARY INFORMATION:**

### I. Background

FDA is announcing the availability of a guidance for industry entitled ''Investigator Responsibilities—Protecting the Rights, Safety, and Welfare of Study Subjects.'' Under the regulations in part 312 (21 CFR part 312) (Investigational New Drug Application) and part 812 (21 CFR part 812) (Investigational Device Exemptions), an investigator is responsible for ensuring that a clinical investigation is conducted according to the signed investigator statement, the

investigational plan, and applicable regulations; for protecting the rights, safety, and welfare of subjects under the investigator's care; and for the control of drugs, biological products, and devices under investigation (§§ 312.60 and 812.100). This guidance clarifies the responsibilities of investigators in the conduct of clinical investigations conducted under parts 312 and 812, particularly the responsibilities to supervise the conduct of the clinical investigation, and to protect the rights, safety, and welfare of study participants in drug, biologic, and medical device clinical trials. The guidance also provides recommendations on how investigators should supervise the study-related actions of persons not in the direct employ of the investigator, including certain study staff and parties conducting associated testing and assessments.

On May 10, 2007 (72 FR 26639), FDA issued a draft of this guidance with the goal of received input from the public. During the finalization of this guidance, FDA carefully considered all substantive comments concerning the content of the guidance. During finalization, FDA's major emphasis was on clarifying issues that were identified as confusing and correcting apparent errors. These efforts resulted in relatively minor changes throughout the guidance. FDA also removed a significant amount of content from the background section because it was duplicative of content in the guidance appendices. FDA also reordered section III.A.3 of the guidance concerning adequate supervision of the conduct of a clinical trial to make the sequence more logical. We reversed the order of presentation so that the section begins with the factors that may predispose to inadequate supervision, and ends with the steps that could be taken to mitigate the potential for inadequate supervision.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on investigator responsibilities. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

## II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 312 have been approved under OMB control number 0910–0014; and the collections of information in part 812 have been approved under OMB control number 0910–0078. The information requested for general investigator responsibilities is covered by the collection of information in FDA's regulations for investigational new drug applications (part 312) and investigational device exemptions (part 812) and FDA Form 1572. The guidance also refers to FDA's requirements in 21 CFR parts 11, 50, 54, and 56 for the conduct of clinical trials of drugs, biologics, and medical devices. The collections of information in 21 CFR part 11 have been approved under OMB control number 0910–0303; the collections of information in 21 CFR part 54 have been approved under OMB control number 0910–0396; and the collections of information in 21 CFR part 56 (including information required under 21 CFR part 50) have been approved under OMB control number 0910–0130. The collection of information for form FDA 3674 has been approved under OMB control number 0910–0616.

## III. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

## IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*, *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm*, or *http://www.regulations.gov*.

Dated: October 20, 2009.

**David Horowitz,**

*Assistant Commissioner for Policy.*

[FR Doc. E9–25629 Filed 10–23–09; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of General Medical Sciences; Special Emphasis Panel Trauma and Burn.

*Date:* November 19, 2009.

*Time:* 1 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, Room 3AN34, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Brian R. Pike, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, 301–594–3907, *pikbr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: October 16, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9–25513 Filed 10–23–09; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Alcohol Abuse and Alcoholism; Special Emphasis Panel Review of AIDS Related Research Applications.

*Date:* November 5, 2009.

*Time:* 4 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 5635 Fishers Lane Bethesda, MD 20892. (Telephone Conference Call)

*Contact Person:* Lorraine Gunzerath, PhD, MBA, Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, Office Of Extramural Activities, Extramural Project Review Branch, 5635 Fishers Lane, Room 2121, Bethesda, MD 20892–9304, 301–443–2369, *lgunzera@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the securing of meeting attendees.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: October 16, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9–25509 Filed 10–23–09; 8:45 am]

**BILLING CODE M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflicts.

*Date:* October 26, 2009.

*Time:* 3 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* 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.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, 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: October 16, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9–25508 Filed 10–23–09; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Alcohol Abuse and Alcoholism; Special Emphasis Panel AA–3 Study Section Members Conflict.

*Date:* November 19, 2009.

*Time:* 1 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Lorraine Gunzerath, PhD, MBA, Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism Office of Extramural Activities, Extramural Project Review Branch, 5635 Fishers Lane, Room 2121, Bethesda, MD 20892–9304, 301–443–2369, *lgunzera@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: October 16, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9–25507 Filed 10–23–09; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Inherited Disease Research Access Committee.

*Date:* November 13, 2009.

*Time:* 1 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Camilla E. Day, PhD, Scientific Review Officer, CIDR, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite

4075, Bethesda, MD 20892, 301–402–8837, *camilla.day@nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: October 20, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9–25719 Filed 10–23–09; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Genes in Protein Trafficking Pathway in Alzheimer's Disease.

*Date:* November 20, 2009.

*Time:* 11 a.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892. (Telephone Conference Call)

*Contact Person:* Alexander Parsadanian, PhD, Scientific Review Officer, National Institute on Aging, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7703, *PARSADANIANA@NIA.NIH.GOV*.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Statistical Methods in Aging Research.

*Date:* December 7, 2009.

*Time:* 11:30 a.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892. (Telephone Conference Call)

*Contact Person:* Rebecca J. Ferrell, PhD, Scientific Review Officer, National Institute on Aging, Gateway Building 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7703, *ferrellrj@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 20, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9–25718 Filed 10–23–09; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Inherited Disease Research Access Committee.

*Date:* November 13, 2009.

*Time:* 2:30 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Rudy Pozzatti, PhD, Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov*.

*Name of Committee:* National Human Genome Research Institute Special Emphasis Panel; MAP–CEGS.

*Date:* November 19, 2009.

*Time:* 2 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NHGRI Twinbrook Library, 5635 Fishers Lane, 4076, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Keith McKenney, PhD, Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: October 19, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9–25716 Filed 10–23–09; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): CDC Grants for Public Health Research Dissertation (Panel A), Funding Opportunity Announcement (FOA) PAR07–231, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned SEP:

*Time and Date:* 12 p.m.–3 p.m., November 18, 2009 (Closed).

*Place:* Teleconference.

*Status:* The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

*Matters To Be Discussed:* The meeting will include the initial review, discussion, and evaluation of applications received in response to ''CDC Grants for Public Health Research Dissertation, Panel A, FOA PAR07–231.

*Contact Person for More Information:* Christine J. Morrison, PhD, Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–3098.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: October 20, 2009.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. E9–25651 Filed 10–23–09; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Notice of Meeting; National Commission on Children and Disasters

**AGENCY:** Administration for Children and Families, Department of Health and Human Services.

**ACTION:** Notice of meeting.

**DATES:** The meeting will be held on Tuesday, November 10, 2009, from 9:30 a.m. to 3:30 p.m.

**ADDRESSES:** The meeting will be held at the Administration for Children and Families, 901 D Street, SW., Washington, DC 20024. To attend either in person or via teleconference, please register by 5 p.m. Eastern Time, November 6, 2009. To register, please e-mail *jacqueline.haye@acf.hhs.gov* with ''Meeting Registration'' in the subject line, or call (202) 205–9560. Registration must include your name, affiliation, and phone number. If you require a sign language interpreter or other special assistance, please call Jacqueline Haye at (202) 205–9560 or e-mail *jacqueline.haye@acf.hhs.gov* as soon as possible and no later than 5 p.m. Eastern Time, November 2, 2009.

*Agenda:* The Commission will discuss: (1) The Department of Health and Human Services' efforts to support the needs of children in disaster situations; (2) the Federal Emergency Management Agency's efforts to support the needs of children in disaster situations; and (3) plans for future work of the Commission.

Written comments may be submitted electronically to *roberta.lavin@acf.hhs.gov* with ''Public Comment'' in the subject line. The Commission recommends that you include your name, mailing address and an e-mail address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment, and it allows the Commission to contact you if further information on the substance of the comment is needed or if your comment cannot be read due to technical difficulties. The Commission's policy is that the Commission will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment placed in the official record.

The Commission will provide an opportunity for public comments during the public meeting on November 10, 2009. Those wishing to speak will be limited to three minutes each; speakers are encouraged to submit their remarks in writing in advance to ensure their comment is received in case there is inadequate time for all comments to be heard on November 10, 2009.

*Additional Information:* Contact Roberta Lavin, Office of Human Services Emergency Preparedness and Response, e-mail *roberta.lavin@acf.hhs.gov* or (202) 401–9306.

**SUPPLEMENTARY INFORMATION:** The National Commission on Children and Disasters is an independent Commission that shall conduct a comprehensive study to examine and assess the needs of children as they relate to preparation for, response to, and recovery from all hazards, building upon the evaluations of other entities and avoiding unnecessary duplication by reviewing the findings, conclusions, and recommendations of these entities. The Commission shall then submit a report to the President and the Congress on the Commission's independent and specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies.

Dated: October 19, 2009.

**Carmen R. Nazario,**

*Assistant Secretary for Children and Families.*

[FR Doc. E9–25646 Filed 10–23–09; 8:45 am]

**BILLING CODE 4184–06–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2009–N–0664]**

### Anti-Infective 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*: Anti-Infective 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 December 10, 2009, from 8 a.m. to 4:30 p.m.

*Location*: Hilton Washington DC North/Gaithersburg, The Ballrooms, 620 Perry Pkwy., Gaithersburg, MD. The hotel phone number is 301–977–8900.

*Contact Person*: Minh Doan, 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: *minh.doan@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington DC area), code 3014512530. 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 December 10, the committee will discuss new drug application (NDA) 050–814, inhaled aztreonam, Gilead Sciences, Inc., for the proposed indication of improvement of respiratory symptoms and pulmonary function in cystic fibrosis patients with *Pseudomonas aeruginosa*, a bacterial infection.

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 25, 2009. Oral presentations from the public will be scheduled between approximately 1 p.m. to 2 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 17, 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 November 18, 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 Minh Doan 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: October 20, 2009.

**David Horowitz,**

*Assistant Commissioner for Policy.*

[FR Doc. E9–25627 Filed 10–23–09; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2009–N–0664]**

### Anti-Infective 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*: Anti-Infective 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 December 9, 2009, from 8 a.m. to 5 p.m.

*Location*: Hilton Washington DC North/Gaithersburg, The Ballrooms, 620 Perry Parkway, Gaithersburg, MD. The hotel phone number is 301–977–8000.

*Contact Person*: Minh Doan, 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: *minh.doan@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572) in the Washington DC area), code 3014512530. 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 December 9, 2009, the committee will discuss endpoints and other clinical trial design issues in the development of antibacterial products for the treatment of community-acquired bacterial pneumonia.

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 24, 2009. Oral presentations from the public will be scheduled between approximately 1:30 p.m. and 2:30 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 November 16, 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 November 17, 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 Minh Doan 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: October 20, 2009.

**David Horowitz,**

*Assistant Commissioner for Policy.*

[FR Doc. E9–25628 Filed 10–23–09; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development

Special Emphasis Panel; Multifactorial Executive Functioning Model in Traumatic Brain Injury.

*Date:* November 20, 2009.

*Time:* 1 p.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Sathasiva B. Kandasamy, PhD, Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov*.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel; MRI Analysis.

*Date:* November 20, 2009.

*Time:* 1:30 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Norman Chang, PhD, Scientific Review Officer, Division of Scientific Review Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 496–1485, *changn@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 20, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9–25725 Filed 10–23–09; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* AIDS and Related Research Integrated Review Group; Behavioral and Social Science Approaches to Preventing HIV/AIDS Study Section.

*Date:* November 16–17, 2009.

*Time:* 8 a.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

*Contact Person:* Jose H. Guerrier, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA–OD–09–008 BRDG–SPAN and RFA–OD–09–009 Catalyst ARRA Review Panel 7.

*Date:* November 17, 2009.

*Time:* 8 a.m. to 8 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

*Contact Person:* Guangyong Ji, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808, Bethesda, MD 20892, 301–435–1146, *jig@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: October 20, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9–25721 Filed 10–23–09; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): CDC Grants for Public Health Research Dissertation (Panel C), Funding Opportunity Announcement (FOA) PAR07–231, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned SEP:

*Time and Date:* 11 p.m.–2 p.m., November 19, 2009 (Closed).

*Place:* Teleconference.

*Status:* The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

*Matters To Be Discussed:* The meeting will include the initial review of scientific and merit research applications.

*Contact Person for More Information:* Hylan D. Shoob, PhD, MSPH, Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4796.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: October 20, 2009.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. E9–25653 Filed 10–23–09; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Privacy Act of 1974; Report of an Altered System of Records

**AGENCY:** Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA).

**ACTION:** Notice of an Altered System of Records (SOR).

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, the Health Resources and Services Administration (HRSA) is proposing to: change the security classification of the system from low to moderate; add an additional system location, to reflect the creation of a system contingency site; delete language from authorized users of the system; add information on physical safeguards pertaining to system security; delete the use of a receptionist controlled area from the physical safeguards for the system; change the room number for the system manager; change the legal authority cited for maintenance of system information; add a new routine use to Information Center (IC) Integrated Clearinghouse System (ICS), 09–15–0067, last published at 72 **Federal Register** 44846–44847 (August 9, 2007). The HRSA Office of Communications is responsible for the HRSA IC/ICS System of Records (SOR), which is an existing Agency SOR.

**DATES:** HRSA filed an altered system report with the Chair of the House

Committee on Government Reform and Oversight, the Chair of the Senate Committee on Homeland Security and Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on October 15, 2009. To ensure all parties have adequate time in which to comment, the altered system, including the routine use, will be become effective 30 days from the publication of the notice or 40 days from the date it was submitted to OMB and Congress, whichever is later, unless HRSA receives comments that require alterations to this notice.

**ADDRESSES:** Please address comments to Project Officer, Health Resources and Services Administration, Office of Communications, 5600 Fishers Lane, Room 14–27, Rockville, Maryland 20857; Telephone (301) 443–3376. Comments received will be available for inspection at this same address from 9 a.m. to 3 p.m. (Eastern Standard Time Zone), Monday through Friday. This is not a toll-free number.

**FOR FURTHER INFORMATION CONTACT:** Judy Andrews, Acting Director, Office of Communications, Health Resources and Services Administration, 5600 Fishers Lane, Room 14–27, Rockville, Maryland 20857, Telephone: 301–443–3376. Please note this is not a toll free telephone number.

**SUPPLEMENTARY INFORMATION:** HRSA proposes to: Change the security classification of the system from low to moderate to reflect the existence of Personally Identifiable Information (PII) in the system; add an additional system location, to reflect the creation of a system contingency site for use in the event of an emergency or disaster; delete language from authorized users of the system; add information on physical safeguards pertaining to system security; delete the use of a receptionist controlled area from the physical safeguards for the system; change the room number for the system manager from 14–45 to 14–27; change the legal authority cited for maintenance of system information; add the following routine use language to the HRSA IC/ICS SOR: ''To appropriate federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, and the information disclosed is relevant and necessary for that assistance.''

Dated: October 2, 2009.

**Mary K. Wakefield,**

*Administrator.*

**SYSTEM NUMBER: 09–15–0067**

**SYSTEM NAME:**

HRSA Information Center (IC) Integrated Clearinghouse System (ICS)

**SECURITY CLASSIFICATION:**

Moderate.

**SYSTEM LOCATION(S):**

HRSA IC, Circle Solutions, Inc., Corporate Office, 8280 Greensboro Drive, Suite 300, McLean, VA 22102; HRSA IC, Circle Solutions, Inc., Distribution Center, 22815 Glenn Drive, Suite 103, Sterling, VA 20164.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Members of the Public who Request Information or Publications from the HRSA IC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system includes: names, addresses, and telephone numbers of individuals who place orders via telephone, web, or written request for a 12-month period within receipt of the request.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301

**PURPOSE(S) FOR RECORDS IN THIS SYSTEM:**

To facilitate the delivery of publications and the response to questions pertaining to HRSA programs as requested by members of the general public.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

1. Disclosure may be made to a congressional office from the records of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. In the event of litigation where the defendant is:

a. The Department, any component of the Department, or any employee of the Department in his or her official capacity;

b. The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or,

c. Any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending a claim against the Public Health Service based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, disclosure may be made to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State or local, charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

4. To appropriate Federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, and the information disclosed is relevant and necessary for that assistance.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

1. *Storage:* All records are maintained in computer data files on servers maintained by the HRSA IC.

2. *Retrievability:* Records are maintained for ready retrieval and customer quality assurance by HRSA IC staff by requestor name for orders placed within the previous rolling 12-month period.

3. *Safeguards:*

*Authorized users:* Access to records is limited to designated HRSA IC staff. The HRSA IC maintains current lists of authorized users.

*Physical safeguards:* All computer equipment and files are stored in areas where fire and life safety codes are strictly enforced. All automated documents are protected on a 24-hour basis. Perimeter security includes intrusion alarms and key card controls. No hard copy files are maintained. Computer files are password protected and are accessible only by use of computers which are password protected.

*Procedural safeguards:* A password is required to access computer files. All

users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised area. All authorized users sign a nondisclosure statement. All passwords, keys and/or combinations are changed when a person leaves or no longer has authorized duties. Access to records is limited to those authorized personnel trained in Government privacy procedures.

**RETENTION AND DISPOSAL:**

Records of orders placed with the HRSA IC are maintained for 12 months, after which the records are purged from the system. Orders received by mail are shredded after the required information is entered into the HRSA IC/ICS.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Communications, Health Resources and Services Administration, 5600 Fishers Lane, Parklawn Building, Room 14–27, Rockville, Maryland 20857

**NOTIFICATION PROCEDURE:**

Individuals may learn about personal information maintained in the system by contacting the system manager at the address above.

**RECORD ACCESS PROCEDURES:**

Same as notification procedure. Requestors should also provide a reasonable description of the record being sought. Requesters may also request an accounting of disclosures that have been made of their records, if any.

**CONTESTING RECORD PROCEDURES:**

Contact the system manager as identified above, and reasonably identify the record contested, the corrective action sought, and the reason for seeking the information to show how the record is inaccurate or incomplete.

**RECORD SOURCE CATEGORIES:**

Members of the general public who voluntarily make publication or information requests.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. E9–25635 Filed 10–23–09; 8:45 am]

**BILLING CODE 4160–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2009–0001]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request, OMB No. 1660–0085

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice; 30-day notice and request for comments; revision of a currently approved information collection; OMB No. 1660–0085; FEMA Form 003–0–1 (formerly 90–146), Immediate Services Program Application.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) has submitted the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use.

**DATES:** Comments must be submitted on or before November 25, 2009.

**ADDRESSES:** Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 1800 South Bell Street, Arlington, VA 20598–3005, facsimile number (202) 646–3347, or e-mail address *FEMA-Information-Collections@dhs.gov.*

**SUPPLEMENTARY INFORMATION:**

### Collection of Information

*Title:* Crisis Counseling Assistance and Training Program—Immediate Services Program.

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

*OMB Number:* 1660–0085.

*Form Titles and Numbers:* FEMA Form 003–0–1 (formerly 90–146), Immediate Services Program Application. Please note the form number was not indicated on the 60-day **Federal Register** Notice (74 FR 34768, July 17, 2009), as the new form number had not been assigned at that time.

*Abstract:* The Crisis Counseling Program includes a specific disaster program entitled Immediate Services Program (ISP). The Immediate Services Program provides for funding in response to a State request for the period immediately following a Presidentially-declared disaster, and includes community outreach, consultation and public education, and counseling techniques. State Disaster Mental Health Coordinators will provide this information for consideration of funding to provide such services.

*Affected Public:* State, Local or Tribal Government.

*Estimated Number of Respondents:* 15.

*Frequency of Response:* Once.

*Estimated Average Hour Burden per Respondent:* 82 Hours.

*Estimated Total Annual Burden Hours:* 1,230 Hours.

*Estimated Cost:* There is no annual reporting and recordkeeping cost associated with this collection.

**Daisy Mitchell,**

*Acting Director, Records Management Division, Office of Management, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. E9–25631 Filed 10–23–09; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

### Intent To Request Renewal From OMB of One Current Public Collection of Information: Transportation Security Officer (TSO) Medical Questionnaire

**AGENCY:** Transportation Security Administration (TSA), DHS.

**ACTION:** 60-day renewal notice.

**SUMMARY:** The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), OMB control number 1652–0032, abstracted below, that we will submit to the Office of Management and Budget

(OMB) for renewal in compliance with the Paperwork Reduction Act. The ICR describes the nature of the information collection and its expected burden. The collection involves using a questionnaire to collect medical information from candidates for the job of Transportation Security Officer (TSO) to ensure their qualifications to perform TSO duties pursuant to sec. 111 of the Aviation and Transportation Security Act (ATSA).

**DATES:** Send your comments by December 28, 2009.

**ADDRESSES:** Comments may be e-mailed to *TSAPRA@dhs.gov* or mailed to the Office of Information Technology, Attention TSA PRA Officer, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

**FOR FURTHER INFORMATION CONTACT:** Ginger LeMay at the above address, or by telephone (571) 227–3616 or e-mail *ginger.lemay@dhs.gov.*

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Information Collection Requirement**

*OMB Number 1652–0032; TSO Medical Questionnaire*

TSA currently collects relevant medical information from Transportation Security Officer (TSO) candidates for the purpose of assessing whether the candidates meet the medical qualification standards the agency has established pursuant to the Aviation and Transportation Security Act (ATSA), Pub. L. 107–71 (November 19, 2001). TSA collects this information through a medical questionnaire completed by TSO candidates and, in certain cases, supplemental forms completed by TSO candidates' health care providers. The medical questionnaire and supplemental forms are used to evaluate a candidate's physical and medical qualifications to be a TSO, including visual and aural acuity, and physical coordination and motor skills. Only TSO candidates who successfully complete the steps in the hiring process leading up to the medical portion are required to complete the medical questionnaire. Candidates who disclose certain medical conditions on the medical questionnaire may be asked to have their health care provider complete one or more supplemental forms. Historical data indicate that approximately 30 percent of candidates reaching the medical evaluation will be required to complete one or more further evaluation forms.

TSA has a variety of supplemental forms, each of which pertain to particular body systems and medical conditions, including cardiac, orthopedic, endocrine, vitals, and others. The type of supplemental form(s) completed by a candidate's health care provider depend(s) on the condition(s) revealed during a candidate's initial medical evaluation and disclosed on the initial medical questionnaire. For example, a candidate who discloses a previous back injury may be required to have his/her health care provider complete a supplemental form to enable the agency to better evaluate whether the candidate can perform the TSO job safely and efficiently without excessive risk of accident or injury to himself/herself or others.

The current OMB control number for the medical questionnaire and supplemental forms is about to expire. TSA seeks to make minor modifications to the supplemental forms, and renew its OMB authorization to continue to use the medical questionnaire and supplemental forms, as modified. The modifications include moving language that clarifies that additional costs for further medical evaluations necessary to complete the supplemental forms will be incurred by the candidate and adding additional language to reflect changes in current medical practices/tests.

TSA estimates that the potential annual respondent population for this collection of information will be 19,175 candidates and health care providers. This number includes 14,750 candidates and 4,425 health care providers, nationwide. TSA estimates the total annual hour burden as a result of the TSO medical questionnaire and supplemental forms to be 11,677 hours.

Issued in Arlington, Virginia, on October 21, 2009.

**Ginger LeMay,**

*Paperwork Reduction Act Officer, Office of Information Technology.*

[FR Doc. E9–25684 Filed 10–23–09; 8:45 am]

**BILLING CODE 4910–62–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service Concessions Management Advisory Board Reestablishment

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of Reestablishment of the National Park Service Concessions Management Advisory Board.

**SUMMARY:** The Secretary of the Interior intends to reestablish the National Park Service Concessions Management Advisory Board. This action is necessary and in the public interest in connection with the performance of statutory duties imposed upon the Department of the Interior and the National Park Service.

**FOR FURTHER INFORMATION CONTACT:** Jo Pendry, Chief, Commercial Services Program on 202–513–7156.

**SUPPLEMENTARY INFORMATION:** The National Park Service Concessions Management Advisory Board was established by Title IV, Section 409 of Public Law 105–391, the National Parks Omnibus Management Act of 1998, November 13, 1998, with a termination date of December 31, 2008. Pursuant to Title VII, Subtitle A, Section 7403 of Public Law 111–11, the Omnibus Public Land Management Act of 2009, March 30, 2009, the Board is extended and will terminate on December 31, 2009.

The advice and recommendations provided by the Board and its subcommittees fulfill an important need within the Department of the Interior and the National Park Service, and it is necessary to reestablish the Board to ensure its work is not disrupted. The Board's seven members will be balanced to represent a cross-section of disciplines and expertise relevant to the National Park Service mission. The reestablishment of the Board comports with the requirements of the Federal Advisory Committee Act, as amended (5 U.S.C., Appendix), and follows consultation with the General Services Administration. The reestablishment will be effective on the date the charter is filed pursuant to section 9(c) of the Act and 41 CFR 102–3.70.

*Certification:* I hereby certify that the reestablishment of the National Park

Service Concessions Management Advisory Board is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by the Act of August 25, 1916, 16 U.S.C. 1 *et seq.,* and other statutes relating to the administration of the National Park System.

Dated: August 26, 2009.

**Ken Salazar,**

*Secretary of the Interior.*

[FR Doc. E9–25670 Filed 10–23–09; 8:45 am]

**BILLING CODE 4312–53–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-R9-IA-2009-N228 96300-1671-0000-P5]**

### Receipt of Applications for Permit

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for permits to conduct certain activities with endangered species. The Endangered Species Act requires that we invite public comment on these permit applications.

**DATES:** Written data, comments or requests must be received by November 25, 2009.

**ADDRESSES:** Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358-2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone 703/358-2104.

**SUPPLEMENTARY INFORMATION:**

### Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Submit your written data, comments, or requests for copies of the complete applications to the address shown in **ADDRESSES.**

Applicant: Fort Worth Zoo, Fort Worth, TX, PRT-220887

The applicant requests a permit to export one captive-bred female black rhinoceros (*Diceros bicornis*) to the Africam Safari, Puebla, Mexico, for the purpose of enhancement of the survival of the species.

Applicant: Virginia Institute of Marine Science, Gloucester Point, VA, PRT-230437

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened species of animals previously accessioned into the applicant's collection for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5–year period.

Applicant: Florida State University, Robert K. Godfrey Herbarium, Tallahassee, FL, PRT-230539

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened species of plants previously accessioned into the applicant's collection for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5–year period.

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Wilson W. Crook, Kingwood, TX, PRT-223348

Applicant: Sandra A. Summers, Oxford, MS, PRT-227930

Applicant: Bradford T. Black, North Canton, OH, PRT-228076

Applicant: James C. Faith, Hollidaysburg, PA, PRT-229221

Dated: October 16, 2009

**Lisa J. Lierheimer**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority*

[FR Doc. E9–25637 Filed 10–23–09; 8:45 am]

**BILLING CODE 4310–55–S**

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Notice of Availability of Final Elk Management Plan and Environmental Impact Statement for Wind Cave National Park, South Dakota

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of Availability of Final Elk Management Plan and Environmental Impact Statement for Wind Cave National Park, South Dakota.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of a Final Elk Management Plan and Environmental Impact Statement (Plan/EIS) for Wind Cave National Park, South Dakota (Park).

**DATES:** The final Plan/EIS will remain available for public review for 30 days following the publishing of the notice of availability in the **Federal Register** by the U.S. Environmental Protection Agency.

**ADDRESSES:** Requests for copies of the final Plan/EIS should be sent to the Superintendent, Wind Cave National Park, 26611 U.S. Highway 385, Hot Springs, SD 57747–9430. You may also view the document via the Internet through the NPS Planning, Environment, and Public Comment Web site (*http://parkplanning.nps.gov*); simply click on the link to Wind Cave National Park.

**SUPPLEMENTARY INFORMATION:** The NPS prepared a draft plan/EIS for the Park, pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969. The Park is proposing to manage its elk population, primarily to prevent impacts to other natural resources in the Park, which would occur as the herd size increases. The principal tool (translocation of live elk) the Park had been using to keep population numbers in line with its historic management goals is no longer an option because chronic wasting disease (CWD) is present in the elk population. Therefore, this planning process and EIS was needed to examine alternatives to translocation. The purpose of this EIS is to identify elk management strategies for the Park that will help achieve elk population levels that are in balance with other native species in the Park, including wildlife and vegetation communities, natural ecosystem functions, and other Park resources.

The draft Plan/EIS was made available for public review for 61 days,

from June 20, 2008 to August 18, 2008. During that time, the NPS distributed nearly 150 hard copies and compact discs of the draft. The draft was also made available at Park headquarters, on the Internet, and at area libraries. Four public meetings were held on July 21, 22, 23, and 24, 2008, attended by a total of 24 persons. Comments were received from 33 persons on the document during the public review period. Comments from individuals, groups, and public agencies on the alternatives, the preferred alternative, and the environmentally preferable alternative were considered.

Alternative B, both the NPS preferred and environmentally preferable alternative, was selected because it will effectively reduce and maintain the herd size to target population goals while preserving the current natural distribution and movement of elk in and out of the Park. It will also reduce adverse impacts to elk (from stress), bison, prairie dogs, black-footed ferrets, air quality, and soils from carcass disposal. It will also provide expanded hunting opportunities outside the Park and make full use of elk meat (versus wasting the resource), and will not increase elk-to-elk contact of potentially CWD-infected animals in corral situations.

Alternative B, the selected alternative, focuses on the hunting of elk on public and private lands outside the Park to reduce and maintain the Park's elk population. Movable sections of fence (gates) will be installed along the boundary fence to allow elk, but not bison, movement. The gates will be closed during hunting seasons to minimize elk reentry into the Park. Hazing may be used to ensure the appropriate number of elk leave the Park. The South Dakota Department of Game, Fish, and Parks will administer the hunt, issue all hunting permits, and retain all fees.

**FOR FURTHER INFORMATION CONTACT:** Contact Superintendent Vidal Davila, Wind Cave National Park, at the address or telephone number above.

Dated: September 3, 2009.

**David N. Given,**

*Acting Regional Director, Midwest Region.*

[FR Doc. E9–25687 Filed 10–23–09; 8:45 am]

BILLING CODE P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-R9-IA-2009-N227 96300-1671-0000-P5]**

### Issuance of Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permits.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species.

**ADDRESSES:** Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358-2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone 703/358-2104.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on the dates below, as authorized by the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Service issued the requested permits subject to certain conditions set forth therein. For each permit for an endangered species, the Service found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973, as amended.

ENDANGERED SPECIES

| Permit number | Applicant | Receipt of application **Federal Register** notice | Permit issuance date |
|---|---|---|---|
| 064209, 107740, 107741, 107742 | Hollywood Animals, Inc. | 74 FR 37240; July 28, 2009 | October 8, 2009 |
| 114454 and 206853 | Ferdinand and Anton Fercos-Hantig | 74 FR 37240; July 28, 2009 | September 18, 2009 |
| 210111 | Erie Zoo | 74 FR 37240; July 28, 2009 | October 1, 2009 |
| 212209 | David J. Beck, Jr. | 74 FR 37240; July 28, 2009 | September 4, 2009 |
| 213427 | Brian H. Welker | 74 FR 28523; June 16, 2009 | July 20, 2009 |
| 213734 | National Institutes of Health, Laboratory of Genomic Diversity. | 74 FR 21817; May 11, 2009 | September 30, 2009 |
| 215732 | University of California, Santa Cruz | 74 FR 40230; August 11, 2009 | September 24, 2009 |
| 215717 | Duke University, Department of Evolutionary Anthropology | 74 FR 32192; July 7, 2009 | August 26, 2009 |
| 217091 | John C. Sigler | 74 FR 37240; July 28, 2009 | September 4, 2009 |
| 217132 | Larry D. Bernhardt | 74 FR 37240; July 28, 2009 | September 24, 2009 |
| 217321 | Fort Wayne Zoological Society | 74 FR 37240; July 28, 2009 | October 9, 2009 |
| 217634 | Kevin Atkinson | 74 FR 32192; July 7, 2009 | September 22, 2009 |
| 217639 | George H. Brannen | 74 FR 46222; September 8, 2009 | October 8, 2009 |
| 219123 | Pamela M. Cooper | 74 FR 37240; July 28, 2009 | September 24, 2009 |
| 219600 | Vance D. Coffman | 74 FR 40230; August 11, 2009 | September 29, 2009 |
| 219627 | Clint Chamberlain | 74 FR 40230; August 11, 2009 | October 15, 2009 |
| 219683 | Thomas A. Fraley | 74 FR 40230; August 11, 2009 | September 24, 2009 |
| 220498 | Gregory G. Rodriguez | 74 FR 40230; August 11,2009 | August 28, 2009 |
| 220517 | Randall R. Foster | 74 FR 40230; August 11, 2009 | September 24, 2009 |
| 220669 | James M. Beier | 74 FR 40230; August 11, 2009 | September 24, 2009 |
| 220877 | Robert M. Bensinger | 74 FR 40230; August 11, 2009 | September 29, 2009 |
| 223180 | Nick Misciagna | 74 FR 41454; August 17, 2009 | September 23, 2009 |
| 223187 | Patrick T. O'Brien | 74 FR 46222; September 8, 2009 | October 8, 2009 |
| 724540 | Archie Carr Center for Sea Turtle Research | 74 FR 40230; August 11, 2009 | October 8, 2009 |
| 809334 | Ferdinand and Anton Fercos-Hantig | 74 FR 37240; July 28, 2009 and 74 FR 46222; September 8, 2009. | October 9, 2009 |

Dated: October 16, 2009

**Lisa J. Lierheimer**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority*

[FR Doc. E9–25638 Filed 10–23–09; 8:45 am]

BILLING CODE 4310–55–S

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLCAN00000.L18200000.ZX0000]**

### Cancellation Notice, Public Meeting: Northwest California Resource Advisory Council

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northwest California Resource Advisory Council meeting previously announced is cancelled.

**DATES:** The meeting had been scheduled for Thursday and Friday, October 29 and 30, 2009, in Calistoga, California (**Federal Register**, October 2, 2009, Volume 74, Number 190, Page 50988). A new meeting date will be announced.

**FOR FURTHER INFORMATION CONTACT:** Nancy Haug, BLM Northern California District Manager, (530) 221–1743; or BLM Public Affairs Officer Joseph J. Fontana, (530) 252–5332.

Dated: October 19, 2009.

**Joseph J. Fontana,**

*Public Affairs Officer.*

[FR Doc. E9–25656 Filed 10–23–09; 8:45 am]

BILLING CODE 4310–40–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Chesapeake and Ohio Canal National Historical Park Advisory Commission; Notice of Public Meeting

**AGENCY:** Department of the Interior, National Park Service, Chesapeake and Ohio Canal National Historical Park.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given that a meeting of the Chesapeake and Ohio Canal National Historical Park Advisory Commission will be held at 10 a.m., on Friday, November 13, 2009, at the Hancock Town Council Chambers at 126 West High Street, Hancock, Maryland 21750.

**DATES:** Friday, November 13, 2009.

**ADDRESSES:** Hancock Town Council Chambers at 126 West High Street, Hancock, Maryland 21750.

**FOR FURTHER INFORMATION CONTACT:** Kevin Brandt, Superintendent, Chesapeake and Ohio Canal National Historical Park, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740, *telephone:* (301) 714–2201.

**SUPPLEMENTARY INFORMATION:** The Commission was established by Public Law 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld, Chairperson,
Mr. Charles J. Weir,
Mr. Barry A. Passett,
Mr. James G. McCleaf II,
Mr. John A. Ziegler,
Mrs. Mary E. Woodward,
Mrs. Donna Printz,
Mrs. Ferial S. Bishop,
Ms. Nancy C. Long,
Mrs. Jo Reynolds,
Dr. James H. Gilford,
Brother James Kirkpatrick,
Dr. George E. Lewis, Jr.,
Mr. Charles D. McElrath,
Ms. Patricia Schooley,
Mr. Jack Reeder,
Ms. Merrily Pierce.

*Topics that will be presented during the meeting include:*

1. Update on park operations.
2. Update on major construction development projects.
3. Update on partnership projects.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Kevin Brandt, Superintendent, Chesapeake and Ohio Canal National Historical Park. Minutes of the meeting will be available for public inspection six weeks after the meeting at Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740.

Dated: September 22, 2009.

**Kevin D. Brandt,**

*Superintendent, Chesapeake and Ohio Canal, National Historical Park.*

[FR Doc. E9–25720 Filed 10–23–09; 8:45 am]

BILLING CODE 4310–6V–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Boston Harbor Islands National Recreation Area Advisory Council; Notice of Public Meeting

**AGENCY:** Department of the Interior, National Park Service, Boston Harbor Islands National Recreation Area.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given that a meeting of the Boston Harbor Islands National Recreation Area Advisory Council will be held on Wednesday, December 2, 2009, at 4 p.m. to 6 p.m. at the Partnership Office, 408 Atlantic Avenue, Suite 217, Boston, MA.

This will be the quarterly meeting of the Council. The agenda will include an update on the messaging project, discussion of how to stimulate public participation in park planning and other management efforts, planning for the annual meeting in March, a park update, and public comment.

The meeting will be open to the public. Any person may file with the Superintendent a written statement concerning the matters to be discussed. Persons who wish to file a written statement at the meeting or who want further information concerning the meeting may contact Superintendent Bruce Jacobson at (617) 223–8667.

**DATES:** December 2, 2009 at 4 p.m.

**ADDRESSES:** Partnership Office, 408 Atlantic Avenue, Suite 217, Boston, MA.

**FOR FURTHER INFORMATION CONTACT:** Superintendent Bruce Jacobson, (617) 223–8667.

**SUPPLEMENTARY INFORMATION:** The Advisory Council was appointed by the Director of National Park Service pursuant to Public Law 104–333. The 28 members represent business, educational/cultural, community and environmental entities; municipalities surrounding Boston Harbor; Boston Harbor advocates; and Native American interests. The purpose of the Council is to advise and make recommendations to the Boston Harbor Islands Partnership with respect to the development and implementation of a management plan and the operations of the Boston Harbor Islands NRA.

Dated: October 7, 2009.

**Bruce Jacobson,**

*Superintendent, Boston Harbor Islands NRA.*

[FR Doc. E9–25674 Filed 10–23–09; 8:45 am]

BILLING CODE 4310–86–P

## INTERNATIONAL TRADE COMMISSION

**[Inv. No. 337–TA–690]**

### In the Matter of: Certain Printing and Imaging Devices and Components Thereof; Notice of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 18, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Ricoh Company, Ltd. of Japan; Ricoh Americas Corporation of West Caldwell, New Jersey; and Ricoh Electronics, Inc. of Tustin, California. Letters supplementing the complaint were filed on October 9, 2009. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain printing and imaging devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 5,764,866; 6,388,771; 6,209,048; 6,212,343; and 5,863,690. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Christopher G. Paulraj, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–3052.

*Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2009).

*Scope of Investigation:* Having considered the amended complaint, the U.S. International Trade Commission, on October 20, 2009, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain printing and imaging devices or components thereof that infringe one or more of claims 1–6, 8, 11–15, and 19 of U.S. Patent No. 5,764,866; claims 1–4, 7, and 13 of U.S. Patent No. 6,388,771; claims 1, 6–14, 16–21, 23–29, 31–33, 38–44, 46–54, and 56–57 of U.S. Patent No. 6,209,048; claims 18–21 of U.S. Patent No. 6,212,343; and claims 1–16 of U.S. Patent No. 5,863,690, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Ricoh Company, Ltd., Ricoh Building, 8–13–1 Ginza, Chuo-ku, Tokyo, 104–8222, Japan.

Ricoh Americas Corporation, 5 Dedrick Place, West Caldwell, NJ 07006.

Ricoh Electronics, Inc., One Ricoh Square, 1100 Valencia Avenue, Tustin, CA 92780.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Oki Data Corporation, 4–11–22, Shibaura, Minato-ku, Tokyo, 108–8551, Japan.

Oki Data Americas, Inc., 2000 Bishops Gate Boulevard, Mount Laurel, NJ 08054.

(c) The Commission investigative attorney, party to this investigation, is Christopher G. Paulraj, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against a respondent.

By order of the Commission.

Issued: October 20, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

**William R. Bishop,**

*Acting Secretary to the Commission.*

[FR Doc. E9–25602 Filed 10–23–09; 8:45 am]

**BILLING CODE P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731–TA–130 (Third Review)]**

### Chloropicrin From China

**AGENCY:** United States International Trade Commission.

**ACTION:** Scheduling of a full five-year review concerning the antidumping duty order on chloropicrin from China.

**SUMMARY:** The Commission hereby gives notice of the scheduling of a full review pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5))

(the Act) to determine whether revocation of the antidumping duty order on chloropicrin from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review 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, D, E, and F (19 CFR part 207).

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

**FOR FURTHER INFORMATION CONTACT:** Cynthia Trainor (202–205–3354), 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 this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background.*—On October 5, 2009, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c)(5) of the Act. The Commission found that the domestic interested party group responses to its notice of institution (74 FR 31760, July 2, 2009) were adequate and that the respondent interested party group responses to its notice of institution were inadequate. The Commission also found that other circumstances warranted conducting a full review.[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

*Participation in the review and public service list.*—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in this review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the review need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

*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 this review available to authorized applicants under the APO issued in the review, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the review. A party granted access to BPI following publication of the Commission's notice of institution of the review need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO *Staff report.*—The prehearing staff report in the review will be placed in the nonpublic record on January 29, 2010, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

*Hearing.*—The Commission will hold a hearing in connection with the review beginning at 9:30 a.m. on February 18, 2010, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before February 10, 2010. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on February 12, 2009, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

*Written submissions.*—Each party to the review may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is February 8, 2010. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is March 1, 2010; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before March 1, 2009. On March 24, 2009, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before March 29, 2010, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also 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).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (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:* This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is

[1] Commissioner Charlotte R. Lane, Commissioner Irving A. Williamson, and Commissioner Dean A. Pinkert dissenting.

published pursuant to section 207.62 of the Commission's rules.

Issued: October 21, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9–25675 Filed 10–23–09; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 332–507]**

## Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2009 Review of Additions and Removals

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and scheduling of hearing.

**SUMMARY:** Following receipt of a request on October 16, 2009 from the United States Trade Representative (USTR) under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332 (g)), the U.S. International Trade Commission (Commission) instituted investigation No. 332–507, *Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2009 Review of Additions and Removals.*

**DATES:** *November 4, 2009:* Deadline for filing requests to appear at the public hearing.

*November 5, 2009:* Deadline for filing pre-hearing briefs and statements.

*November 16, 2009:* Public hearing.

*November 19, 2009:* Deadline for filing post-hearing briefs and statements and other written submissions.

*January 21, 2010:* Transmittal of report to the Office of the United States Trade Representative.

**ADDRESSES:** All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

**FOR FURTHER INFORMATION CONTACT:** Information specific to this investigation may be obtained from Gail Burns, Project Leader, Office of Industries (202–205–2501 or *gail.burns@usitc.gov*) or Philip Stone, Deputy Project Leader, Office of Industries (202–205–3424 or *philip.stone@usitc.gov*). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov).* Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). 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.

*Background:* As requested by the USTR, in accordance with sections 503(a)(1)(A), 503(e), and 131(a) of the Trade Act of 1974, as amended (19 U.S.C. 2463(a)(1)(A), 19 U.S.C. 2463(e), and 19 U.S.C. 2151(a)), and pursuant to the authority of the President delegated to the United States Trade Representative by sections 4(c) and 8(c) and (d) of Executive Order 11846 of March 31, 1975, as amended, and pursuant to section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the Commission will provide advice as to the probable economic effect on U.S. industries producing like or directly competitive articles and on U.S. imports and consumers of the elimination of U.S. duties for all beneficiary developing countries under the GSP program on articles provided for in HTS subheadings 0710.22.40, 0710.90.91, 2905.17.00, 3823.70.40, and 7614.10.10. Also, as requested by USTR, pursuant to section 332(g) of the Tariff Act of 1930, the Commission will provide advice as to the probable economic effect on U.S. industries producing like or directly competitive articles, on U.S. imports, and on consumers of the removal of India from GSP eligibility for HTS subheadings 7113.19.21 and 7113.19.25. As requested by the USTR, the Commission will provide its advice by January 21, 2010. The USTR indicated that those sections of the Commission's report and related working papers that contain the Commission's advice will be classified as ''confidential.''

*Public Hearing:* A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on November 16, 2009. Requests to appear at the public hearing should be filed with the Secretary no later than 5:15 p.m. November 4, 2009. Any pre-hearing briefs and other statements relating to the hearing should be filed with the Secretary not later than 5:15 p.m. November 5, 2009, and all post-hearing briefs and statements and any other written submissions should be filed with the Secretary not later than 5:15 p.m. November 19, 2009. All requests to appear and pre- and post-hearing briefs and statements must be filed in accordance with the requirements in the ''Written Submissions'' section below. In the event that, as of the close of business on November 4, 2009, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Persons interested in learning whether the hearing has been cancelled should call the Office of the Secretary after November 5, 2009, at 202–205–2000.

*Written Submissions:* In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All such submissions should be addressed to the Secretary and should be received not later than 5:15 p.m. November 19, 2009 (*see* earlier dates for filing requests to appear and for filing pre-hearing briefs and statements). All written submissions must conform with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 requires that a signed original (or a copy so designated) and fourteen (14) copies of each document be filed. In the event that confidential treatment of a document is requested, at least four (4) additional copies must be filed in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential''

version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available in the Office of the Secretary to the Commission for inspection by interested parties. The Commission may include some or all of the confidential business information submitted in the course of the investigation in the report it sends to the USTR.

As requested by the USTR, the Commission will publish a public version of the report, which will exclude portions of the report that the USTR has classified as well as any business confidential information.

Issued: October 21, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9–25669 Filed 10–23–09; 8:45 am]

**BILLING CODE 7020–02–P**

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## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–613]**

### In the Matter of: Certain 3G Mobile Handsets and Components Thereof; Notice of Commission Determination To Review in Part A Final Determination Finding No Violation of Section 337 and on Review To Affirm the Administrative Law Judge's Determination of No Violation; Termination of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in part the presiding administrative law judge's (''ALJ'') final initial determination (''ID'') issued on August 31, 2009, finding no violation of Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation. Specifically, the Commission has determined to review portions of the ALJ's claim construction and invalidity analysis, but to affirm the ALJ's determination of no violation, and has terminated the investigation.

**FOR FURTHER INFORMATION CONTACT:** Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted Inv. No. 337–TA–613 on September 11, 2007, based on a complaint filed by InterDigital Communications Corp. of King of Prussia, Pennsylvania and InterDigital Technology Corp. of Wilmington, Delaware (collectively, ''InterDigital'') on August 7, 2007. The complaint, as amended, alleged violations of Section 337 of the Tariff Act of 1930 (19 U.S.C. **1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain 3G mobile handsets and components by reason of infringement of certain claims of U.S. Patent Nos. 7,117,004 (''the '004 patent''); 7,190,966 (''the '966 patent''); and 7,286,847 (''the '847 patent'') (''the Power Ramp-Up Patents''); and 6,693,579 (''the '579 patent''). The notice of investigation named Nokia Corporation of Finland and Nokia Inc. of Irving, Texas (collectively, ''Nokia'') as respondents.

On August 14, 2009, the ALJ issued his final ID, finding no violation of Section 337. In particular, he found that the asserted claims of the patents-in-suit are not infringed and that they are not invalid. The ALJ further found that a domestic industry exists with respect to the patents-in-suit. Additionally, the ALJ found that there is no prosecution laches relating to the '004, '966, and '847 patents and that the '579 patent is enforceable. The ALJ further found that there is no waiver and patent misuse with respect to the patents-in-suit. The ALJ also issued a Recommended Determination on remedy and bonding, recommending that, in the event a violation of Section 337 is found, the appropriate remedy is a limited exclusion order barring entry of infringing 3G mobile handsets and components thereof and that it would also be appropriate to issue various cease and desist orders. The ALJ also recommended that there is no evidence to support the issuance of a bond during the period of Presidential review.

On August 31, 2009, InterDigital filed a petition for review, challenging certain aspects of the final ID, and Nokia filed a contingent petition for review, challenging other aspects of the final ID. On September 8, 2009, Nokia filed a response to InterDigital's petition for review, and InterDigital filed a response to Nokia's contingent petition for review. The Commission investigative attorney filed a joint response to both InterDigital's and Nokia's petitions on September 8, 2009.

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review the subject ID in part. Specifically, the Commission has determined to review the ALJ's claim construction of the terms ''synchronize,'' found in claims 5, 6, 9, and 11 of the '847 patent, and ''access signal,'' found in claim 59 of the '004 patent and claims 6, 9, and 11 of the '847 patent. The Commission has also determined to review the ALJ's validity determinations with respect to the four asserted patents. On review, we affirm the ALJ's determination of no violation, but take no position with regard to the term ''synchronize'' and validity.

In addition, the Commission modifies the ALJ's construction of ''access signal'' to clarify that his construction does not read out the situation where the ''access signal'' may continue to be transmitted after the power ramp-up procedure ends. The ID limits the transmission of the ''access signal'' to the power ramp-up procedure, finding the transmission does not continue during the remainder of the call setup process. The Commission agrees that the ''access signal'' is transmitted during the power ramp-up procedure and that the ''access signal'' is a separate transmission from any other call set up messages that a subscriber unit pursuant to the Power Ramp-Up Patents transmits to a base station during a communication event. The Commission finds, however, that the '004 and '847 patents do not require that the transmission of the ''access signal'' ends when the power ramp-up procedure ends.

The Commission has determined not to review the remaining issues decided in the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Issued: October 16, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9–25676 Filed 10–23–09; 8:45 am]

BILLING CODE 7020–02–P

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts; President's Committee on the Arts and the Humanities: Meeting #65

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the President's Committee on the Arts and the Humanities (PCAH) will be held on November 4, 2009, from 9 to 11:30 a.m. The meeting will be held in the Pierce Room, The Willard Intercontinental, 1401 Pennsylvania Avenue, NW., Washington, DC 20004.

The Committee meeting will begin with welcome, introductions, and announcements. Updates and discussion on recent programs and activities will follow. The meeting will also include a review of PCAH ongoing programming for youth arts and humanities learning, preservation and conservation, special events, and international cultural projects. The meeting will adjourn after discussion of other business, as necessary, and closing remarks.

The President's Committee on the Arts and the Humanities was created by Executive Order in 1982, which currently states that the ''Committee shall advise, provide recommendations to, and assist the President, the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services on matters relating to the arts and the humanities.''

Any interested persons may attend as observers, on a space available basis, but seating is limited. Therefore, for this meeting, individuals wishing to attend are advised to contact Jennifer Schmidt of the President's Committee seven (7) days in advance of the meeting at (202) 682–5560 or write to the Committee at 1100 Pennsylvania Avenue, NW., Suite 526, Washington, DC 20506. Further information with reference to this meeting can also be obtained from Ms. Schmidt.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Suite 724, Washington, DC 20506, (202) 682–5532, TDY–TDD (202) 682–5496, at least seven (7) days prior to the meeting.

Dated: October 21, 2009.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Office of Guidelines and Panel Operations.*

[FR Doc. E9–25641 Filed 10–23–09; 8:45 am]

BILLING CODE P

## NATIONAL SCIENCE FOUNDATION

### Business and Operations Advisory Committee; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Business and Operations Advisory Committee (9556).

*Date/Time:*

November 18, 2009; 1 p.m. to 5:45 p.m. (EST).

November 19, 2009; 8 a.m. to 12 p.m. (EST).

*Place:* National Science Foundation, 4201 Wilson Boulevard, Stafford I, Room 375.

*Type of Meeting:* Open.

*Contact Person:* Patty Balanga, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 (703) 292–8100.

*Purpose of Meeting:* To provide advice concerning issues related to the oversight, integrity, development and enhancement of NSF's business operations.

*Agenda:*

**November 18, 2009**

Welcome/Introductions;
OIRM/CIO/BFA Updates;
FastLane/Grants.gov/System-to-System Capabilities;
The American Recovery and Reinvestment Act-Reporting/Update;
NSF Workforce Management;
iTrak-Financial System Modernization.

**November 19, 2009**

NSF Strategic Plan Revision-2010–2015;
Future NSF–2013 Lease Expiration;
Committee discussion and prepare for Meeting with NSF Deputy Director;
Discussion with Deputy Director;
Closing Committee Discussion/Wrap-Up.

Dated: October 20, 2009.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. E9–25575 Filed 10–23–09; 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 November 25, 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:

**Permit Application No. 2010–019**

1. *Applicant:* Louis L. Jacobs, Earth Sciences, Southern Methodist University, Dallas, TX 75275.

**Activity for Which Permit Is Requested**

Take. The applicant plans collect primarily the skulls and humerus or femur, with soft tissue, from seal mummies of all species on an opportunistic basis. The specimens collected would be radiocarbon dated and sampled for organochlorines in residual lipids in the long bones. The remainder of the samples will be housed in the Southern Methodist Univeristy's Shuler Museum of Paleontology. The samples will provide time context for ecological interpretation of stable isotopes and the history of pollution in this portion of Antarctica.

**Location**

Seymour Island, Antarctic Peninsula and nearby locations.

**Dates**

November 1, 2009 to December 31, 2009.

**Nadene G. Kennedy,**

*Permit Officer, Office of Polar Programs.*

[FR Doc. E9–25567 Filed 10–23–09; 8:45 am]

BILLING CODE 7555–01–P

## NUCLEAR REGULATORY COMMISSION

**[Docket No. NRC–2009–0334]**

## Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** Notice with a 60-day comment period on this information collection on August 14, 2009.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* NRC Form 531, Request for Taxpayer Identification Number.

3. *Current OMB approval number:* 3150–0188.

4. *The form number if applicable*: NRC Form 531.

5. *How often the collection is required:* One time from each applicant or individual to enable the Department of the Treasury to process electronic payments or collect debts owed to the Government.

6. *Who will be required or asked to report:* All individuals doing business with the U.S. Nuclear Regulatory Commission, including contractors and recipients of credit, licenses, permits, and benefits.

7. *An estimate of the number of annual responses:* 300.

8. *The estimated number of annual respondents:* 300.

9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 25 hours (5 minutes per respondent)

10. *Abstract:* The Debt Collection Improvement Act of 1996 requires that agencies collect taxpayer identification numbers (TINs) from individuals who do business with the Government, including contractors and recipients of credit, licenses, permits, and benefits. The TIN will be used to process all electronic payments (refunds) made to licensees by electronic funds transfer by the Department of the Treasury. The Department of the Treasury will use the TIN to determine whether the refund can be used to administratively offset any delinquent debts reported to the Treasury by other government agencies. In addition, the TIN will be used to collect and report to the Department of the Treasury any delinquent indebtedness arising out of the licensee's or applicant's relationship with the NRC.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, Maryland 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by November 25, 2009. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Christine J. Kymn, Desk Officer, Office of Information and Regulatory Affairs (3150–0188), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to *Christine.J.Kymn@omb.eop.gov* or submitted by telephone at (202) 395–4638.

The NRC Clearance Officer is Tremaine Donnell, (301) 415–6258.

Dated at Rockville, Maryland, this 15th day of October 2009.

For the Nuclear Regulatory Commission.

**Tremaine Donnell,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. E9–25661 Filed 10–23–09; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

## Advisory Committee on Reactor Safeguards (ACRS) Meeting of The ACRS Subcommittee on EPR; Notice of Meeting

The ACRS U.S. Evolutionary Power Reactor (EPR) Subcommittee will hold a meeting on November 19, 2009, 11545 Rockville Pike, T2–B1, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

**Thursday, November 19, 2009, 8:30 p.m.–5 p.m.**

The Subcommittee will review selected chapters of the Safety Evaluation with Open Items concerning the U.S. EPR Design Certification Application. The Subcommittee will hear presentations by and hold discussions with representatives of AREVA, the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Mr. Derek Widmayer (Telephone 301–415–7366, *E-mail: Derek.Widmayer@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least 30 minutes before the meeting. Electronic recordings will be permitted. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009 (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by

contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in major inconvenience.

Dated: October 19, 2009.

**Antonio Dias,**

*Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.*

[FR Doc. E9–25657 Filed 10–23–09; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on AP1000; Notice of Meeting

The ACRS Subcommittee on the AP1000 will hold a meeting on November 19–20, 2009, 11545 Rockville Pike, Room T2–B3, Rockville, Maryland.

The meeting will be open to public attendance.

The proposed agenda for the subject meeting is as follows:

Thursday, November 19, 2009–8:30 a.m.–5 p.m.

Friday, November 20, 2009–8:30 a.m.–5 pm.

The Subcommittee will review selected chapters of the Draft Safety Evaluation Report associated with the amendment to the Westinghouse AP1000 Design Certification Document. The Subcommittee will hear presentations by and hold discussions with both Westinghouse and NRC staff representatives regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Mr. Michael Lee, (Telephone 301–415–6887, *E-mail: Mike.Lee@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be e-mailed to the DFO one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a compact disk containing each presentation at least 30 minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009 (74 FR 58268–58269)

Detailed ACRS meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs/.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in major inconvenience.

Dated: October 19, 2009.

**Antonio F. Dias,**

*Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.*

[FR Doc. E9–25730 Filed 10–23–09; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards (ACRS) Meeting of The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment (PRA) will hold a meeting on November 12, 2009, Room T2–B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Thursday, November 12, 2009—8:30 a.m.–5 p.m.*

The Subcommittee will review NRC's proposed policy statement on safety culture and experience with treatment of safety culture in the reactor oversight process. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding these matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Dr. John H. Flack (Telephone: 301–415–0426, E-mail: *John.Flack@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least 30 minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in major inconvenience.

Dated: October 19, 2009.

**Cayetano Santos,**

*Chief, Reactor Safety Branch A, Advisory Committee on Reactor Safeguards.*

[FR Doc. E9–25729 Filed 10–23–09; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 70–7005; NRC–2009–0283]**

### In the Matter of Waste Control Specialists, LLC; Order Modifying Exemption

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Issuance of Order To Modify Waste Control Specialists, LLC's

Exemption from Requirements of 10 CFR part 70.

**FOR FURTHER INFORMATION CONTACT:** Nishka Devaser, Environmental Protection and Performance Assessment Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. *Telephone:* (301) 415–5196, *fax number:* (301) 415–5397; *e-mail: Nishka.Devaser@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

Pursuant to 10 CFR 2.106, the Nuclear Regulatory Commission (NRC) is providing notice in the Matter of Waste Control Specialists, LLC (WCS) of the issuance of an order to modify WCS's exemption from the requirements of 10 CFR part 70.

## II. Further Information

### I.

WCS operates a facility in Andrews County, Texas, that is currently licensed to process and store certain types of low-level waste (LLW) and mixed waste (MW), and dispose of hazardous and toxic waste. Texas is an Agreement State. On November 30, 1997, this facility was licensed by the State of Texas Department of Health (TDH) under a 10 CFR part 30 equivalent radioactive materials license to possess, treat, and store LLW (R04971). License R04971 is currently under the jurisdiction of the Texas Commission on Environmental Quality (TCEQ). The facility is also licensed by the TCEQ to treat and dispose of hazardous waste. In 1997, WCS began accepting Resource Conservation and Recovery Act (RCRA) and Toxic Substance Control Act (TSCA) wastes for treatment, storage, and disposal. Later that year, WCS received a license from TDH for treatment and storage of MW and LLW. The MW and LLW streams may contain quantities of special nuclear material (SNM). On May 29, 2008, the TCEQ issued a license to WCS that authorizes WCS to receive and dispose of byproduct material as defined in Title 25 of the Texas Administrative Code, Section 289.260(c)(4). On January 14, 2009, the TCEQ denied hearing requests and issued an order which allows a license to be granted for disposal of LLW after the applicant demonstrates ownership of all mineral rights. The order provides that a license may not be issued, signed or granted until such demonstration is made.

Section 70.3 of 10 CFR part 70 requires persons who own, acquire, deliver, receive, possess, use, or transfer SNM to obtain a license pursuant to the requirements of 10 CFR part 70. The licensing requirements in 10 CFR part 70 apply to persons in Agreement States possessing greater than critical mass quantities as defined in 10 CFR 150.11. However, pursuant to 10 CFR 70.17(a), ''the Commission may * * * grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.''

In September 2000, WCS requested an exemption from the licensing requirements in 10 CFR part 70. On November 21, 2001, the NRC transmitted an Order to WCS granting an exemption to WCS from certain NRC regulations and permitted WCS, under specified conditions, to possess waste containing SNM in greater quantities than specified in 10 CFR part 150, at WCS's storage and treatment facility in Andrews County, Texas, without obtaining an NRC license pursuant to 10 CFR part 70. The NRC exemption applies only to activities authorized by TCEQ License R04971. The Order was published in the **Federal Register** on November 15, 2001 (66 FR 57489). The conditions specified in the Order are discussed in the November 2001 Safety Evaluation Report (SER) that supported the 2001 Order.

By letters dated August 6, 2003, and March 14, 2004, Waste Control Specialists LLC (WCS) requested an amendment to its exemption, which would allow it to use additional reagents for chemical stabilization of mixed waste containing SNM. The NRC transmitted the revised Order to WCS on November 4, 2004. The Order was published in the **Federal Register** on November 12, 2004 (69 FR 65468). The modified conditions specified in the Order are discussed in the August 2004 Safety Evaluation Report (SER) that supported the 2004 Order.

In a letter dated December 10, 2007, WCS requested additional modifications to its exemption from certain NRC regulations relative to the possession of SNM that is authorized by its TCEQ License R04971. By letter dated January 22, 2008, NRC acknowledged WCS' request.

WCS' letter dated December 10, 2007, and NRC's acknowledgement dated January 22, 2008, are available at NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. NRC's Agencywide Document Access and Management System (ADAMS) is available at this Web site. The ADAMS accession numbers for the December 10, 2007, and January 22, 2008, letters are:

| Document description | Accession No. |
|---|---|
| December 10, 2007, WCS request for modification of the Order | ML073550638 |
| January 22, 2008, NRC acknowledgement of WCS request | ML080150622 |

### II.

The NRC staff considers that the appropriate action is to grant WCS's exemption request, with additional modifications. Currently, WCS is exempted from the requirements of 10 CFR Part 70, including the requirements for an NRC license in 10 CFR 70.3, for activities authorized by TCEQ License R04971. This modification specifically would allow WCS to: Discontinue confirmation sampling upon receipt of waste that WCS verifies is adequately characterized by a generator to be uniform and which contains less than one-tenth of the SNM concentration limits presented in Condition 1; and to discontinue confirmatory sampling requirements of Condition 7 of the Order for sealed sources. By letter dated January 22, 2008, NRC informed WCS that it would clarify Condition 2, which states that waste must not contain ''pure forms'' of chemicals containing carbon, fluorine, magnesium, or bismuth in bulk quantities. NRC is also clarifying requirements for spatial uniformity of SNM concentrations in waste. The NRC is also revising Condition 4 of the Order, which currently limits the amount of highly water soluble SNM in each package, to address security concerns raised by the NRC staff during its review. Therefore, WCS's exemption is modified as follows:

1. Concentrations of SNM in individual waste containers and/or during processing shall not exceed the following values:

| SNM Isotope | Operational limit (gram SNM/gram waste) | Measurement uncertainty (gram SNM/gram waste) |
|---|---|---|
| U-233 | 4.7E–04 | 7.1E–05 |
| U-235 (10 percent enriched) | 9.9E–04 | 1.5E–04 |
| U-235 (100 percent enriched) | 6.2E–04 | 9.3E–05 |
| Pu-239 | 2.8E–04 | 4.2E–05 |
| Pu-241 | 2.2E–04 | 3.2E–05 |

When mixtures of these SNM isotopes are present in the waste, the sum-of-the-fractions rule, as illustrated below, shall be used.

$$\frac{\text{U-233 conc}}{\text{U-233 limit}} + \frac{\text{100wt\%U-235 conc}}{\text{100wt\%U-235 limit}} + \frac{\text{10wt\%U-235 conc}}{\text{10wt\%U-235 limit}} + \frac{\text{Pu-239 conc}}{\text{Pu-239 limit}} + \frac{\text{Pu-241 conc}}{\text{Pu-241 limit}} \leq 1$$

The measurement uncertainty values in column 3 above represent the maximum one-sigma uncertainty associated with the measurement of the concentration of the particular radionuclide.

The SNM must be uniformly distributed throughout the waste, such that the limiting concentrations must not be exceeded on average in any contiguous mass of 600 kilograms.

2. The mass concentration of carbon, fluorine, and bismuth in the waste must be limited as follows:

| SNM Isotope | Carbon | Fluorine | Bismuth |
|---|---|---|---|
| U-233 | 28 wt% | 34 wt% | 34 wt%. |
| U-235(10) | 25 wt% | 35 wt% | 31 wt%. |
| U-235(100) | 41 wt% | 42 wt% | 33 wt%. |
| Pu-239 | 43 wt% | 43 wt% | 34 wt%. |
| Pu-241 | 37 wt% | 39 wt% | 32 wt%. |

For waste containing mixtures of C, F, and Bi, the sum of the weight fractions of C, F, and Bi shall be compared to the most restrictive maximum allowable weight fractions for any one of those elements. Similarly, where mixtures of radionuclides are present in the waste, the limiting maximum allowable weight fraction of C, F, and Bi shall be applied.

The presence of the above materials will be determined and documented by the generator, based on process knowledge or testing.

3. Waste accepted shall not contain total quantities of beryllium, hydrogenous material enriched in deuterium, or graphite above one tenth of one percent of the total weight of the waste. The presence of the above materials will be determined and documented by the generator, based on process knowledge, or testing.

4. Possession of highly water soluble forms of SNM shall not exceed the amount of SNM of low strategic significance defined in 10 CFR 73.2. Highly soluble forms of SNM include, but are not limited to: uranium sulfate, uranyl acetate, uranyl chloride, uranyl formate, uranyl fluoride, uranyl nitrate, uranyl potassium carbonate, uranyl sulfate, plutonium chloride, plutonium fluoride, and plutonium nitrate. The presence of the above materials will be determined and documented by the generator, based on process knowledge or testing.

5. Processing of mixed waste containing SNM will be limited to chemical stabilization (i.e., mixing waste with reagents). For batches with more than 600 kilograms of waste, the total mass of SNM shall not exceed the concentration limits in Condition 1 times 600 kilograms of waste.

6. Prior to shipment of waste, WCS shall require generators to provide a written certification containing the following information for each waste stream:

a. Waste Description. The description must detail how the waste was generated, list the physical forms in the waste, and identify uranium chemical composition.

b. Waste Characterization Summary. The data must include a general description of how the waste was characterized (including the volumetric extent of the waste, and the number, location, type, and results of any analytical testing), the range of SNM concentrations, and the analytical results with error values used to develop the concentration ranges.

c. Uniformity Description. A description of the process by which the waste was generated showing that the spatial distribution of SNM is homogeneous or other information supporting spatial homogeneity.

d. Manifest Concentration. The generator must describe the methods to be used to determine the concentrations on the manifests. These methods could include direct measurement and the use of scaling factors. The generator must describe the uncertainty associated with sampling and testing used to obtain the manifest concentrations.

WCS shall review the above information and, if adequate, approve in writing this pre-shipment waste characterization and assurance plan before permitting the shipment of a waste stream. This will include statements that WCS has a written copy of all the information required above, that the characterization information is adequate and consistent with the waste description, and that the information is sufficient to demonstrate compliance with Conditions 1 through 4. Where generator process knowledge is used to demonstrate compliance with Conditions 1, 2, 3, or 4, WCS shall review this information and determine when testing is required to provide additional information in assuring compliance with the Conditions. WCS shall retain this information as required

by the State of Texas to permit independent review.

At the time waste is received, WCS shall require generators of SNM waste to provide a written certification with each waste manifest that states that the SNM concentrations reported on the manifest do not exceed the limits in Condition 1, and that the waste meets Conditions 2 through 4.

WCS shall require generators to sample and determine the SNM concentration for each waste stream, not to include sealed sources, at a frequency of once per 600 kg if the concentrations are above one tenth the SNM limits of Condition 1. The measurement uncertainty shall not exceed the uncertainty value in Condition 1 and shall be provided on the written certification.

7. WCS shall sample and determine the SNM concentration for each waste stream, not to include sealed sources, at a frequency of once per 600 kg if the concentrations are above one tenth the SNM limits of Condition 1. This confirmatory testing is not required for waste to be disposed of at DOE's WIPP facility.

8. WCS shall notify the NRC, Region IV office within 24 hours if any of the above Conditions are violated. A written notification of the event must be provided within 7 days.

9. WCS shall obtain NRC approval prior to changing any activities associated with the above Conditions.

**III.**

Based on the staff's evaluation, the Commission has determined, pursuant to 10 CFR 70.17(a), that the exemption as described above at the WCS facility is authorized by law, will not endanger life or property or the common defense and security and is otherwise in the public interest. Accordingly, by this Order, the Commission hereby grants this exemption subject to the above conditions. The exemption will become effective after the State of Texas has incorporated the above conditions into WCS's RML.

Pursuant to the requirements in 10 CFR part 51, the Commission has published an Environmental Assessment for the proposed action wherein it has determined that the granting of this exemption will have no significant impacts on the quality of the human environment. This finding was noticed in the **Federal Register** on October 15, 2009 (74 FR 52981–52985).

Dated at Rockville, Maryland this 20th day of October 2009.

For the U.S. Nuclear Regulatory Commission.

**Larry W. Camper,**

*Division Director, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. E9–25662 Filed 10–23–09; 8:45 am]

**BILLING CODE 7590–01–P**

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## NUCLEAR REGULATORY COMMISSION

**[NRC–2009–0465]**

## Withdrawal of Regulatory Guides 4.5 and 4.6

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of Regulatory Guides 4.5, ''Measurements of Radionuclides in the Environment—Sampling and Analysis of Plutonium in Soil'' and 4.6, ''Measurements of Radionuclides in the Environment—Strontium-89 and Strontium-90 Analysis.''

**FOR FURTHER INFORMATION CONTACT:** George Powers, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *telephone:* 301–251–7449 or e-mail *George.Powers@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide (RG) 4.5, ''Measurements of Radionuclides in the Environment—Sampling and Analysis of Plutonium in Soil,'' and RG 4.6, ''Measurements of Radionuclides in the Environment—Strontium-89 and Strontium-90 Analysis.'' Both of these guides were published in May 1974.

These regulatory guides provide prescriptive guidance to licensees and applicants on the sampling and laboratory analysis of Strontium and Plutonium. The guides provided guidance on compliance with a provision in 10 CFR Part 20, ''Standards for Protection against Radiation.'' That provision, 10 CFR 20.106, ''Concentrations in Effluents to Unrestricted Areas,'' was deleted, and that subject matter is addressed in a new section, 10 CFR 20.1302.

''Compliance with dose limits for individual members of the public.'' Paragraphs (a) and (b) of 20.1302 contain the effluent standards and allowable radionuclide concentrations in effluent releases.

Updated performance based guidance for the measurement of plutonium (Pu), strontium-89 ($Sr^{89}$), and strontium-90 ($Sr^{90}$) is now provided through Regulatory Guide 4.15, ''Quality Assurance for Radiological Monitoring Programs (Inception through Normal Operations to License Termination)—Effluent Streams and the Environment,'' published July 2007. This guidance references NUREG–1576, ''Multi-Agency Radiological Laboratory Analytical Protocols Manual (MARLAP),'' published in July 2004. MARLAP provides analytical detail for measurement of Pu, $Sr^{89}$, and $Sr^{90}$ which includes methods described in RG 4.5 and 4.6 and more recent methods and procedures that are also acceptable to the staff. NUREG–1576 is available electronically through the NRC's Agencywide Documents Access and Management System at *http://www.nrc.gov/reading-rm/adams.html,* under Accession No. ML060930645.

### II. Further Information

The withdrawal of RGs 4.5 and 4.6 does not alter any prior or existing licensing commitments or conditions based on their use. The guidance provided in these regulatory guides is neither necessary nor current. Regulatory guides may be withdrawn when their guidance is superseded by congressional action or no longer provides useful information.

Regulatory guides are available for inspection or downloading through the NRC's public Web site under ''Regulatory Guides'' in the NRC's Electronic Reading Room at: *http://www.nrc.gov/reading-rm/doc-collections.*

In addition, regulatory guides are also available for inspection at the NRC's Public Document Room (PDR), Room O–1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738. The PDR's mailing address is US NRC PDR, Washington, DC 20555–0001. You can reach the PDR staff by telephone at 301–415–4737 or 800–397–4209, by fax at 301–415–3548, and by e-mail to *pdr.resource@nrc.gov.*

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 13th day of October, 2009.

For the Nuclear Regulatory Commission.

**Andrea D. Valentin,**

*Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. E9–25659 Filed 10–23–09; 8:45 am]

**BILLING CODE 7590–01–P**

## POSTAL REGULATORY COMMISSION

**[Docket No. R2010–1; Order No. 318]**

## Postal Service Price Adjustment

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to establish a Move Update assessment charge for First-Class Mail. This notice addresses procedural steps associated with this filing.

**DATES:** Comments are due November 4, 2009.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202–789–6820 and *stephen.sharfman@prc.gov.*

**SUPPLEMENTARY INFORMATION:**

I. Overview
II. Postal Service Filing
III. Commission Action
IV. Ordering Paragraphs

### I. Overview

On October 15, 2009, the Postal Service filed with the Commission a notice announcing its intention, pursuant to 39 U.S.C. 3622 and 39 CFR part 3010, to establish a Move Update assessment charge for First-Class Mail.[1] The Notice describes related pricing and classification information specifying how the Move Update assessment will be applied to First-Class Mail. The Notice also announces classification changes which revise the way the Move Update assessment will be applied to Standard Mail. The Postal Service intends to implement these changes on January 4, 2010. *Id.* at 1.

The Notice addresses plans for public notice; a description of the price and classification changes; price cap compliance; the statutory objectives and factors; workshare discounts; and preferred rates. The changes described in the Notice are supported by Appendix A (hard copy), and Appendices B1, B2, and B3 (electronic format). Appendix A specifies proposed Mail Classification Schedule (MCS) language. The B appendices provide the following information: B1—Calculation of Percentage of Mail Expected to Pay a Move Update Assessment, B2—Calculation of Revenue Estimate for First Class Mail, and B3—Calculation of Revenue Estimate for Standard Mail. The Notice and all appendices are available for review on the Commission's Web site at *http://www.prc.gov.*

### II. Postal Service Filing

*Background.* In Docket No. R2009–2, Notice of Market Dominant Price Adjustment, filed February 10, 2009, the Postal Service provided notice that, at acceptance, Standard Mail mailings that fail a Move Update verification would be assessed an additional 7 cents per piece for each piece in the mailing. First-Class Mail mailings that fail a Move Update verification would be charged the single-piece rate on all pieces in the mailing. In March 2009, the Postal Service notified the Commission of its decision to delay the implementation of the Standard Mail Move Update assessment until January 2010. *Id.* at 2–3.

*Price and classification description.* In this docket, the Postal Service proposes to revise Move Update assessments at acceptance. First, the Postal Service indicates that the 7-cent per-piece Move Update assessment will be applicable to First-Class Mail.[2] *Id.* at 3.

Second, for both First-Class Mail and Standard Mail, the Postal Service intends to apply the Move Update assessment to a smaller percentage of a mailing (above an established tolerance) than was previously proposed in Docket No. R2009–2. At acceptance, a sample of mail will be used to calculate the ratio of addresses that the mailer failed to update based on customer-supplied Change of Address orders, to the number of Change of Address orders on record. If the ratio is above the specified tolerance, an assessment would apply based on the percentage of the sample above this tolerance. Initially, the Postal Service will use a tolerance of 30 percent which is equivalent to a threshold of 70 percent. This tolerance will be reduced over time after providing appropriate public notice. *Id.* at 3–4.

*Revenue.* The Postal Service estimates that 0.096 percent of Standard Mail volume will be subject to the assessment. This would result in an estimated $4.6 million in additional Standard Mail revenue. This estimate is a downward revision from the $7 million estimate revenue provided in Docket No. R2009–2. *Id.* at 4.

The Postal Service estimates that 0.136 percent of presorted First-Class Mail volume will be subject to the assessment. This would result in an estimated $4.4 million in presorted First-Class Mail revenue. This is less than what currently is paid given that the mailpieces otherwise would have to pay the full single-piece rate. *Id.* at 4–5.

*Mail Classification Schedule.* The Postal Service proposes Mail Classification Schedule language to add the 7-cent per-piece assessment to the appropriate First-Class Mail sections. New to the First-Class Mail sections and as a change to the Standard Mail sections, the Postal Service changes the name of the assessment from ''Move Update Noncompliance Charge'' to ''Move Update Assessment Charge.'' This reflects the fact that Performance Based Verification by itself does not establish compliance or noncompliance with Move Update standards. Finally, language changes are proposed to indicate that the application of the assessment is only to a percentage of the pieces that fail a Move Update verification. *Id.* at 5.

*Conformance with public notice and other requirements.* In conformance with rule 3010.14(a)(3), the Postal Service certifies that it will inform customers of the planned price adjustments in numerous ways. *Id.* at 1–2. In addition to the formal Notice filed with the Commission, these include notice via *http://www.USPS.com,* the Postal Explorer Web site, the *DMM Advisory,* the *P&C Weekly,* and the RIBBS Web site. *Id.* at 1–2. The Postal Service identifies Don O'Hara as the official contact for Commission queries. *Id.* at 2.

*Impact on the price cap.* The Postal Service asserts that the proposed adjustments have no impact on price cap issues. Therefore, it has made no calculation of cap or price changes described by rule 3010.14(b)(1) through (4). For First-Class Mail, the Postal Service explains that the new price represents a price decrease. Previously, First-Class Mail that failed a Performance Based Verification would pay the First-Class Mail single-piece rate which is greater than the newly proposed 7 cent per-piece assessment. Furthermore, the Postal Service contends that this adjustment is outside of the annual CPI-cap price change and that Commission's price cap rules do

[1] United States Postal Service Notice of Market Dominant Price Adjustment and Classification Changes, October 15, 2009 (Notice).

[2] These assessments are applicable only to customers who certify that their mail meets Move Update requirements. Customers who do not certify that their mail meets Move Update requirements or are determined not to have met the requirements are subject to single-piece First-Class Mail prices on all pieces in the mailing.

not specifically address the case of a price decrease. No price change is proposed for Standard Mail. Thus, for Standard Mail the Postal Service argues that cap compliance calculations are even less appropriate. *Id.* at 5–7.

*Statutory objectives and factors.* The Notice further provides, in compliance with rules 3010.14(b)(5) through 3010.14(b)(8), the Postal Service's assessment of how the planned program helps achieve the objectives of 39 U.S.C. 3622(b) and properly takes into account the factors of 39 U.S.C. 3622(c). *See generally id.* at 8–12.

With respect to statutory objectives, the Postal Service concludes that the price adjustment and classification changes do not substantially alter the degree to which First-Class Mail and Standard Mail prices already address the statutory objectives, or how they are addressed by the design of the system itself. It argues that by mitigating the assessments, the proposed changes reflect the Postal Service's use of pricing flexibility (Objective 4) to address mailer concerns, and at most, only cause a slight decrease in revenue while still providing proper incentives (Objective 5). The Postal Service argues that high quality service will improve by encouraging use of Move Update (Objective 3). Finally, parallel assessment of 7 cents per piece for both First-Class Mail and Standard Mail is transparent and keeps administration of the assessment simple (Objective 6). *Id.* at 9.

In terms of statutory factors, the Postal Service asserts that, as with the objectives, the price and classification changes do not substantially alter the degree to which First-Class Mail and Standard Mail address the factors of 39 U.S.C. 3622(c). The Postal Service asserts that the Move Update adjustments will encourage mailers to adopt Move Update while reasonably taking the impact of price changes into account (factors 3 and 7). The Postal Service uses the adjustments as an example of enhancing operational efficiency by reducing undeliverable-as-addressed mail through the use of customer supplied Change of Address orders (factors 7 and 12). Finally, the Postal Service contends that the adjustments should not materially affect the cost coverage of either First-Class Mail or Standard Mail (factor 2). *Id.* at 12.

*Workshare discounts.* The Postal Service asserts that the Move Update assessment revisions do not constitute a change to workshare discounts. The Postal Service states that all passthrough values should be similar to those reviewed in Docket No. R2009–2. *Id.* at 12–13.

*Preferred rates.* The Postal Service contends that the program will have no impact on preferred rates in Standard Mail, and is not expected to affect the 60 percent ratio between nonprofit and commercial Standard Mail prices. *Id.* at 13.

## III. Commission Action

*Establishment of docket; comments.* The Commission establishes Docket No. R2010–1 to consider all matters related to the Notice. 39 CFR 3010.13(a). It also issues the instant order to provide notice of the Postal Service's filing. Interested persons may express views and offer comments on whether the planned price adjustments and classification changes are consistent with the policies of 39 U.S.C. 3622 and with applicable requirements of 39 CFR part 3010. Consistent with the Commission's rules, 39 CFR 3010.13(a)(5), comments are due no later than November 4, 2009.

*Public representative.* Pursuant to 39 U.S.C. 505, the Commission appoints Jeremy L. Simmons to serve as the Public Representative to represent the interests of the general public in this docket.

## IV. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. R2010–1 to consider matters related to the Postal Service's October 15, 2009 filing.
2. Interested persons may submit comments on the planned classification changes and price adjustments. Comments are due November 4, 2009.
3. Pursuant to 39 U.S.C. 505, the Commission appoints Jeremy L. Simmons to represent the interests of the general public in this proceeding.
4. The Commission directs the Secretary of the Commission to arrange for publication of this document in the **Federal Register**.

By the Commission.

**Shoshana M. Grove,**

*Secretary.*

[FR Doc. E9–25750 Filed 10–23–09; 8:45 am]

BILLING CODE 7710–FW–P

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## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

**DATES:** Submit comments on or before December 28, 2009.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Sandra Johnston, Program Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Sandra Johnston, Program Analyst, Office of Financial Assistance, 202–205–7528 *sandra.johnston@sba.gov*; Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov.*

**SUPPLEMENTARY INFORMATION:** SBA regulations requires that we determine that a participating Certified Development Company's, Non-Bank Lender Institutions, or Micro lenders management, ownership, etc., is of ''good character''. To do so requires the information requested on the Form 1081. This form also provides data used to determine the qualifications and capabilities of the lenders key personnel.

*Title:* Statement of Personal History.

*Description of Respondents:* Small Business Lending Companies.

*Form Number:* SBA Form 1081.

*Annual Responses:* 243.

*Annual Burden:* 122.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Brenda Washington, Senior Program Analyst, Office of HUBZone Programs, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Brenda Washington, Senior Program Analyst, Office of HUBZone Programs, 202–205–7663 *brenda.washington@sba.gov*; Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov.*

**SUPPLEMENTARY INFORMATION:** The requested information regarding updates to the financial information and employment levels supplied at the time of initial application for HUBZone

certification are a necessary element for gauging the HUBZone Program's ability to promote capital investments and job creation in distressed communities.

*Title:* SBA HUBZone Update data form.

*Description of Respondents:* Small Business Concerns.

*Form Number:* SBA Form 2298.

*Annual Responses:* 3,500.

*Annual Burden:* 1,750.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Cynthia Pitts, Director, Office of Disaster Administrative Service, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Pitts, Director, Office of Disaster Administrative Service, 202–205–7570 *cynthia.pitts@sba.gov*; Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov.*

**SUPPLEMENTARY INFORMATION:** SBA is required to survey affected disaster areas within a state upon request by the Governor of that state to determine if there is sufficient change to warrant a disaster declaration.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. E9–25678 Filed 10–23–09; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #11911 and #11912]**

### American Samoa Disaster #AS–00004

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Territory of American Samoa (FEMA–1859–DR), dated 10/16/2009.

*Incident:* Earthquake, Tsunami, and Flooding.

*Incident Period:* 09/29/2009 Through 10/06/2009.

*Effective Date:* 10/16/2009.

*Physical Loan Application Deadline Date:* 12/15/2009.

*Economic Injury (EIDL) Loan Application Deadline Date:* 07/16/2010.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 10/16/2009, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

*The following areas have been determined to be adversely affected by the disaster:* The Territory of American Samoa.

*The Interest Rates are:*

| | Percent |
|---|---|
| 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 119112 and for economic injury is 119122.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. E9–25681 Filed 10–23–09; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

### Audit and Financial Management Advisory Committee (AFMAC)

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of open Federal advisory committee meeting.

**SUMMARY:** The SBA is issuing this notice to announce the location, date, time, and agenda for the next meeting of the Audit and Financial Management Advisory Committee (AFMAC). The meeting will be open to the public.

**DATES:** The meeting will be held on October 29, 2009 from 1 p.m. to approximately 4:30 p.m. Eastern Daylight Time.

**ADDRESSES:** The meeting will be held at the U.S. Small Business Administration, 409 3rd Street, SW., Office of the Chief Financial Officer Conference Room, 6th Floor, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the AFMAC. The AFMAC is tasked with providing recommendation and advice regarding the Agency's financial management, including the financial reporting process, systems of internal controls, audit process and process for monitoring compliance with relevant laws and regulations.

The purpose of the meeting is to discuss the SBA's Financial Reporting, Audit Findings to Date, FMFIA Assurance/A–123 Internal Control Program, Credit Modeling, Agency Financial Report and Agency Performance Report.

**FOR FURTHER INFORMATION CONTACT:** The meeting is open to the public, however advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the AFMAC must contact Jonathan Carver, by fax or e-mail, in order to be placed on the agenda. Jonathan Carver, Chief Financial Officer, 409 3rd Street, SW., 6th Floor, Washington, DC 20416, phone: (202) 205–6449, fax: (202) 205–6969, e-mail: *Jonathan.Carver@sba.gov.*

Additionally, if you need accommodations because of a disability or require additional information, please contact Jeff Brown at (202) 205–6117, e-mail: *Jeffrey.Brown@sba.gov,* SBA, Office of Chief Financial Officer, 409 3rd Street, SW., Washington, DC 20416.

For more information, please visit our Web site at: *http://www.sba.gov/aboutsba/sbaprograms/cfo/index.html.*

**Meaghan Burdick,**

*White House Liaison.*

[FR Doc. E9–25682 Filed 10–23–09; 8:45 am]

**BILLING CODE 8025–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–60841; File No. 4–546]**

### Joint Industry Plan; Order Approving Joint Amendment No. 1 to the Options Order Protection and Locked/Crossed Market Plan

October 20, 2009.

### I. Introduction

On August 7, 2009, August 7, 2009, August 7, 2009, August 7, 2009, August 11, 2009, August 11, 2009, and August 11, 2009, NYSE Arca, Inc. (''NYSE Arca''), NYSE Amex, LLC (''NYSE Amex''), International Securities Exchange, LLC (''ISE''), NASDAQ OMX BX, Inc. (''BOX''), Chicago Board Options Exchange, Incorporated

(''CBOE''), NASDAQ OMX PHLX, Inc. (''Phlx''), and The NASDAQ Stock Market LLC (''Nasdaq'') (collectively, ''Participants''), respectively, filed with Securities and Exchange Commission (''Commission'') pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 608 thereunder [2] an amendment (''Joint Amendment No. 1'') to the Options Order Protection and Locked/Crossed Market Plan (''Plan'').[3] In Joint Amendment No. 1, the Participants proposed to modify Section 5(b) of the Plan to eliminate the requirement that policies and procedures be submitted to the Commission for approval. On August 14, 2009, the Commission summarily put into effect Joint Amendment No. 1 on a temporary basis not to exceed 120 days and solicited comment on Joint Amendment No. 1 from interested persons.[4] The Commission received no comments on Joint Amendment No. 1. This order approves Joint Amendment No. 1.

## II. Description of Proposed Amendment

In Joint Amendment No. 1, the Participants proposed to clarify that, while each Participant is required under the Plan to establish, maintain and enforce written policies and procedures that are reasonably designed to prevent Trade-Throughs, there would not be a requirement that these policies and procedures be submitted to the Commission for approval. The Plan requires, and each Participant has represented, that its policies and procedures will be reasonably designed to prevent Trade-Throughs in the Exchange's market in Eligible Options Classes, unless they fall within an exception set forth in Section 5(b) of the Plan. If relying on such exception, the policies and procedures will be reasonably designed to assure compliance with the terms of the exception.

## III. Discussion and Commission Findings

The Commission previously determined, pursuant to Rule 608 under the Act,[5] to put into effect summarily on a temporary basis not to exceed 120 days, the change to the Plan detailed above in Joint Amendment No. 1.[6] After careful consideration of Joint Amendment No. 1, the Commission finds that approving Joint Amendment No. 1 is consistent with the requirements of the Act and the rules and regulations thereunder.[7] Specifically, the Commission finds that Joint Amendment No. 1 is consistent with Section 11A of the Act [8] and Rule 608 of Regulation NMS thereunder [9] in that it is in the public interest, for the protection of investors, and the maintenance of fair and orderly markets.

In so finding, the Commission notes that the Commission generally does not approve, pursuant to Section 19(b), surveillance policies and procedures of national securities exchanges, though they may be reviewed by Commission staff, for example, pursuant to inspections and examinations.

## IV. Conclusion

*It is therefore ordered,* pursuant to Section 11A of the Act [10] and Rule 608 thereunder,[11] that Joint Amendment No. 1 is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9–25709 Filed 10–23–09; 8:45 am]

**BILLING CODE 8011–01–P**

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] On July 30, 2009, the Commission approved a national market system plan relating to Options Order Protection and Locked/Crossed Markets proposed by CBOE, ISE, Nasdaq, BOX, Phlx, NYSE Amex, and NYSE Arca. *See* Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (August 6, 2009).

[4] *See* Securities Exchange Act Release No. 60507 (August 14, 2009), 74 FR 42709 (August 24, 2009) (File No. 4–546).

[5] 17 CFR 242.608.

[6] *See supra* note 4.

[7] In approving this Joint Amendment No. 1, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78k–1.

[9] 17 CFR 242.608.

[10] 15 U.S.C. 78k 1.

[11] 17 CFR 242.608.

[12] 17 CFR 200.30–3(a)(29).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–60845; File Nos. SR–BX–2009–061, SR–NASDAQ–2009–087, SR–Phlx–2009–88]**

## Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; The NASDAQ Stock Market LLC; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Restated Certificate of Incorporation of The NASDAQ OMX Group, Inc.

October 20, 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 October 1, 2009, NASDAQ OMX BX, Inc. (''BX''), The NASDAQ Stock Market LLC (''NASDAQ Exchange'') and NASDAQ OMX PHLX, Inc. (''Phlx'') (collectively, the ''NASDAQ OMX Exchange Subsidiaries'') [3] filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the NASDAQ OMX Exchange Subsidiaries. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

## I. Self-Regulatory Organizations' Statement of the Terms of the Substance of the Proposed Rule Change

The NASDAQ OMX Exchange Subsidiaries are filing the proposed rule change with regard to proposed changes to the Restated Certificate of Incorporation (the ''Certificate'') of their parent corporation, The NASDAQ OMX Group, Inc. (''NASDAQ OMX''). The proposed rule change will be implemented as soon as practicable following filing with the Commission. The text of the proposed rule change for each of the NASDAQ OMX Exchange Subsidiaries is available at *http://nasdaqomxbx.cchwallstreet.com, http://nasdaqomx.cchwallstreet.com/*, and *http://www.nasdaqtrader.com/Micro.aspx?id=PhlxApprovedRulefilings*, respectively, at the respective NASDAQ OMX Exchange Subsidiary's principal office, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In their filings with the Commission, each of the NASDAQ OMX Exchange Subsidiaries included statements concerning the purpose of and basis for its proposed rule change and discussed any comments it received on its proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Each of the NASDAQ OMX Exchange Subsidiaries has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that on October 1, 2009, substantially similar filings also were submitted by Boston Stock Exchange Clearing Corporation (''BSECC'') (SR–BSECC–2009–005) and Stock Clearing Corporation of Philadelphia (''SCCP'') (SR–SCCP–2009–04), the clearing corporation subsidiaries of NASDAQ OMX Group, Inc. (''NASDAQ OMX'').

*A. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

NASDAQ OMX is proposing to file the Certificate of Designation described below. Under Article Fourth, Paragraph B of the Certificate, NASDAQ OMX's Board of Directors may authorize the issuance of preferred stock, establish the number of shares to be included in such series and fix the designation, powers, preferences and rights of the shares of such series, and the qualifications, limitations and restrictions thereof. As provided in Articles XI and XII of the NASDAQ OMX By-Laws, proposed amendments to the Certificate are to be reviewed by the Board of Directors of each self-regulatory subsidiary of NASDAQ OMX, and if any such proposed amendment must, under Section 19 of the Act and the rules promulgated thereunder, be filed with, or filed with and approved by, the Commission before such amendment may be effective, then such amendment shall not be effective until filed with, or filed with and approved by, the Commission, as the case may be. Senior management of each of the NASDAQ OMX Exchange Subsidiaries, through delegated authority of their governing boards, have determined that the proposed change should be filed with the Commission, and the governing boards of BSECC and SCCP have each reviewed the proposed change and determined that it should be filed with the Commission.[4] Under Delaware law, the amendment of the Certificate by the filing of a Certificate of Designation does not require approval by the stockholders of NASDAQ OMX.

The issuance of the Series A Preferred is part of a transaction between NASDAQ OMX and one of its existing shareholders, Silver Lake Partners (''Silver Lake''), whereby Silver Lake agreed to convert all of the 3.75% Series A Convertible Notes due 2012 (the ''Notes'') held by certain of its affiliates (''Silver Lake Affiliates'') into shares of NASDAQ OMX common stock (''Common Stock'') prior to the maturity date of such Notes.[5] As an inducement to convert the Notes, NASDAQ OMX has delivered a cash payment and has agreed to deliver 1,600,000 shares of Series A Preferred to the Silver Lake Affiliates (''Transaction''). Effective September 28, 2009, the Silver Lake Affiliates converted Notes into 8,246,680 shares of Common Stock. As a result, Silver Lake no longer holds any Notes and, through certain of the Silver Lake Affiliates, currently is the beneficial owner of shares of Common Stock that equal less than five percent (5%) of the outstanding voting securities of NASDAQ OMX.

Under the Certificate of Designation, up to two million shares will be designated for issuance as shares of Series A Preferred. The Series A Preferred will be senior in preference and priority to the Common Stock and on parity with all other classes and series of preferred stock.

The Series A Preferred will have limited voting rights and will not have the right to vote on any matters that are subject to the vote of the holders of Common Stock. The approval of at least a majority of the then outstanding shares of Series A Preferred will be required to approve any amendment to the Certificate or the NASDAQ OMX By-Laws that would adversely affect the rights, preferences or privileges of the Series A Preferred (including any change in the dividends payable or liquidation preference). In addition, any amendments to reduce the dividend payable to the Series A Preferred, to increase the number of authorized shares of the Series A Preferred or to change certain specified provisions of the Certificate of Designation will require the written consent of 75% of the then outstanding shares of Series A Preferred, voting together as a class.

The shares of Series A Preferred will be convertible into shares of Common Stock. Under the applicable NASDAQ listing rules, approval by the stockholders of NASDAQ OMX (''Shareholder Approval'') is required to permit the conversion of the Series A Preferred.[6] NASDAQ OMX intends to seek Shareholder Approval at the company's 2010 annual meeting of stockholders.

Upon the date of Shareholder Approval, the Series A Preferred will mandatorily convert into shares of Common Stock as provided in the Certificate of Designation.[7] In the event that Shareholder Approval is not obtained, the Series A Preferred will accrue cumulative dividends, accrued on a daily basis and compounded quarterly, at a per annum rate equal to 12%. In addition, in the event that Shareholder Approval is not obtained, the Series A Preferred will be subject to optional redemption by NASDAQ OMX subject to the terms of the Certificate of Designation. The Series A Preferred will be mandatorily redeemable by NASDAQ OMX on the fourth anniversary of the original issuance date and will be redeemable at the option of the holders upon a Fundamental Change (as defined in the Certificate of Designation).

The issuance of Series A Preferred will result in no substantive change in the ownership or governance structure of NASDAQ OMX, since the Series A Preferred will have no voting rights other than the limited rights described above. The Transaction also has resulted in the conversion of most of the outstanding Notes into Common Stock.[8]

2. Statutory Basis

The NASDAQ OMX Exchange Subsidiaries believe that the proposed rule change is consistent with the provisions of Section 6 of the Act,[9] in general, and with Sections 6(b)(1) and (b)(5) of the Act,[10] in particular, in that the proposal enables the NASDAQ OMX Exchange Subsidiaries to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply with and enforce compliance by members and persons associated with members with provisions of the Act, the rules and regulations thereunder, and self-regulatory organization rules, and is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and

[4] The Nasdaq OMX Exchange Subsidiaries, BSECC and SCCP are each submitting this filing pursuant to Section 19(b)(3)(A)(iii) of the Act, 15 U.S.C. 78s(b)(3)(A)(iii).

[5] Under Article Fourth, Section C.1(b) of the Certificate, the Notes are entitled to vote on an as-converted basis on matters that are submitted to a vote of the stockholders of NASDAQ OMX, voting together with the holders of the Common Stock and any other shares of capital stock entitled to vote.

[6] Pursuant to NASDAQ Listing Rule 5635(c), shareholder approval is required when an equity compensation arrangement is made pursuant to which stock may be acquired by an issuer's officers, directors, employees, or consultants. Pursuant to agreements relating to the issuance of the Notes, a Silver Lake representative currently serves on the NASDAQ OMX Board of Directors. The Commission notes that it takes no position regarding whether the requirements of NASDAQ Listing Rule 5635(c) have been satisfied with respect to the Series A Preferred Stock.

[7] The number of shares of Common Stock to be issued upon conversion is variable. To the extent that the conversion results in Silver Lake obtaining beneficial ownership of shares of voting securities in excess of five percent (5%) of the then-outstanding shares of stock entitled to vote, Silver Lake will be subject to the existing voting restrictions in Article Fourth, Section C.3 [sic] of the Certificate. This provision provides that no person who is the beneficial owner of voting securities of NASDAQ OMX in excess of five percent (5%) of the then-outstanding shares of stock generally entitled to vote (''Excess Securities'') may vote such Excess Securities.

[8] Prior to the Transaction, the Silver Lake Affiliates held approximately $119.5 million in aggregate principal amount of the outstanding Notes. Another holder continues to hold approximately $500,000 in aggregate principal amount of the outstanding Notes.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(1), (5).

coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The NASDAQ OMX Exchange Subsidiaries believe that the issuance of Series A Preferred to existing investors will result in no substantive change to the corporate ownership structure of their parent NASDAQ OMX.

*B. Self-Regulatory Organizations' Statement on Burden on Competition*

The NASDAQ OMX Exchange Subsidiaries do 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 Organizations' 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)(iii) of the Act [11] and subparagraph (f)(3) of Rule 19b–4 thereunder.[12] At any time within 60 days of the filing of the respective proposed rule change by the applicable NASDAQ OMX Exchange Subsidiary, 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 Nos. SR–BX–2009–061, SR–NASDAQ–2009–087, and SR–Phlx–2009–88 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 Nos. SR–BX–2009–061, SR–NASDAQ–2009–087, and SR–Phlx–2009–88. 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 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 filings also will be available for inspection and copying at the principal offices of the respective NASDAQ OMX Exchange Subsidiary. 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 Nos. SR–BX–2009–061, SR–NASDAQ–2009–087, and SR–Phlx–2009–88, and should be submitted on or before November 16, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9–25708 Filed 10–23–09; 8:45 am]

**BILLING CODE 8011–01–P**

[11] 15 U.S.C. 78s(b)(3)(a)(iii).

[12] 17 CFR 240.19b–4(f)(3).

[13] 17 CFR 200.30–3(a)(12).

## SOCIAL SECURITY ADMINISTRATION

### Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L.) 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and extensions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and the SSA Director for Reports Clearance to the addresses or fax numbers shown below.

(OMB), Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* 202–395–6974, *E-mail address: OIRA_Submion@omb.eop.gov.*

(SSA), Social Security Administration, DCBFM, *Attn:* Director, Center for Reports Clearance, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410–965–0454, *E-mail address: OPLM.RCO@ssa.gov.*

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than December 28, 2009. Individuals can obtain copies of the collection instrument by calling the SSA Director for Reports Clearance at 410–965–0454 or by writing to the above e-mail address.

1. *Certificate of Support—20 CFR 404.370, 404.750, 404.408a—0960–0001.* A parent of a deceased, fully insured worker may be entitled to Title II benefits on the earnings record of the deceased worker under certain conditions. One of the conditions is the parent must have received at least one-half support from the deceased worker. The one-half support requirement also applies to a spouse applicant in determining whether Title II benefits are subject to Government Pension Offset (GPO). SSA uses the information from form SSA–760–F4 to determine whether the parent of a deceased worker or a

spouse applicant meets the one-half support requirement. Respondents are parents of deceased workers or spouses who may be exempt from GPO.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 18,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 15 minutes.

*Estimated Annual Burden:* 4,500 hours.

2. *Physician's/Medical Officer's Statement of Patient's Capability to Manage Benefits—20 CFR 404.2015 and 416.615—0960–0024.* SSA collects information on form SSA–787 to determine an individual's capability to handle his or her own benefits. This information assists SSA in determining the need for a representative payee. The respondents are the beneficiary's physicians or medical officers of the institution where the beneficiary resides.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 120,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 10 minutes.

*Estimated Annual Burden:* 20,000 hours.

3. *Reporting Changes that Affect Your Social Security Payment—20 CFR 404.301–305, .310–311, .330–.333, .335–.341, .350–.352, .370–.371, .401–.402, .408(a), .421–.425, .428–.430, .434–.437, .439–.441, .446–.447, .450–.455, .468—0960–0073.* SSA collects the information on the SSA–1425 to determine continuing entitlement to Title II Social Security benefits and to determine the proper benefit amount. The respondents are Social Security beneficiaries receiving SSA retirement, disability, or survivor's auxiliary benefits who need to report an event that could affect payments.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 70,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 5 minutes.

*Estimated Annual Burden:* 5,833 hours.

4. *Child Relationship Statement—20 CFR 404.355 & 404.731—0960–0116.* SSA collects information on the SSA–2519 to help determine a child's entitlement to Social Security benefits under section 216(h)(3) of the Social Security Act (deemed child provision). An insured individual's child may be deemed his or her child if: (1) The insured individual is shown by evidence satisfactory to SSA to be the child's parent and was living with or contributing to the child's support at certain specified times; or (2) the insured individual acknowledged the child in writing or the court decreed the individual to be the child's parent or ordered the individual to support the child. Respondents are persons with knowledge of the relationship between an individual and his/her alleged biological child who is filing for benefits.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 50,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 15 minutes.

*Estimated Annual Burden:* 12,500 hours.

5. *Pre-1957 Military Service—Federal Benefit Questionnaire—20 CFR 404.1301–404.1371—0960–0120.* Sections 217(a) through (e) of the Social Security Act provide for crediting military service before 1957 to the wage earner's record. Form SSA–2512 collects specific information about other Federal, military, or civilian benefits the wage earner may receive when the applicant indicates both pre-1957 military service and the receipt of a Federal benefit. SSA uses the data in the claims adjudication process to grant gratuitous military wage credits when applicable, and to solicit sufficient information to make a determination of eligibility. Respondents are applicants for Social Security benefits on a record where the wage earner has pre-1957 military service.

*Type of Request:* Extension of an OMB-approved information collection.

*Number of Respondents:* 5,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 10 minutes.

*Estimated Annual Burden:* 833 hours.

6. *Application for Circuit Court Law—20 CFR 404.985 & 416.1458—0960–0581.* SSA collects certain information in readjudication requests it receives from persons claiming the application of an acquiescence ruling (AR) would change a prior determination or decision. SSA uses this information to determine whether persons are entitled to readjudication of their claims in accordance with Social Security regulations. SSA reviews the information in the requests to determine whether the issue(s) stated in the AR pertains to the claimant's case. If readjudication is appropriate, SSA considers only those issue(s) the AR covers. Any new determination or decision is subject to administrative or judicial review as specified in regulations. Respondents are claimants for Social Security benefits and Supplemental Security Income (SSI) payments who request readjudication.

*Type of Request:* Extension of an OMB-approved information collection.

*Number of Respondents:* 10,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 17 minutes.

*Estimated Annual Burden:* 2,833 hours.

II. SSA has submitted the information collections listed below to OMB for clearance. Your comments on the information collections would be most useful if OMB and SSA receive them within 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than November 25, 2009. You can obtain a copy of the OMB clearance packages by calling the SSA Director for Reports Clearance at 410–965–0454 or by writing to the above e-mail address.

1. *State Supplementation Provisions: Agreement; Payments—20 CFR 416.2095–416.2098, 416.2099—0960–0240.* Section 1618 of the Social Security Act contains pass-along provisions of the Social Security amendments. These provisions require states that supplement the Federal SSI payments to pass along Federal cost-of-living increases to individuals who are eligible for state supplemental payments. If a state fails to keep payments at the required level, it becomes ineligible for Medicaid reimbursement under Title XIX of the Social Security Act. SSA uses the information to determine a state's eligibility for Medicaid reimbursement. Respondents are state agencies administering supplemental programs.

**Note:** This is a correction notice. We are revising this notice to include the chart below that was not in the 60-day **Federal Register** Notice published on August 19, 2009, at 74 FR 41959.

*Type of Request:* Extension of an OMB-approved information collection.

| Reporting method | Number of respondents | Frequency of response | Average burden per response (minutes) | Estimated annual burden (hours) |
|---|---|---|---|---|
| Total Expenditures | 7 | 4 | 60 | 28 |
| Maintenance of Payment Levels | 23 | 1 | 60 | 23 |
| Total | 30 | | | 51 |

2. *Vocational Rehabilitation Provider Claim—20 CFR 404.2108(b), 404.2117(c)(1)&(2), 404.2101(b)&(c), 404.2121(a), 416.2208(b), 416.2217(c)(1)&(2), 416.2201(b)&(c), 416.2221(a)—0960–0310.* SSA refers certain disability beneficiaries to State Vocational Rehabilitation (VR) agencies. The State VR agencies use the SSA–199 to make claims for reimbursement of the costs they incur when providing VR services for beneficiaries. SSA uses the information on the SSA–199 to determine whether or not, and how much, to pay the State VR agencies under SSA's VR program. Respondents are State VR agencies who offer vocational and employment services to Social Security and SSI recipients.

*Type of Request:* Revision of an OMB-approved information collection.

| Form or regulation section No. (20 CFR) | Number of respondents | Frequency of response | Total responses | Average burden per response (minutes) | Estimated annual burden (hours) |
|---|---|---|---|---|---|
| a. SSA–199 (404.2108 & 416.2208) | 80 | 160 each/year | 12,800 | 23 | 4,907 |
| b. (404.2117 & 416.2217) | 80 | 1 per year | 80 | 60 | 80 |
| c. (404.2121 & 416.2221) | 80 | 2–3 per year | 200 | 100 | 333 |
| Total | *80 | | 13,080 | | 5,320 |

*Same respondents used for each section.

3. *Internet Request for Replacement of Forms SSA–1099/SSA–1042S—20 CFR 401.45—0960–0583.* Recipients use the SSA–1099 and SSA–1042S to determine if Social Security benefits are taxable and the amount they need to report to the Internal Revenue Service. An individual may use SSA's Internet request form to obtain a replacement SSA–1099 and SSA–1042S. SSA uses the information from the Internet request form to verify the identity of the requestor and to provide replacement copies of the forms. The Internet option eliminates the need for phone calls to the national 800 number or visits to a local field office. The respondents are Title II recipients who wish to request a replacement SSA–1099 or SSA–1042S via the Internet.

**Note:** This is a correction notice. SSA published this information collection as an extension on July 10, 2009, at 74 FR 33313. Since we are revising the Privacy Act Statement, this is now a revision of an OMB-approved information collection.

*Type of Request:* Extension of an OMB-approved information collection.

*Number of Respondents:* 136,455.

*Frequency of Response:* 1.

*Average Burden per Response:* 10 minutes.

*Estimated Annual Burden:* 22,743 hours.

4. *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Learning, Hospitals and Other Non-Profit Organizations—20 CFR 435—0960–0616.* The information contained in 20 CFR 435 of the Code of Federal Regulations provides SSA's standards for administering grants and agreements it awards to institutions of higher learning, hospitals, and other non-profit and/or commercial organizations. The regulations discuss administrative guidelines and reporting, recordkeeping, and disclosure requirements for recipients of grants and agreements. SSA uses the information to monitor the progress and successful completion of funded projects. Respondents are recipients of grants and agreements with SSA.

*Type of Request:* Extension of an OMB-approved information collection.

| Section No. (20 CFR) | Number of responses | Frequency of response | Average burden per response (hours) | Estimated annual burden (hours) |
|---|---|---|---|---|
| 435.23 Rec-kp | 107 | Monthly (12) | 1 | 1,284 |
| 435.25 Rpt | 127 | Biannually (2) | 4 | 1,016 |
| 435.51 Rpt | 127 | Quarterly (4) | 12 | 6,096 |
| 435.53 Rec-kp | 127 | Annually (1) | 8 | 1,016 |
| Total | | | | 9,412 |

5. *Certificate of Incapacity—5 CFR 890.302(d)—0960–0739.* Rules governing the Federal Employee Health Benefits (FEHB) plan require that the physician verify disability of Federal employees' children ages 22 and over to retain health benefits under the employees' plans. The physician must verify the adult child has a disability that meets the following criteria: (1) Pre-dates the child's 22nd birthday; (2) is very serious; and (3) is expected to last at least one year. Physicians use Form SSA–604, the Certificate of Incapacity, to document and certify the disability of

children ages 22 and over whose parents are SSA employees. SSA uses the information to determine adult children's (age 22 and above) eligibility for coverage under a parent's FEHB plan. The respondents are physicians of SSA employees' children ages 22 or over who are seeking to retain health benefits under their parents' FEHB coverage.

**Note:** This is a correction notice. SSA published this information collection as a new information collection on August 19, 2009, at 74 FR 41959. Since we are revising the Privacy Act Statement, this is now a revision of an OMB-approved information collection.

*Type of Request:* Revision of an OMB approved information collection.

*Number of Respondents:* 50.

*Frequency of Response:* 1.

*Average Burden per Response:* 45 minutes.

*Estimated Annual Burden:* 38 hours.

6. *Representative Payment Policies and Administrative Procedures for Imposing Penalties for False or Misleading Statements or Withholding of Information—0960–0740.* This information collection request (ICR) comprises several regulation sections that provide additional safeguards for Social Security beneficiaries whose representative payees receive their payments. The respondents are representative payees who receive and use benefits on behalf of Social Security beneficiaries.

*Type of Collection:* Extension of an OMB-approved information collection.

| Regulation section (20 CFR) | Number of respondents | Completion time (hours) | Burden (hours) |
|---|---|---|---|
| 404.2035(d) | 550,000 | .083 | 45,650 |
| 404.2035(f) | 5,500 | .083 | 457 |
| 416.635(d) | 300,000 | .083 | 24,900 |
| 416.635(f) | 3,000 | .083 | 249 |
| Total | 858,500 | | 71,256 |

7. *Ticket to Work Program Evaluation Survey (National Beneficiary Survey)—0960–0666.* The 1999 Ticket to Work and Work Incentives Improvement Act, Public Law 106–170, established the Ticket to Work program (TTW) to create additional access to services for SSA beneficiaries through a new system of public and private Employment Network (EN) providers. Along with establishing the TTW program, the legislation mandated an evaluation of the program.

In February 2003, SSA began a multi-phase evaluation of this program. Although we had originally planned to complete the final data collection wave by 2009, significant changes we made to the TTW program in 2008 (such as changes to the way State VR agencies can provide services) compelled us to extend the final evaluation to 2010.

In this ICR, we are seeking clearance for Round 4 of the National Beneficiary Survey and two associated experiments (all three activities will use the same data). The respondents are Social Security beneficiaries and TTW enrollees. As with the previous three phases of this project, a contractor will conduct this study for SSA.

*Type of Collection:* Revision of an OMB-approved information collection.

| Instrument | Annual number of respondents | Number of responses per respondent | Average burden hours per response | Estimated annual burden hours |
|---|---|---|---|---|
| National Beneficiary Sample | 2,400 | 1 | .750 | 1,800 |
| Ticket Participant Sample | 3,000 | 1 | .917 | 2,751 |
| Grand Total—Burden for NBS: Grand Total for All | 5,400 | | | 4,551 |

8. *Continuation of SSI Benefits for the Temporarily Institutionalized—Certification of Period and Need to Maintain Home—20 CFR 416.212(b)(1)—0960–0516.* When SSI recipients (1) enter a public institution or (2) enter a private medical treatment facility with Medicaid paying more than 50 percent of expenses, their SSI payments are reduced to a nominal sum. However, if this institutionalization is temporary (defined as a maximum of 3 months), SSA may waive the reduction of benefits.

Before SSA can waive the benefits reduction, the agency must obtain the following documentation: (1) A physician's certification the beneficiary will be institutionalized for a maximum of 3 months; and (2) certification from the beneficiary, beneficiary's family, or beneficiary's friend confirming the need for SSI payments to maintain the living arrangements to which the beneficiary will return post-institutionalization. The respondents are doctors of SSI recipients and the recipients or their family/friends.

*Type of Request:* Extension of an OMB-approved information collection.

*Number of Respondents:* 60,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 5 minutes.

*Estimated Annual Burden:* 5,000 hours.

Dated: October 20, 2009.

**Elizabeth A. Davidson,**

*Director, Center for Reports Clearance, Social Security Administration.*

[FR Doc. E9–25663 Filed 10–23–09; 8:45 am]

BILLING CODE 4191–02–P

## DEPARTMENT OF STATE

**[Public Notice 6793]**

### Fine Arts Committee Notice of Meeting

The Fine Arts Committee of the Department of State will meet on November 6, 2009 at 10 a.m. in the Henry Clay Room of the Harry S. Truman Building, 2201 C Street, NW., Washington, DC. The meeting will last

until approximately 11:30 a.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting on April 30, 2009 and the announcement of gifts and loans of furnishings as well as financial contributions from January 1, 2009 through September 30, 2009.

Public access to the Department of State is strictly controlled and space is limited. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office at (202) 647–1990 or send an e-mail to *BurdenVK@State.gov* by October 30 to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

Dated: October 1, 2009.

**Marcee Craighill,**

*Secretary, Fine Arts Committee, Department of State.*

[FR Doc. E9–25672 Filed 10–23–09; 8:45 am]

**BILLING CODE 4710–35–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Intent To Request Reinstatement From the Office of Management and Budget of an Expired Information Collection Activity, Request for Comments; Flight Attendant Duty/Rest/Fatigue Field Study

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** The FAA invites public comments about our intention to request the Office of Management and Budget (OMB) to reinstate an expired information collection. In response to a Congressional directive to conduct a flight attendant fatigue study, FAA's Civil Aerospace Medical Institute, has initiated a comprehensive analysis of fatigue in flight attendants across a range of operational conditions.

**DATES:** Please submit comments by December 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Carla Mauney on (202) 267–9895, or by e-mail at: *Carla.Mauney@faa.gov.*

**SUPPLEMENTARY INFORMATION:** Federal Aviation Administration (FAA).

*Title:* Flight Attendant Duty/Rest/Fatigue Field Study.

*Type of Request:* Reinstatement without change of an expired collection.

*OMB Control Number:* 2120–0736.

*Forms(s):* There are no FAA forms associated with this collection.

*Affected Public:* A total of 210 Respondents.

*Frequency:* The information is collected on occasion.

*Estimated Average Burden per Response:* Approximately 45 minutes per response.

*Estimated Annual Burden Hours:* An estimated 4,725 hours annually.

*Abstract:* In response to a Congressional directive to conduct a flight attendant fatigue study, FAA's Civil Aerospace Medical Institute, has initiated a comprehensive analysis of fatigue in flight attendants across a range of operational conditions. The specific goals of this project are to systematically assess activity patterns, fatigue, and performance on- and off-duty in 210 flight attendants of various levels of seniority from U.S.-based network, low-cost, and regional carriers embarking on domestic and extended international flights.

*Addresses:* Send comments to the FAA at the following address: Ms. Carla Mauney, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES–200, 800 Independence Ave., SW., Washington, DC 20591.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on October 16, 2009.

**Carla Mauney,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.*

[FR Doc. E9–25510 Filed 10–23–09; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236, as detailed below.

**Docket Number FRA–2009–0082**

*Applicant:* Norfolk Southern Corporation, Mr. B.L. Sykes, Chief Engineer C&S Engineering, 1200 Peachtree Street, NE., Atlanta, Georgia 30309.

The Norfolk Southern Corporation (NS) seeks approval of the proposed discontinuance and removal of the control signals and power-operated switches at CP-Rose, Milepost PT–234.4, on the NS Pittsburgh Division, Pittsburgh Line, Relay Tracks #1, #2, and #3 Altoona, Pennsylvania.

Four signals are to be removed and two power-operated switches to be converted to hand-operation.

The reason given for the proposed changes is to eliminate facilities no longer needed for present day operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statement, an application may be set for public hearing.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2009–0082) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, 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) or at *http://www.dot.gov/privacy.html.*

Issued in Washington, DC on October 19, 2009.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E9–25605 Filed 10–23–09; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Finance Docket No. 35237]**

### Eastern Iowa Industrial Center Rail Project—Construction and Operation Exemption—City of Davenport, IA

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of availability of Environmental Assessment.

**SUMMARY:** In accordance with Surface Transportation Board (Board) procedures for complying with the National Environmental Policy Act (NEPA) and consistent with the regulations of the Council on Environmental Quality for implementing NEPA at 40 CFR 1506.3, the Board's Section of Environmental Analysis (SEA) is preliminarily recommending that the Board adopt an Environmental Assessment (EA) issued by the U.S. Federal Highway Administration (FHWA) and the City of Davenport. This EA is titled ''Eastern Iowa Industrial Center Railroad Extension in Davenport, Eldridge, and Scott County, Iowa.''

The EA concludes that the construction of an approximately 2.8-mile rail line would not significantly affect the quality of the human environment. SEA has independently reviewed the EA and agrees with its analysis and conclusions. Therefore, SEA has determined that the EA meets the standards for an adequate environmental analysis under NEPA and can be adopted, should the Board so decide.

**SUPPLEMENTARY INFORMATION:** By petition filed with the Board on July 21, 2009, the City of Davenport seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct an approximately 2.8-mile rail line in southern Eldridge, northern Davenport, and an unincorporated area of Scott County, Iowa.[1] The proposed project, known as the Eastern Iowa Industrial Center Rail Project, would provide freight rail service to the Eastern Iowa Industrial Center (EIIC), an industrial park located along Interstate 80. The purpose of the proposed project is to provide a rail connection between the EIIC and the Eldridge Line of the Iowa Chicago & Eastern Railroad and to promote economic development in the area.

The City of Davenport anticipates that traffic on the proposed route would consist of two trains (one round trip) per week, and each train would have two to three rail cars. As industrial development in the area continues, train traffic would be expected to increase to a maximum of two trains (one round trip) per day for the foreseeable future. Goods to be shipped over the rail line would vary depending on the specific industries that may locate along the route but would likely consist of agricultural equipment, manufactured parts, and corn.

The U.S. Federal Highway Administration (FHWA) and the City of Davenport conducted a streamlined environmental review of the proposed project, and on March 17, 2008, released an Environmental Assessment (EA) titled ''Eastern Iowa Industrial Center Railroad Extension in Davenport, Eldridge, and Scott County, Iowa.'' The EA addressed the environmental impacts that may result from the proposed Eastern Iowa Industrial Center Rail Project and concluded that the proposed project will have no significant adverse social, economic or environmental impacts. Following a public comment period and a public hearing, which was held in Davenport, Iowa, on April 28, 2008, FHWA determined that the project will not have any significant impact on the human and natural environment in a ''Finding of No Significant Impacts'' (FONSI) dated July 8, 2008.

Pursuant to 49 U.S.C. 10901, the Board is the Federal agency responsible for granting authority for the construction and operation of new rail line facilities. In accordance with NEPA, the Board must take into account in its decision-making the environmental impacts of its actions. In its regulations implementing NEPA, the Council on Environmental Quality (CEQ) strongly encourages agencies to reduce paperwork and duplication of efforts. One of the methods identified by CEQ to accomplish these goals is adopting the environmental documents prepared by other agencies. Accordingly, pursuant to 40 CFR 1506.3, the Board may adopt the FHWA's EA as its own since the action analyzed by the FHWA is substantially the same as that being proposed by the City of Davenport.

SEA carefully reviewed the EA and conducted an independent assessment of the proposed rail project. Based on this review and assessment, SEA concludes that the EA adequately assesses the environmental impacts of the proposed action and can be adopted. SEA further concludes that the information in the record is adequate and no supplemental or additional environmental review is required. Consequently, SEA preliminarily is recommending that the Board adopt the EA.

Copies of the EA and the subsequent FONSI have been distributed to appropriate Federal, state and local agencies; tribes; and the public and will be made available to additional parties upon request. The EA and FONSI are also available for review on the Board's Web site (*http://www.stb.dot.gov*) by

[1] In an amendment filed on September 8, 2009, the City of Davenport clarified that it also seeks operation authority.

going to ''ENVIRONMENTAL MATTERS,'' clicking on the ''Key Cases'' link, and then clicking on ''Eastern Iowa Industrial Center Rail Project.'' In addition, the EA is available for inspection at the Main Street Library, which is located at 321 Main Street, Davenport, Iowa 52801–1490. SEA will consider all comments received in making its final recommendations to the Board. The Board will then consider SEA's final recommendations and the complete environmental record in making its final decision in this proceeding.

**FOR FURTHER INFORMATION CONTACT:** Christa Dean, Attorney and Project Manager, at (202) 245–0299; *e-mail: christa.dean@stb.dot.gov*. Federal Information Relay Service for the hearing impaired: 1–800–877–8339.

**DATES:** The EA is available for public review and comment. All comments must be submitted or post-marked by November 30, 2009.

**ADDRESSES:** Send written comments to: Christa Dean, Surface Transportation Board, 395 E Street, SW., Room 1108, Washington, DC 20423.

Please reference STB Docket No. 35237 in all correspondence.

Comments on the EA may also be filed electronically on the Board's Web site, *http://www.stb.dot.gov*, by clicking on the ''E–FILING'' link.

Decided: October 26, 2009.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

**Kulunie L. Cannon,**

*Clearance Clerk.*

[FR Doc. E9–25435 Filed 10–23–09; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

**[Project Number GAI–0067–01 (004)]**

### Environmental Impact Statement: Hancock and Pearl River Counties, MS

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Hancock and Pearl River Counties, Mississippi. The project study area will extend a distance of approximately 30 miles from Interstate 10 south of Kiln, MS to Interstate 59 in the vicinity of Picayune, Mississippi.

**FOR FURTHER INFORMATION CONTACT:** Mr. Claiborne Barnwell, Project Development Team Leader, Federal Highway Administration, 666 North Street, Suite 105, Jackson, MS 39202–3199, Telephone: (601) 965–4217. Contact at the State level is Ms. Kim Thurman, Environmental/Location Division Administrator, Mississippi Department of Transportation, P.O. Box 1850, Jackson, MS 39215–1850, *telephone:* (601) 359–7920.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Mississippi Department of Transportation (MDOT), will prepare an Environmental Impact Statement (EIS) for the proposed widening and/or realignment of State Route 603/43 in Hancock and Pearl River Counties, Mississippi. The proposed improvements are intended to provide a safe and effective hurricane evacuation route while alleviating high levels of congestion and travel delays presently being experienced on the southern terminus of State Route 603/43. This project was initially started in 2008 as an Environmental Assessment. However, due to the complexity of the project and a high number of sensitive wetland and water issues, it has been determined that it is appropriate to convert this project to an EIS.

A Coordination Plan for Agency and Public Involvement will be developed in accordance with Public Law 109–59, SAFETEA–LU, Title VI, Section 6002, Efficient Environmental Reviews for Project Decision Making, August 10, 2005, and will outline the process by which project information will be communicated to the lead, cooperating, participating, other agencies and organizations, and the public. This plan will also identify how input from agencies and the public will be solicited and considered. The coordination Plan is intended to be a flexible and fluid document and will be available at public and agency meetings for review. The purpose of the EIS is to address the transportation, environmental, and safety issues of such a transportation corridor. The proposed transportation project will be studied both for widening of the existing roadway and for the potential for new alignment in some areas and will provide a safer roadway and improve mobility for those traveling from Interstate 10 to Interstate 59. The proposed project will also specifically address traffic concerns in Kiln, Mississippi and how the existing congestion through the town can be best alleviated while preserving sensitive wetland resources. Alternatives under consideration include (1) taking no action and (2) build alternatives.

The FHWA and MDOT are seeking input as a part of the scoping process to assist in determining and clarifying issues relative to this project. Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, Native American tribes, private organizations and citizens who have previously expressed or are known to have interest in this proposal. A formal scoping meeting with federal, state, and local agencies, and other interested parties will be held in the near future. Public involvement meetings will be held during the EIS process. The draft EIS will be available for public and agency review and comment prior to the official public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Dated: October 19, 2009

**E. Claiborne Barnwell,**

*Project Development Team Leader, Federal Highway Administration, Mississippi Division, Jackson, Mississippi.*

[FR Doc. E9–25654 Filed 10–23–09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Ex Parte No. 552 (Sub-No. 13)]**

### Railroad Revenue Adequacy—2008 Determination

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of decision.

**SUMMARY:** On October 26, 2009, the Board served a decision announcing the 2008 revenue adequacy determinations for the Nation's Class I railroads. One carrier, Norfolk Southern Railway Company, is found to be revenue adequate.

**DATES:** *Effective Date:* This decision is effective on October 26, 2009.

**FOR FURTHER INFORMATION, CONTACT:** Paul Aguiar, (202) 245–0323. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339.

**SUPPLEMENTARY INFORMATION:** The Board is required to make an annual

determination of railroad revenue adequacy. A railroad is considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment (ROI) equal to at least the current cost of capital for the railroad industry. For 2008, the railroad industry's cost of capital was determined to be 11.75%. *See Railroad Cost of Capital—2008,* STB Ex Parte No. 558 (Sub-No. 12) (STB served Sept. 25, 2009). This revenue adequacy figure was compared with ROI data from each Class I railroad, and one carrier was found to be revenue adequate for 2008.

The Board's decision in this proceeding is posted on the Board's Web site at *http://www.stb.dot.gov* under ''E-Library,'' and ''Decisions & Notices.''

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of the action is merely to update the annual railroad industry revenue adequacy finding. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

Decided: October 16, 2009.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. E9–25478 Filed 10–23–09; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

### Fiduciary Powers of Savings Associations

**AGENCY:** Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The proposed information collection request (ICR) described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. OTS is soliciting public comments on the proposal.

**DATES:** Submit written comments on or before November 25, 2009. A copy of this ICR, with applicable supporting documentation, can be obtained from RegInfo.gov at *http://www.reginfo.gov/public/do/PRAMain.*

**ADDRESSES:** Send comments, referring to the collection by title of the proposal or by OMB approval number, to OMB and OTS at these addresses: Office of Information and Regulatory Affairs, Attention: Desk Officer for OTS, U.S. Office of Management and Budget, 725—17th Street, NW., Room 10235, Washington, DC 20503, or by fax to (202) 395–6974; and Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, by fax to (202) 906–6518, or by e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

**FOR FURTHER INFORMATION CONTACT:** For further information or to obtain a copy of the submission to OMB, please contact Ira L. Mills at *ira.mills@ots.treas.gov*, (202) 906–6531, or facsimile number (202) 906–6518, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

*Title of Proposal:* Fiduciary Powers of Savings Associations.

*OMB Number:* 1550–0037.

*Form Number:* 1240.

*Description:* Under 12 U.S.C. 1464(n), the OTS regulates the fiduciary activities of federal savings associations. Part 550 of 12 CFR contains the regulations that savings associations must follow when conducting fiduciary activities.

OTS will use the information in order to ensure that the proposed activities conform to applicable statutes and regulations and are properly organized and conducted.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 113.

*Estimated Number of Responses:* 113.

*Estimated Burden Hours per Response:* 3,051 hours.

*Estimated Frequency of Response:* On occasion.

*Estimated Total Burden:* 3,051 hours.

*Clearance Officer:* Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: October 20, 2009.

**Deborah Dakin,**

*Acting Chief Counsel, Office of Thrift Supervision.*

[FR Doc. E9–25633 Filed 10–23–09; 8:45 am]

**BILLING CODE 6720–01–P**

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

### Loan Application Register (HMDA)

**AGENCY:** Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The proposed information collection request (ICR) described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. OTS is soliciting public comments on the proposal.

**DATES:** Submit written comments on or before November 25, 2009. A copy of this ICR, with applicable supporting documentation, can be obtained from RegInfo.gov at *http://www.reginfo.gov/public/do/PRAMain.*

**ADDRESSES:** Send comments, referring to the collection by title of the proposal or by OMB approval number, to OMB and OTS at these addresses: Office of Information and Regulatory Affairs, Attention: Desk Officer for OTS, U.S. Office of Management and Budget, 725 17th Street, NW., Room 10235, Washington, DC 20503, or by fax to (202) 395–6974; and Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, by fax to (202) 906–6518, or by e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

**FOR FURTHER INFORMATION CONTACT:** For further information or to obtain a copy of the submission to OMB, please contact Ira L. Mills at *ira.mills@ots.treas.gov*, (202) 906–6531, or facsimile number (202) 906–6518, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

*Title of Proposal:* Loan Application Register (HMDA).

*OMB Number:* 1550–0021.

*Form Number:* N/A.

*Regulation requirement:* 12 CFR Part 203.

*Description:* The Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801, requires this collection of information. In accordance with the HMDA, the Board of Governors of the Federal Reserve System (FRB) promulgates and administers HMDA regulations, which are prescribed as part of the FRB's Regulation C (12 CFR 203), implementing the HMDA (12 U.S.C. 2801–2810). HMDA forms as well as collection and recordkeeping requirements are approved under OMB Control No. 7100–0247. The FRB supporting statement forms the decisional basis for the OMB action. This submission discusses the burden imposed by Regulation C on the institutions OTS regulates.

The data on loan applications collected under HMDA assist OTS in analyzing lending patterns for possible discrimination. OTS examiners use the data to scope for compliance with the fair lending laws (Equal Credit Opportunity Act, Fair Housing Act, and OTS's Non-discrimination regulation), as well as for compliance with HMDA itself. Examiners also use HMDA data to determine whether associations are helping to meet the credit needs of their communities as required by the Community Reinvestment Act.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 588.

*Estimated Response Time:* 0.03 hours per application (approximately 8,361 applications per LAR).

*Estimated Burden Hours per Response:* 147,488 hours.

*Estimated Frequency of Response:* Annually.

*Estimated Total Burden:* 147,488 hours.

*Clearance Officer:* Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: October 20, 2009.

**Ira L. Mills,**

*Paperwork Clearance Officer, Office of Thrift Supervision.*

[FR Doc. E9–25634 Filed 10–23–09; 8:45 am]

**BILLING CODE 6720–01–P**

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## DEPARTMENT OF THE TREASURY

### Bureau of the Public Debt

### Proposed Collection: Comment Request

**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 Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Payments by banks and other financial institutions of United States Savings Bonds/Notes.

**DATES:** Written comments should be received on or before December 14, 2009, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, or *Judi.Owens@bpd.treas.gov.*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

**SUPPLEMENTARY INFORMATION:**

*Title:* Payments by Banks and Other Financial Institutions of United States Savings Bonds and Notes (Freedom Shares)

*OMB Number:* 1535–0087.

*Abstract:* Qualified financial institutions are authorized to redeem eligible savings bonds and notes, and receive settlement through the Federal Reserve system.

*Current Actions:* None.

*Type of Review:* Extension.

*Affected Public:* Businesses or other for-profit.

*Estimated Number of Respondents:* 7,300.

*Estimated Time per Respondent:* 4 seconds.

*Estimated Total Annual Burden Hours:* 45,896.

*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.

Dated: October 19, 2009.

**Judi Owens,**

*Manager, Information Management.*

[FR Doc. E9–25655 Filed 10–23–09; 8:45 am]

**BILLING CODE 4810–39–P**

# Reader Aids

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**H.R. 1016/P.L. 111–81**
Veterans Health Care Budget Reform and Transparency Act of 2009 (Oct. 22, 2009; 123 Stat. 2137)
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