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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.

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 102, 103, 104, 108, 112, 113, 114, 116, and 124

[Docket No. APHIS-2009-0069]

Viruses, Serums, Toxins, and Analogous Products and Patent Term Restoration; Nonsubstantive Amendments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: We are amending the Virus-Serum-Toxin Act regulations concerning veterinary biological products to update the addresses provided for units within the Center for Veterinary Biologics. We are also making several nonsubstantive technical changes to the regulations to update information concerning the number of copies of Outlines of Production and labeling to submit, and to provide information concerning using the Internet to obtain forms and apply for veterinary biologics permits.

DATES: This rule will be effective on June 21, 2010, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before May 21, 2010. If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to (*http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0069*) to submit or view comments and to view supporting and related materials available electronically.
- Postal Mail/Commercial Delivery: Please send one copy of your comment to Docket No. APHIS-2009-0069, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2009-0069.

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. Albert P. Morgan, Chief of Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737-1231; (301) 734-8245.

SUPPLEMENTARY INFORMATION:

Background

The regulations in Title 9, Code of Federal Regulations (9 CFR), parts 101 through 118 (referred to below as the regulations), contain provisions implementing the Virus-Serum-Toxin Act, as amended (21 U.S.C. 151–159). The regulations in 9 CFR part 124 contain procedural requirements for patent extensions for veterinary biologics under 35 U.S.C. 156. In accordance with the procedures explained below under "Dates," this final rule makes several nonsubstantive technical changes to those regulations to update their provisions. Specifically:

- We will amend the addresses throughout the regulations to reflect the relocation of the Center for Veterinary Biologics to new facilities in Ames, IA.
- We will amend 9 CFR part 102, § 102.3(b)(2)(i), 9 CFR part 104, § 104.5(a)(4), and 9 CFR part 114, §§ 114.8(c) and 114.9(a)(1), (a)(5), and (a)(7) regarding the number of copies of the Outline of Production or revised pages of an Outline of Production, or special outline that are required to be submitted in support of an application for veterinary biological product license or permit.
- We will amend 9 CFR part 103, § 103.3(d), and 9 CFR part 112, § 112.5(d)(1)(iii) and (d)(1)(iv) regarding the number of copies of finished labels that are required to be submitted for review and filing.
- We will amend 9 CFR part 103, § 104.3(a), and 9 CFR part 112, § 112.5(a), to indicate that the Internet may be used to obtain forms and apply for certain veterinary biologics permits.
- We will amend 9 CFR part 104, § 104.5(a)(1), and 9 CFR part 108, § 108.7, regarding the number of copies of all plot plans, blueprints, and legends required to be submitted for review and filing.

Dates

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, on June 21, 2010, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before May 21, 2010.

Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date. We will then publish a proposed rule for public comment.

As discussed above, if we receive no written adverse comments or written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a document in the **Federal Register**, before the effective date of this direct final rule, confirming that it is effective on the date indicated in this document.

Executive Order 12866 and Regulatory Flexibility Act

This rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This direct final rule will affect all licensed manufacturers of veterinary biologics. Currently, there are approximately 125 veterinary biologics manufacturers, including permittees. According to the standards of the Small Business Administration, most veterinary biologics establishments are small entities.

The provisions of this direct final rule that update addresses and indicate the availability of forms on the Internet will have no economic effect on any entities, large or small. The provisions that reduce from three to two the number of copies of certain forms, labels, plot plans, blueprints, and legends that regulated entities are required to submit in specific cases may result in some cost savings to those entities, but those savings will be inconsequential.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This direct final rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies where they are necessary to address local disease conditions or eradication programs. However, where safety, efficacy, purity, and potency of biological products are concerned, it is the Agency's intent to occupy the field. This includes, but is not limited to, the regulation of labeling. Under the Act, Congress clearly intended that there be national uniformity in the regulation of these products. There are no administrative proceedings which must be exhausted prior to a judicial challenge to the regulations under this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Further, this rule will reduce information collection or recordkeeping requirements in 9 CFR parts 102, 103, 104, 108, 112, and 114.

List of Subjects

9 CFR Parts 102, 103, 114, and 116

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 104

Animal biologics, Imports, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 108

Animal biologics

9 CFR Part 112

Animal biologics, Exports, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

9 CFR Part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

9 CFR Part 124

Animal biologics, Patents.

■ Accordingly, we are amending 9 CFR parts 102, 103, 104, 108, 112, 113, 114, 116, and 124 as follows:

PART 102—LICENSES FOR BIOLOGICAL PRODUCTS

■ 1. The authority citation for part 102 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.22, 2.80, and 371.4.

§ 102.3 [Amended]

■ 2. In § 102.3, paragraph (b)(2)(i) is amended by removing the words "four copies" and adding the word "two copies" in their place.

§ 102.5 [Amended]

■ 3. In § 102.5, paragraph (e), the second sentence is amended by removing the words "Licensing and Policy Development, 510 South 17th Street, Suite 104, Ames, IA 50010-8197" and adding the words "Policy, Evaluation, and Licensing, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010" in their place.

PART 103—EXPERIMENTAL PRODUCTION, DISTRIBUTION, AND EVALUATION OF BIOLOGICAL PRODUCTS PRIOR TO LICENSING

■ 4. The authority citation for part 103 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.22, 2.80, and 371.4.

§ 103.3 [Amended]

■ 5. In § 103.3, paragraph (d), the first sentence is amended by removing the words "Three copies" and adding the words "Two copies" in their place.

PART 104—PERMITS FOR BIOLOGICAL PRODUCTS

■ 6. The authority citation for part 104 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.22, 2.80, and 371.4.

■ 7. In § 104.3, paragraph (a) is amended by revising the second sentence to read as follows:

§ 104.3 Permit application.

(a) * * * Application forms are available on the Internet at (*http://www.aphis.usda.gov/animal_health/vet_biologics/vb_forms.shtml*) and application for a permit to import a veterinary biologic for research and evaluation or transit shipment may be made on the Internet at (*http://www.aphis.usda.gov/animal_health/permits/vet_bio_permits.shtml*).

* * * * *

§ 104.5 [Amended]

■ 8. Section 104.5 is amended as follows:

■ a. In paragraph (a)(1), in the first sentence, by removing the words "Three copies" and adding the words "Two copies" in their place.

■ b. In paragraph (a)(4), in the second sentence, by removing the words "Four copies" and adding the words "Two copies" in their place.

PART 108—FACILITY REQUIREMENTS FOR LICENSED ESTABLISHMENTS

■ 9. The authority citation for part 108 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.22, 2.80, and 371.4.

§ 108.7 [Amended]

■ 10. In § 108.7, the first sentence is amended by removing the words "Three copies" and adding the words "Two copies" in their place.

PART 112—PACKAGING AND LABELING

■ 11. The authority citation for part 112 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.22, 2.80, and 371.4.

§ 112.5 [Amended]

■ 12. Section 112.5 is amended as follows:

■ a. In paragraph (a), in the first sentence, by removing the words "furnished by Animal and Plant Health inspection Service upon request" and adding the words "available on the

Internet at (*http://www.aphis.usda.gov/animal_health/vet_biologics/vb_forms.shtml*)" in their place.

■ b. In paragraph (d)(1)(iii), in the first sentence, by removing the words "three copies" and adding the words "two copies" in their place and, in the second sentence, by removing the words "Two copies" and adding the words "One copy" in their place.

■ c. In paragraph (d)(1)(iv), in the first sentence, by removing the words "three copies" and adding the words "two copies" in their place and, in the fifth sentence, by removing the words "Two copies" and adding the words "One copy" in their place.

PART 113—STANDARD REQUIREMENTS

■ 13. The authority citation for part 113 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.22, 2.80, and 371.4.

§ 113.113 [Amended]

■ 14. Section 113.113 is amended as follows:

■ a. In paragraph (a)(2), in the third sentence, by removing the words "510 South 17th Street, Suite 104, Ames, IA 50010-8197" and adding the words "1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010" in their place.

■ b. In paragraph (a)(3), in the second sentence, by removing the words "510 South 17th Street, Suite 104, Ames, IA 50010-8197" and adding the words "1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010" in their place.

■ c. In paragraph (c)(1)(iv), in the first sentence, by removing the words "510 South 17th Street, Suite 104, Ames, IA 50010-8197" and adding the words "1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010" in their place.

■ d. In paragraph (c)(2)(iv)(A), in the second sentence, by removing the words "Licensing and Policy Development, 510 South 17th Street, Suite, 104, Ames, IA 50010-8197" and adding the words "Policy, Evaluation, and Licensing, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010" in their place.

§ 113.209 [Amended]

■ 15. In § 113.209, paragraph (b)(1), the fifth sentence is amended by removing the words "1800 Dayton Avenue, P.O. Box 844, Ames, IA 50010; phone (515) 239-8331; fax (515) 239-8673" and adding the words "1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010; phone (515) 337-6100; fax (515) 337-6120" in their place and, in the seventh sentence, by removing the words "Licensing, and Policy Development, 4700 River Road, Riverdale, MD" and adding the words "Policy, Evaluation, and Licensing, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010" in their place.

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

■ 16. The authority citation for part 114 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.22, 2.80, and 371.4.

■ 17. In § 114.8, paragraph (c) is revised to read as follows:

§ 114.8 Outline of Production required.

* * * * *

(c) One copy of the Outline of Production shall be retained by the Animal and Plant Health Inspection Service and one copy returned to the licensee or permittee.

* * * * *

§ 114.9 [Amended]

■ 18. Section 114.9 is amended as follows:

■ a. In paragraph (a)(1), in the first sentence, by removing the words "The original and not more than four" and adding the word "All" in their place.

■ b. In paragraph (a)(5), in the first sentence, by removing the words "the original and one copy" and adding the words "both copies" in their place.

■ c. In paragraph (a)(7), by removing the second sentence and adding the sentence "Transmittal forms are available on the Internet at (*http://www.aphis.usda.gov/animal_health/vet_biologics/vb_forms.shtml*)." in its place.

PART 116—RECORDS AND REPORTS

■ 19. The authority citation for part 116 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.22, 2.80, and 371.4.

§ 116.5 [Amended]

■ 20. In § 116.5, paragraph (b), the second sentence is amended by removing the words "510 South 17th Street, Suite 104, Ames, IA 50010-8197; by electronic mail to (*cvb@aphis.usda.gov*); by fax to (515) 232-7120; or by telephone to (515) 232-5785" and adding the words "1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010; by electronic mail to (*cvb@aphis.usda.gov*); by fax to (515) 337-6120; or by telephone to (515) 337-6100" in their place.

PART 124—PATENT TERM RESTORATION

■ 21. The authority citation for part 124 continues to read as follows:

Authority: 35 U.S.C. 156; 7 CFR 2.22, 2.80, and 371.4.

§ 124.22 [Amended]

■ 22. In § 124.22, paragraph (a), the second sentence is amended by removing the words "Licensing, and Policy Development, 510 South 17th Street, Suite 104, Ames, IA 50010-8197" and adding the words "Policy, Evaluation, and Licensing, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010" in their place.

§ 124.40 [Amended]

■ 23. In § 124.40, paragraph (b)(3) is amended by removing the words "Licensing and Policy Development, 510 South 17th Street, Suite 104, Ames, IA 50010-8197" and adding the words "Policy, Evaluation, and Licensing, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010" in their place.

Done in Washington, DC, this 14th day of April 2010.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–9072 Filed 4–20–10; 10:24 am]

BILLING CODE 3410–34–S

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0937; Airspace Docket No. 09–ASO–27]

Establishment of Class E Airspace; Jackson, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule published in the **Federal Register** December 7, 2009 that establishes Class E airspace at Jackson Muni, Jackson, AL.

DATES: Effective Date: 0901 UTC, April 21, 2010.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on December 7, 2009 (74 FR 63973), Docket No. FAA–2009–

0937; Airspace Docket No. 09–ASO–27. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on February 11, 2010. No adverse comments were received, and thus this notice confirms that effective date.

Issued in College Park, Georgia, on April 9, 2010.

Myron A. Jenkins,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2010–8838 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0739; Airspace Docket No. 09–AEA–14]

Establishment of Class E Airspace; Fort A.P. Hill, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule published in the **Federal Register** December 7, 2009 that establishes Class E airspace at Fort A.P. Hill, VA.

DATES: Effective Date: 0901 UTC, April 21, 2010.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on December 7, 2009 (74 FR 63974), Docket No. FAA–2009–0739; Airspace Docket No. 09–AEA–14. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on February 11, 2009. No adverse comments were received, and thus this notice confirms that effective date.

Issued in College Park, Georgia, on April 9, 2010.

Myron A. Jenkins,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2010–8839 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0061; Airspace Docket No. 09–ASO–10]

Establishment of Class E Airspace; Mountain City, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule published in the **Federal Register** December 7, 2009 that establishes Class E airspace at Johnson County Airport, Mountain City, TN.

DATES: Effective Date: 0901 UTC, April 21, 2010.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on December 7, 2009 (74 FR 63976), Docket No. FAA–2009–0061; Airspace Docket No. 09–ASO–10. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on February 11, 2010. No adverse comments were received, and thus this notice confirms that effective date.

Issued in College Park, Georgia, on April 9, 2010.

Myron A. Jenkins,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2010–8840 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0003; Airspace Docket No. 09–ANE–104]

Modification of Jet Routes J–37 and J–55; Northeast United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Jet Routes J–37 and J–55 by terminating the routes at navigation aid facilities prior to the U.S./Canadian border. The FAA is taking this action to support the En Route Automation Modernization (ERAM) program.

DATES: Effective 0901 UTC, June 3, 2010. 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: Paul Gallant, 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:

Background

On Thursday, February 4, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking to modify jet routes J–37 and J–55 (75 FR 5704). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Currently J–37 terminates at a point in space on the U.S./Canadian border rather than at a navigation aid facility or established navigation fix. Similarly, J–55 crosses the border at an undefined point in space and extends into

Canadian airspace. These factors cause flight plan processing issues for ERAM. Terminating the routes at a navigation aid facility prior to the border will resolve these issues.

The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 by terminating Jet Route J–37 at the Massena, NY, VHF omnidirectional range/tactical air navigation (VORTAC) facility; and terminating Jet Route J–55 at the Presque Isle, ME, VHF omnidirectional range/distance measuring equipment (VOR/DME) facility. This action will enhance the safety and management of aircraft operations within the National Airspace System.

Jet routes are published in paragraph 2004 of FAA Order 7400.9T dated August 27, 2009 and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The jet routes listed in this document will be subsequently published in the Order.

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 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 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 amends a portion of the en route structure to enhance the safe and efficient use of the NAS in Florida.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a and 311b. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

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 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, Dated August 27, 2009 and effective September 15, 2009, is amended as follows:

Paragraph 2004—Jet Routes

* * * * *

J–37 [Modified]

From Hobby, TX, via INT of the Hobby 090° and Harvey, LA, 266° radials; Harvey; Semmes,AL; Montgomery, AL; Spartanburg, SC; Lynchburg, VA; Gordonsville, VA; Brooke, VA; INT Brooke 067° and Coyle, NJ, 226° radials; to Coyle. From Kennedy, NY; Kingston, NY; Albany, NY; to Massena, NY.

* * * * *

J–55 [Modified]

From Dolphin, FL; INT Dolphin 331° and Gators, FL, 160° radials; INT Gators 160° and Craig, FL, 192° radials; Craig; INT Craig 004° and Savannah, GA, 193° radials; Savannah; Charleston, SC; Florence, SC; INT Florence 003° and Raleigh-Durham, NC, 224° radials; Raleigh-Durham; INT Raleigh-Durham 035° and Hopewell, VA, 234° radials; Hopewell; INT Hopewell 030° and Nottingham, MD, 174° radials. From Sea Isle, NJ; INT Sea Isle 050°and Hampton, NY, 223° radials; Hampton; Providence, RI; Boston, MA; Kennebunk, ME; to Presque Isle, ME.

Issued in Washington, DC, on April 8, 2010.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. 2010–8830 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0246]

Drawbridge Operation Regulations; Hampton River, Hampton, NH, Maintenance

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the SR1A Bridge across the Hampton River at mile 0.0, at Hampton, New Hampshire. This temporary deviation allows the SR1A Bridge to remain in the closed position for 10 hours on one day to facilitate bridge maintenance.

DATES: This deviation is effective from 7 a.m. through 5 p.m. on May 18, 2010.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–0246 and are available online at *http://www.regulations.gov*, inserting USCG–2010–0 in the "Keyword" and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have any questions on this temporary deviation, call or e-mail Mr. John McDonald, Project Officer, First Coast Guard District, at (617) 223–8364, *john.w.mcdonald@uscg.mil*. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The SR1A Bridge, across the Hampton River at mile 0.0, at Hampton, New Hampshire, has a vertical clearance in the closed position of 18 feet at mean high water and 26 feet at mean low water. The

existing drawbridge operation regulations are listed at 33 CFR 117.697.

The waterway predominantly supports recreational vessels of various sizes.

The bridge owner, New Hampshire Department of Transportation, requested a temporary deviation to facilitate completion of the bridge rehabilitation, removal of the barrier system and associated counter weight.

Under this temporary deviation the SR1A Bridge may remain in the closed position from 7 a.m. through 5 p.m. on May 18, 2010. Vessels that can pass under the bridge without a bridge opening may do so at all times.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 5, 2010.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2010–9128 Filed 4–20–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0227]

Drawbridge Operation Regulations; Shaw Cove, New London, CT, Maintenance

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Amtrak Bridge across Shaw Cove, mile 0.0, at New London, Connecticut. This deviation allows the bridge to remain in the closed position to facilitate scheduled maintenance.

DATES: This deviation is effective from 6 p.m. on April 25, 2010 through 6 a.m. on April 27, 2010.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–0227 and are available online at *http://www.regulations.gov*, inserting USCG–2010–0227 in the "Keyword" and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION: The Amtrak Bridge, across Show Cove at mile 0.0, at New London, Connecticut, has a vertical clearance in the closed position of 3 feet at mean high water and 6 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.223.

The owner of the bridge, the National Passenger Rail Corporation (Amtrak), requested a temporary deviation from the regulations to facilitate scheduled bridge maintenance, gear box repairs and main drive shaft repairs at the bridge.

Under this temporary deviation the Amtrak Bridge may remain in the closed position from 6 p.m. on April 25, 2010 through 6 a.m. on April 26, 2010 and from 10 p.m. on April 26, 2010 through 6 a.m. on April 27, 2010.

The North Channel under the bridge will be blocked from 10 p.m. on April 26, 2010 through 6 a.m. on April 27, 2010, by a work barge during the main drive shaft repairs. Vessels that can pass under the bridge in the closed position may do so at any time through the South Channel.

Waterway users were advised of the requested bridge and channel closure and offered no objection.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 5, 2010.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2010–9124 Filed 4–20–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0050]

RIN 1625–AA87

Security Zone; Potomac River, Washington Channel, Washington, DC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone in certain waters of Washington Channel on the Potomac River. The security zone is necessary to provide for the security and safety of life and property of event participants, spectators and mariners during the U.S. Coast Guard Commandant's Change of Command ceremony from 6 a.m. through 5 p.m. on May 25, 2010. Entry into this zone is prohibited unless authorized by the Captain of the Port, Baltimore, Maryland, or his designated representative.

DATES: This rule is effective from 6 a.m. through 5 p.m. on May 25, 2010.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–0050 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0050 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Mr. Ronald Houck, Sector Baltimore Waterways Management Division, Coast Guard; telephone 410–576–2674, e-mail *Ronald.L.Houck@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 8, 2010, we published a notice of proposed rulemaking (NPRM) entitled "Security Zone; Potomac River, Washington Channel, Washington, DC" in the **Federal Register** (75 FR 10446).

We received no comments on the proposed rule. No public meeting was requested, and none was held.

Basis and Purpose

The Coast Guard will conduct a Change of Command ceremony at Fort McNair in Washington, DC. To address security concerns for the event, the Captain of the Port, Baltimore, Maryland is establishing a security zone upon certain waters of the Washington Channel. This proposed security zone will help the Coast Guard to prevent vessels or persons from engaging in waterborne terrorist actions during the U.S. Coast Guard Commandant's Change of Command ceremony. Due to the catastrophic impact a terrorist attack during the ceremony would have against the large number of dignitaries, and the surrounding area and communities, a security zone is prudent for this type of event.

Discussion of Comments and Changes

The Coast Guard received no comments in response to the NPRM. The Coast Guard is implementing the rule as proposed, without change.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this security zone restricts vessel traffic through the affected area, the effect of this regulation will not be significant due to the limited size and duration that the regulated area will be in effect. In addition, notifications will be made to the maritime community via marine information broadcasts so mariners may adjust their plans accordingly.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which might be small entities: The owners or operators of vessels intending to operate or transit through or within the security zone during the enforcement period. The security zone will not have a significant economic impact on a substantial number of small entities for the following reasons. The security zone is of limited size and duration. Although the security zone will apply to the entire width of the channel, maritime advisories will be widely available to the maritime community before the effective period.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0050 to read as follows:

§ 165.T05–0050 Security Zone; Potomac River, Washington Channel, Washington, DC.

(a) *Location.* The following area is a security zone: All waters of the Washington Channel, from shoreline to shoreline, bounded on the north along latitude 38°52′03″ N and bounded on the south along latitude 38°51′50″ N (North American Datum 1983).

(b) *Definitions.* As used in this section:

Captain of the Port Baltimore means the Commander, U.S. Coast Guard Sector Baltimore, Maryland.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the security zone described in paragraph (a) of this section.

(c) *Regulations.* (1) The general security zone regulations found in 33 CFR 165.33 apply to the security zone created by this temporary section, § 165.T05.0050.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore. Vessels already at berth, mooring, or anchor at the time the security zone is implemented do not have to depart the security zone. All vessels underway within this security zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the security zone must first request authorization from the Captain of the Port Baltimore or his designated representative. To seek permission to transit the area, the Captain of the Port Baltimore and his designated representatives can be contacted at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing lights, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Baltimore or his designated representative and proceed at the minimum speed necessary to maintain a safe course while within the zone.

(4) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(d) *Enforcement period.* This section will be enforced from 6 a.m. through 5 p.m. on May 25, 2010.

Dated: April 8, 2010.

Mark P. O'Malley,

Captain, U.S. Coast Guard,Captain of the Port Baltimore Maryland.

[FR Doc. 2010–9193 Filed 4–20–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0196]

RIN 1625–AA87

Security Zone; Portland Rose Festival Fleet Week, Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a security zone encompassing all waters of the Willamette River between the Hawthorne and Steel Bridges in Portland, Oregon during the Portland Rose Festival Fleet Week from June 2, 2010, through June 7, 2010. The security zone is necessary to help ensure the security of the military and other vessels participating in Fleet Week as well as the maritime public in general and will do so by prohibiting any person or vessel from entering or remaining in the security zone unless authorized by the Captain of the Port or his designated representatives.

DATES: This rule is effective from June 2, 2010, through June 7, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0196 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0196 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail MST1 Jaime Sayers, Waterways Management Division, Coast

Guard Sector Portland; telephone 503–240–9319, e-mail *Jaime.A.Sayers@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule.

There is a need to provide a security zone for the 2010 Portland Rose Festival Fleet Week, and there is insufficient time to publish a notice of proposed rulemaking, respond to comments, and issue an effective rule at least 30-days before June 2, the start of this year's Fleet Week. Therefore, it is impracticable to publish an NPRM and it would be contrary to public interest not to issue this temporary final rule in time for it to be published at least 30-days before the event.

Basis and Purpose

The annual Portland Rose Festival Fleet Week will be taking place this year from June 2, 2010, through June 7, 2010. Fleet Week includes visits by a variety of United States and foreign military and government vessels. The vessels will be transiting the Columbia River and mooring up for display on the banks of the Willamette River between the Hawthorne and Steel Bridges. Due to the security concerns inherent for such vessels, the security zone created by this rule is necessary to help ensure the security of the vessels themselves as well as the maritime public in general.

This year, the Coast Guard is issuing a temporary final rule instead of an annual enforcement notice. Although the same security zone created by this rule is already codified at 33 CFR 165.1312, the enforcement dates contained in that section are not inclusive of when the Portland Rose Festival Fleet Week is actually taking place this year.

Discussion of Rule

The security zone created by this rule will encompass all waters of the Willamette River between the Hawthorne and Steel Bridges in Portland, Oregon. This zone will be effective during the 2010 Portland Rose Festival Fleet Week, from June 2, 2010, through June 7, 2010. All persons and vessels will be prohibited from entering or remaining in the security zone unless authorized by the Captain of the Port or his designated representatives.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. The Coast Guard has made this determination based on the fact that the security zone will only be in effect for the Portland Rose Festival Fleet Week and maritime traffic may be able to enter the zone if authorized by the Captain of the Port or his designated representatives.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to operate in the area covered by the security zone. The security zone will not have a significant economic impact on a substantial number of small entities, however, because the security zone will only be in effect for the Portland Rose Festival Fleet Week and maritime traffic may be able to enter the zone if authorized by the Captain of the Port or his designated representatives.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and

Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–136 to read as follows:

§ 165.T13–136 Security Zone; Portland Rose Festival Fleet Week, Willamette River, Portland, Oregon.

(a) *Location.* The following area is a security zone: All waters of the Willamette River, from surface to bottom, between the Hawthorne and Steel Bridges.

(b) *Regulations.* Under 33 CFR part 165, subpart D, no person or vessel may enter or remain in the security zone created by this section without the authorization of the Captain of the Port or his designated representatives. Subpart D has other requirements applicable to the security zone created by this section. Permission to enter the security zone created by this section may be requested by contacting the Captain of the Port at 503–240–9311 or on VHF channels 16 or 22.

(c) *Effective period.* This section is effective from June 2, 2010, through June 7, 2010.

Dated: April 9, 2010.

F.G. Myer,

Captain, U.S. Coast Guard, Captain of the Port, Portland.

[FR Doc. 2010–9185 Filed 4–20–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2010–0502–201011; FRL–9139–1]

Approval and Promulgation of Implementation Plans; Revisions to the Kentucky State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve the transportation conformity revisions to the Kentucky State Implementation Plan (SIP) submitted by the Commonwealth of Kentucky, through the Kentucky Energy and Environment Cabinet's Division of Air Quality (KY DAQ). This addition consists of transportation conformity criteria and procedures related to interagency consultation and enforceability of certain transportation-related control measures and mitigation measures. The intended effect is to establish the transportation conformity criteria and procedures in the Kentucky SIP. This action is being taken pursuant to section 110 of the Clean Air Act (CAA).

DATES: *Effective Date:* This rule will be effective May 21, 2010.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2010–0502. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either

electronically through *http://www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Amanetta Somerville, Air Quality Modeling and Transportation Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Somerville's telephone number is 404–562–9025. She can also be reached via electronic mail at *Somerville.amanetta@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Today's Action
II. Background
III. Final Action
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I. Today's Action

EPA is taking final action to approve the transportation conformity section of the SIP revision, submitted by the Commonwealth of Kentucky, through KDAQ, on December 31, 2008 for the purpose of establishing transportation conformity criteria and procedures in the Kentucky SIP. This approval action is based on EPA's analysis that Kentucky's request complies with section 176(c) of the CAA.

In a December 4, 2009, rulemaking notice, EPA proposed approval of the aforementioned revision to the Kentucky SIP. The comment period closed on January 4, 2010, and no comments were received. A detailed discussion of Kentucky's submittal and EPA's rationale for approval of the December 31, 2008, Kentucky SIP revision may be found in the proposed rulemaking notice (74 FR 63697). EPA is finalizing the approval as proposed based on the rationale stated in the proposal and in this final action.

II. Background for This Action

A. Transportation Conformity

Transportation conformity (hereafter referred to as "conformity") is required under section 176(c) of the Clean Air Act (CAA or Act) to ensure that federally supported highway, transit projects, and other activities are consistent with ("conform to") the purpose of the SIP. Conformity currently applies to areas that are designated nonattainment, and to areas that have been redesignated to attainment after 1990 (maintenance areas) with plans developed under section 175A of the Act, for the following transportation related criteria pollutants: ozone, particulate matter ($PM_{2.5}$ and PM_{10}), carbon monoxide, and nitrogen dioxide.

Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant criteria pollutants, also known as national ambient air quality standards (NAAQS). The transportation conformity regulation is found in 40 CFR Part 93 and provisions related to conformity SIPs are found in 40 CFR 51.390.

B. Federal Requirements

EPA promulgated the Federal transportation conformity criteria and procedures ("Conformity Rule") on November 24, 1993 (58 FR 62188). Among other things, the rule required states to address all provisions of the conformity rule in their SIPs frequently referred to as "conformity SIPs." Under 40 CFR 51.390, most sections of the conformity rule were required to be copied verbatim. States were also required to tailor all or portions of the following three sections of the conformity rule to meet their state's individual circumstances: 40 CFR 93.105, which addresses consultation procedures; 40 CFR 93.122(a)(4)(ii), which addresses written commitments to control measures that are not included in a metropolitan planning organization's (MPO's) transportation plan and transportation improvement program that must be obtained prior to a conformity determination, and the requirement that such commitments, when they exist, must be fulfilled; and 40 CFR 93.125(c), which addresses written commitments to mitigation measures that must be obtained prior to a project-level conformity determination, and the requirement that project sponsors must comply with such commitments, when they exist.

On August 10, 2005, the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA–LU) was signed into law. SAFETEA–LU revised section 176(c) of the CAA transportation conformity provisions. One of the changes streamlines the requirements for conformity SIPs. Under SAFETEA–LU, states are required to address and tailor only three sections of the rule in their conformity SIPs: 40 CFR 93.105, 40 CFR 93.122(a)(4)(ii), and 40 CFR 93.125(c), described above. In general, states are no longer required to submit conformity SIP revisions that address the other sections of the conformity rule. These changes took effect on August 10, 2005, when SAFETEA–LU was signed into law.

C. SIP Submission

On December 31, 2008, the Commonwealth of Kentucky, through the KY DAQ, submitted the Commonwealth's transportation conformity and consultation interagency rule to EPA as an addition to the SIP. The interagency consultation procedures for the transportation conformity partners are outlined in the document, Transportation Conformity: A Guide for Interagency Consultation, which is referenced in the Kentucky transportation conformity rule.

The Commonwealth of Kentucky developed its consultation rule based on the elements contained in 40 CFR 93.105, 93.122(a)(4)(ii), and 93.125(c). As a first step, the Commonwealth worked with the existing transportation planning organization's interagency committee that included representatives from Kentucky's air quality agency, Kentucky Department of Transportation (DOT), U.S. DOT (i.e., Federal Highway Administration—Kentucky Division, Federal Transit Administration), the MPOs of the maintenance and nonattainment areas of Kentucky, and EPA. The interagency committee met regularly and drafted the consultation rules considering elements in 40 CFR 93.105, 93.122(a)(4)(ii), and 93.125(c), and integrated the local procedures and processes into the rule. The proposed rule provides additional information regarding Kentucky's analysis and applicable nonattainment and maintenance areas.

III. Final Action

EPA is taking final action to approve the December 31, 2008, SIP revision request from Kentucky for the purpose of establishing transportation conformity criteria and procedures in the Kentucky SIP. This SIP revision is consistent with section 176(c) of the CAA.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a).

Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 1, 2010.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart S—Kentucky

■ 2. Section 52.920(c) is amended by adding an entry for "401 KAR 50:066" to Table 1 to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

TABLE 1—EPA-APPROVED KENTUCKY REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Chapter 50 Division for Air Quality; General Administrative Procedures				
*	*	*	*	*
401 KAR 50:066	Conformity of transportation plans, programs, and projects. (Amendment).	11/12/2008	04/21/2010 [Insert citation of publication]	

* * * * *

[FR Doc. 2010–8933 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2010–0150–201009(a); FRL–9138–9]

Approval and Promulgation of Implementation Plans: Tennessee; Visibility Impairment Prevention for Federal Class I Areas; Removal of Federally Promulgated Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to rescind the Federally promulgated provisions regarding visibility in 40 CFR 52.2234 of the Tennessee State Implementation Plan (SIP). EPA approved Tennessee's visibility rules addressing new source review (NSR) on July 18, 1996, and a plan addressing monitoring and reporting of visibility on July 2, 1997. EPA's approval of these rules neglected to remove the previous Federally promulgated provisions from the Federal Implementation Plan (FIP) contained in 40 CFR 52.2234. EPA is correcting this omission in this rulemaking. This action is being taken pursuant to section 110 of the Clean Air Act (CAA).

DATES: This rule is effective on June 21, 2010 without further notice, unless EPA receives relevant adverse comment by May 21, 2010. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2010–0150, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: benjamin.lynorae@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* "EPA–R04–OAR–2010–0150," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. "EPA–R04–OAR–2010–0150." 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 through *http://www.regulations.gov* or e-mail, information that you consider to be CBI or otherwise protected. 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.*

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nacosta C. Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Ward may be reached by phone at (404) 562–9140 or by electronic mail address *ward.nacosta@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background for Today's Action

On February 9, 1993, and December 19, 1994, the State of Tennessee submitted provisions constituting its plan to address visibility impairment in Federal Class I areas. EPA approved these submittals on July 2, 1997 (62 FR 35681). On January 17, 1995, the State of Tennessee also submitted rules for addressing visibility in its NSR program. EPA fully approved this submittal on July 18, 1996 (61 FR 35387).

The aforementioned submittals provide the necessary revisions to Tennessee's plan for visibility impairment prevention for Class I areas, and satisfied EPA's requirements as set forth in 40 CFR 51.300 through 51.304 and 51.306. These visibility provisions were submitted to EPA in order to satisfy the second part of the Settlement Agreement with the Environmental Defense Fund, *et al., Environmental Defense Fund* v. *Thomas,* number C826850 RPA, and are described at 49 FR 20647 on May 16, 1984. The schedule for submittal and promulgation of these visibility provisions was renegotiated and subsequently extended by a court order on September 9, 1986.

The second part of the Settlement Agreement required EPA to propose and promulgate Federal Visibility SIPs, addressing the general visibility plan provisions including implementation control strategies (40 CFR 51.302), integral vista protection (40 CFR 51.302 through 51.307), and long-term strategies (40 CFR 51.306) for those States whose SIPs EPA had determined to be inadequate with respect to the above provisions (*see* January 23, 1986,

notice of deficiency (51 FR 3046) and March 12, 1987, notice proposing FIPs for deficient State SIPs (52 FR 7803)). However, as provided in the renegotiated Settlement Agreement, a State could avoid the promulgation of said provisions if they submitted a visibility SIP by August 31, 1987. The State of Tennessee did not submit a plan by August 31, 1987, and as a result EPA promulgated Part 2 provisions for Tennessee in a FIP to satisfy the Settlement Agreement on November 24, 1987.

Subsequently, the State of Tennessee provided SIP revisions on February 9, 1993, December 19, 1994, and January 17, 1995, with the intent to replace the EPA-promulgated provisions (or FIP) that was put in place. The EPA actions on July 18, 1996 and July 2, 1997, fully approved these Tennessee SIP revisions but inadvertently did not remove the Federally-promulgated provisions in 40 CFR 52.2234. Today's action corrects that oversight.

II. Final Action

EPA is taking direct final action to correct an omission related to the visibility requirements for Tennessee. Specifically, EPA is removing the previous Federally promulgated provisions in 40 CFR 52.2234 for visibility for Tennessee because the State later submitted, and EPA approved, revisions covering visibility requirements for Tennessee. EPA is approving the aforementioned changes to the Tennessee SIP because they are consistent with the CAA and Agency requirements. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective June 21, 2010 without further notice unless the Agency receives adverse comments by May 21, 2010.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 21, 2010 and no further action will be taken on the proposed rule.

III. Statutory and Executive Order Reviews

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds, Sulfur dioxide.

Dated: April 1, 2010.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart RR—Tennessee

§ 52.2234 [Removed and Reserved]

■ 2. Section 52.2234 is removed and reserved.

[FR Doc. 2010–8935 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2008–0888; FRL–8436–3]

Polyglyceryl Phthalate Ester of Coconut Oil Fatty Acids; Exemption from the Requirement of a Tolerance; Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of July 8, 2009, concerning polyglyceryl phthalate ester of coconut oil fatty acids; exemption from the requirement of a tolerance. This document is being issued to correct the inert ingredient name and CAS numbers.

DATES: This final rule is effective April 21, 2010.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2008–0888. All documents in the docket are listed in the docket index available in *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Kerry Leifer , Registration Division (7205P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460–0001; telephone number: (703) 308–8811; e-mail address: *leifer,kerry@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under the **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to accessing electronically available documents at *http://www.regulations.gov*, you may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at *http://www.epa.gov/fedrgstr*.

II. What Does this Correction Do?

In the **Federal Register** of July 8, 2009, (74 FR 32456), EPA's Office of Pesticide Programs issued an exemption from the requirement of a tolerance for "polyglyceryl phthalate ester of coconut oil fatty acids" pursuant to a petition by the Joint Inserts Task Force, Cluster Support Team 23. The petition requested that an exemption from the requirement of a tolerance for residues of polyglyceryl phthalate ester of coconut oil fatty acids, including fatty acid coco polymers with glyceryl and phthalic anhydride (CAS No. 67746–02–5) and coconut oil polymer with glyceryl and phthalic anhydride (CAS No. 66070–87–9). This technical correction corrects the name of the inert ingredient and the CAS numbers.

III. Why is this Correction Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's technical correction final without prior proposal and opportunity for comment, because EPA is merely correcting language that was inadvertently mistyped in the previously published final rule. The correct inert ingredient names and CAS Numbers were present in the Supplementary Information Section of the July 8, 2009 final rule but were mistyped in the tolerance exemption table. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

IV. Do Any of the Statutory and Executive Order Reviews Apply to this Action?

The statutory and Executive order reviews were included in the July 8, 2009 final rule.

V. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: April 9, 2010.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR part 180 corrected as follows:

PART 180—[AMENDED]

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

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

■ 2. In the table to § 180.910, the entry for "Polyglyceryl phthalate ester of coconut oil fatty acids (CAS Reg. Nos. 67746–6070–9)" is revised to read as follows:

§ 180.910 Inert ingredients used pre– and post–harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert Ingredients	Limits	Uses
* * * * * *	*	
Polyglyceryl phthalate ester of coconut oil fatty acids, including fatty acid coco polymers with glyceryl and phthalic anhydride (CAS No. 67746–02–5) and coconut oil polymer with glyceryl and phthalic anhydride (CAS No. 66070–87–9).	None	Surfactants, related adjuvants of surfactants
* * * * * *	*	

[FR Doc. 2010–9194 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0908191244–91427–02]

RIN 0648–XV77

Fisheries of the Northeastern United States; Scup Fishery; Reduction of Winter I Commercial Possession Limit

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS announces the reduction of the scup coastwide commercial possession limit from Maine through North Carolina for the Winter I period. Regulations governing the scup fishery require publication of this notification to advise the coastal states from Maine through North Carolina that 80 percent of the commercial quota allocated to the Winter I period is projected to be harvested and to announce that the possession limit for a Federal vessel permit holder is reduced.

DATES: Effective April 21, 2010, through April 30, 2010.

FOR FURTHER INFORMATION CONTACT: Sarah Heil, Fishery Management Specialist, (978) 281–9257.

SUPPLEMENTARY INFORMATION: Regulations governing the scup fishery are found at 50 CFR part 648. The regulations at § 648.120(c) require the Northeast Regional Administrator to publish annual scup quota allocations and the percentage of landings attained during the Winter I period at which the possession limits would be reduced. On December 22, 2009, NMFS published the final rule for the summer flounder, scup, and black sea bass specifications in the **Federal Register** (74 FR 67978). This final rule requires NMFS to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that the commercial scup possession limit will be reduced once 80 percent of the Winter I Period quota is projected to be harvested. Based upon recent projections, the Regional Administrator anticipates that 80 percent of the Federal commercial quota of 4,815,775 lb (2,184 mt) for the 2010 Winter I period has been harvested. Therefore, to maintain the integrity of the 2011 Winter I period quota by avoiding quota overages, the commercial scup possession limit will be reduced from 30,000 lb (13,608 kg) to 1,000 lb (454 kg) of scup per trip. This possession limit will remain in effect until the end of the Winter I period (through April 30, 2010) or until the Winter I quota allocation has been fully harvested, whichever occurs first.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: April 17, 2010.

William D. Chappell,

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

[FR Doc. 2010–9180 Filed 4–19–10; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 75, No. 76
Wednesday, April 21, 2010

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0382; Directorate Identifier 2009–NM–211–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Model DHC–8–400, –401, and –402 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

Several cases have been reported where a loss of fluid in the No. 2 hydraulic system has caused the power transfer unit (PTU) to overspeed, resulting in pressure fluctuations and increased fluid flow within the No. 1 hydraulic system. In one case, the hydraulic system control logic did not shut down the PTU and the overspeed condition persisted, resulting in the illumination of the No. 1 HYD FLUID HOT caution light.

* * * * *

The unsafe condition is possible loss of both the No. 1 and No. 2 hydraulic systems, resulting in the potential loss of several functions essential for safe flight and landing of the airplane. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by June 7, 2010.

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

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

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; e-mail *thd.qseries@aero.bombardier.com*; Internet *http://www.bombardier.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7303; fax (516) 794–5531.

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–2010–0382; Directorate Identifier 2009–NM–211–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 have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

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

Discussion

On July 31, 2008, we issued AD 2008–17–06, Amendment 39–15644 (73 FR 47818, August 15, 2008). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2008–17–06, a modification of the power transfer unit (PTU) control logic, including the provision of automatic PTU shutdown in the event of loss of fluid in the No. 2 hydraulic system, has been developed. The modification addresses the identified unsafe condition. In addition, the applicability has been revised to remove airplanes having serial number 4185 and subsequent, since an equivalent modification has been installed in production on these airplanes. Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2006–08R1, dated August 31, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Several cases have been reported where a loss of fluid in the No. 2 hydraulic system has caused the power transfer unit (PTU) to overspeed, resulting in pressure fluctuations and increased fluid flow within the No. 1 hydraulic system. In one case, the hydraulic system control logic did not shut down the PTU and the overspeed condition persisted, resulting in the illumination of the No.1 HYD FLUID HOT caution light.

As an interim action to avoid possible loss of both the No. 1 and No. 2 hydraulic systems, the Airplane Flight Manual (AFM) has been revised to include pulling the HYD PWR XFER circuit breaker in the event of the loss of all hydraulic fluid in the No. 2 hydraulic system.

Insertion of the resultant Temporary Amendment (TA) No. 13 into the AFM was mandated in the original issue of this [Canadian] directive. This instruction * * * remains in effect until * * * this [revised] directive is accomplished.

Revision 1 of this directive * * * mandates modification of the PTU control logic, including the provision of automatic PTU shutdown in the event of loss of fluid in the No. 2 hydraulic system. In addition, the applicability of the [Canadian] directive has been revised to remove aircraft Serial Number (SN) 4185 and subsequent, since an equivalent modification has been installed in production on these aircraft.

The unsafe condition is possible loss of both the No. 1 and No. 2 hydraulic systems, resulting in the potential loss of several functions essential for safe flight and landing of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Bombardier has issued Service Bulletin 84–29–22, Revision A, dated February 24, 2009. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 42 products of U.S. registry.

The actions that are required by AD 2008–17–06 and retained in this proposed AD take up about 1 work-hour per product, at an average labor rate of $85 per work hour. Required parts cost about $0 per product. Based on these figures, the estimated cost of the currently required actions is up to $85 per product.

We estimate that it would take up to 165 work-hours per product to comply with the new basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $10,982 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed modification on U.S. operators to be up to $1,050,294, or up to $25,007 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39–15644 (73 FR 47818, August 15, 2008) and adding the following new AD:

Bombardier, Inc.: Docket No. FAA–2010–0382; Directorate Identifier 2009–NM–211–AD.

Comments Due Date

(a) We must receive comments by June 7, 2010.

Affected ADs

(b) This AD supersedes AD 2008–17–06, Amendment 39–15644.

Applicability

(c) This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes, certificated in any category; serial numbers 4001, 4003, 4004, 4006, and 4008 through 4184 inclusive.

Subject

(d) Air Transport Association (ATA) of America Code 29: Hydraulic power.

Reason

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

"Several cases have been reported where a loss of fluid in the No.2 hydraulic system has caused the power transfer unit (PTU) to

overspeed, resulting in pressure fluctuations and increased fluid flow within the No. 1 hydraulic system. In one case, the hydraulic system control logic did not shut down the PTU and the overspeed condition persisted, resulting in the illumination of the No.1 HYD FLUID HOT caution light.

"As an interim action to avoid possible loss of both the No. 1 and No. 2 hydraulic systems, the Airplane Flight Manual (AFM) has been revised to include pulling the HYD PWR XFER circuit breaker in the event of the loss of all hydraulic fluid in the No. 2 hydraulic system.

"Insertion of the resultant Temporary Amendment (TA) No. 13 into the AFM was mandated in the original issue of this [Canadian] directive. This instruction * * * remains in effect until * * * this [revised] directive is accomplished.

"Revision 1 of this directive * * * mandates modification of the PTU control logic, including the provision of automatic PTU shutdown in the event of loss of fluid in the No. 2 hydraulic system. In addition, the applicability of the [Canadian] directive has been revised to remove aircraft Serial Number (SN) 4185 and subsequent, since an equivalent modification has been installed in production on these aircraft."

The unsafe condition is possible loss of both the No. 1 and No. 2 hydraulic systems, resulting in the potential loss of several functions essential for safe flight and landing of the airplane.

Compliance

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

Restatement of Requirements of AD 2007–12–03: Airplane Flight Manual (AFM) Revision

(g) Within 14 days after July 10, 2007 (the effective date of AD 2007–12–03, Amendment 39–15081, which was superseded by AD 2008–17–06), revise the Limitations section of the applicable AFM to include the information in the applicable Bombardier temporary amendment specified in Table 1 of this AD, as specified in the temporary amendment. These temporary amendments introduce procedures for pulling the "HYD PWR XFER" circuit breaker in the event of the loss of all hydraulic fluid in the No. 1 or No. 2 hydraulic system. Operate the airplane according to the limitations and procedures in the applicable temporary amendment.

TABLE 1—AFM TEMPORARY AMENDMENTS

For Model—	Use Bombardier Temporary Amendment—	Issue—	Dated—	To Bombardier Dash 8 Q400 Airplane Flight Manual—
DHC–8–400 airplanes	13	1	July 14, 2005	PSM 1–84–1A.
DHC–8–401 airplanes	13	1	July 14, 2005	PSM 1–84–1A.
DHC–8–402 airplanes	13	1	July 14, 2005	PSM 1–84–1A.

Note 1: This may be done by inserting a copy of the applicable temporary amendment into the applicable AFM. When the applicable temporary amendment has been included in general revisions of the AFM, the general revisions may be inserted into the AFM, provided the relevant information in the general revisions is identical to that in the temporary amendment.

Restatement of Requirements of AD 2008–17–06: AFM Revision

(h) Within 14 days after September 2, 2008 (the effective date of AD 2008–17–06), revise the applicable AFM Normal and Abnormal Procedures section to include the information in the applicable Bombardier temporary amendment specified in Table 2 of this AD, as specified in the temporary amendment. These temporary amendments introduce additional procedures for ensuring that the "PTU CNTRL" switch is Normal, the "PTU CNTRL ON" advisory light is out, and the "HYD PWR XFER" circuit breaker is pulled in the event of the illumination of the "#2 HYD ISO VALVE" caution light. After accomplishing the AFM revision, the AFM limitation required by paragraph (g) in this AD may be removed from the AFM.

TABLE 2—AFM TEMPORARY AMENDMENTS

For Model—	Use Bombardier Temporary Amendment—	Issue—	Dated—	To Bombardier Dash 8 Q400 Airplane Flight Manual—
DHC–8–400 airplanes	13	3	June 9, 2008	PSM 1–84–1A.
DHC–8–401 airplanes	13	3	June 9, 2008	PSM 1–84–1A.
DHC–8–402 airplanes	13	3	June 9, 2008	PSM 1–84–1A.

New Requirements of This AD: Actions

(i) Within 6,000 flight hours after the effective date of this AD, modify the PTU control logic, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–29–22, Revision A, dated February 24, 2009. Doing this modification terminates the requirements of paragraphs (g) and (h) of this AD, and after the modification has been done, the AFM limitation required by paragraphs (g) and (h) of this AD may be removed from the AFM.

(j) Modifying the PTU control logic is also acceptable for compliance with the requirements of paragraph (i) of this AD if done before the effective date of this AD, in accordance with Bombardier Service Bulletin 84–29–22, dated December 5, 2008.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

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

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(l) Refer to MCAI Canadian Airworthiness Directive CF–2006–08R1, dated August 31, 2009; and Bombardier Service Bulletin 84–29–22, Revision A, dated February 24, 2009; for related information.

Issued in Renton, Washington, on April 9, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–9110 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0384; Directorate Identifier 2010–NM–003–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Corporation Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, MD–10–30F, MD–11, and MD–11F Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, MD–10–30F, MD–11, and MD–11F airplanes. This proposed AD would require installing an in-line fuse in certain float level switches and sleeving the wires between the fuel tank and the in-line fuse. For certain airplanes this proposed AD would also require installing an in-line fuse in certain fuel pump pressure switches. This proposed AD results from fuel system reviews conducted by the manufacturer. We are proposing this AD to prevent fuel tank explosions and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by June 7, 2010.

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

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, California 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; e-mail *dse.boecom@boeing.com;* Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Philip Kush, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5263; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–0384; Directorate Identifier 2010–NM–003–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

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

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

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

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

We have determined that the actions identified in this proposed AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

An investigation conducted by the airplane manufacturer has revealed that float level switch wires located on the left and right wing forward spar, right main landing gear wheel well, horizontal stabilizer front spar, empennage, forward and aft cargo compartments, and fuel pump pressure switch wires located in the aft cargo compartment, are routed in the same bundles as power wires. If a short circuit between a float level switch wire and a power wire occurs, an over-current can cause excessive temperatures in the float level switch wires, which could damage the float level or fuel pump pressure switch wire, and become a potential ignition source for the fuel tank. Adding an in-line fuse as a self-contained component in each float level and pressure switch circuit, and sleeving the wires between the fuel tank and the in-line fuse, will minimize the possibility of excessive temperatures in the float level or pressure switch wires. If a short circuit between a float level switch wire and a power wire occurs, the result could be a fuel tank explosion and consequent loss of the airplane.

Relevant Service Information

We have reviewed Boeing Service Bulletin DC10–28–252, Revision 1, dated January 6, 2010 (for Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F airplanes). This service bulletin describes procedures for installing an in-line fuse in each float level switch and a pressure switch circuit in-line fuse in the fuel tanks listed below, as applicable.

- Fuel tanks 1, 2, and 3
- Upper and lower auxiliary fuel tanks
- Center wing fuel tanks
- Forward and aft auxiliary fuel tanks

Procedures for installing the in-line fuses include sleeving the wires between the fuel tank and the in-line fuse.

We have reviewed Boeing Service Bulletin MD11–28–132, dated November 25, 2008 (for Model MD–11 and MD–11F airplanes). This service bulletin describes procedures for installing an in-line fuse in each float level switch in the fuel tanks listed below, as applicable.

- Fuel tanks 1, 2, and 3
- Upper and lower auxiliary fuel tanks
- Forward auxiliary fuel tanks
- Center wing fuel tanks
- Tail fuel tank

Procedures for installing the in-line fuses include sleeving the wires between the fuel tank and the in-line fuse.

FAA's Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs. This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD would affect 281 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

TABLE—ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per product	Number of U.S.-registered airplanes	Fleet cost
Installation/Sleeving ..	Between 64 and 136 [1]	$85	Between $3,139 and $5,598 [1]	Between $8,579 and $17,158	281	Between $2,410,699 and $4,821,398

[1] Depending on airplane configuration.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas Corporation: Docket No. FAA–2010–0384; Directorate Identifier 2010–NM–003–AD.

Comments Due Date

(a) We must receive comments by June 7, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) McDonnell Douglas Corporation Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F airplanes; certificated in any category; as identified in Boeing Service Bulletin DC10–28–252, Revision 1, dated January 6, 2010.

(2) McDonnell Douglas Corporation Model MD–11 and MD–11F airplanes; certificated in any category; as identified in Boeing Service Bulletin MD11–28–132, dated November 25, 2008.

Subject

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

Unsafe Condition

(e) This AD results from fuel system reviews conducted by the manufacturer. The Federal Aviation Administration is issuing this AD to prevent fuel tank explosions and consequent loss of the airplane.

Compliance

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

Action

(g) Within 60 months after the effective date of this AD do the actions specified in paragraph (g)(1) or (g)(2) of this AD, as applicable.

(1) For Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F airplanes: Install an in-line fuse in each float level switch and pressure switch, including sleeving the wires between the fuel tank and the in-line fuse, in fuel tanks 1, 2, and 3; upper and lower auxiliary fuel tanks; forward and aft auxiliary fuel tanks; and center wing fuel tanks; as applicable; in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10–28–252, Revision 1, dated January 6, 2010.

(2) For Model MD–11 and MD–11F airplanes: Install an in-line fuse in each float level switch, including sleeving the wires between the fuel tank and the in-line fuse, in fuel tanks 1, 2, and 3; upper and lower auxiliary fuel tanks; forward auxiliary fuel tank; center wing fuel tanks; and tail fuel tank; as applicable; in accordance with the Accomplishment Instructions of Boeing Service Bulletin MD11–28–132, dated November 25, 2008.

Alternative Methods of Compliance (AMOCs)

(h)(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Philip Kush, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5263; fax (562) 627–5210.

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

Issued in Renton, Washington, on April 9, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–9111 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0383; Directorate Identifier 2009–NM–214–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747SR, and 747SP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747SR, and 747SP series airplanes. This proposed AD would require repetitive detailed inspections of certain overwing intercostal webs, and related investigative and corrective actions if necessary. This proposed AD results from reports of cracks in overwing intercostal webs. We are proposing this AD to detect and correct such cracking, which could grow and result in a severed intercostal. If an intercostal is severed, cracks could develop in the adjacent frame structure and skin, resulting in a rapid loss of cabin pressure.

DATES: We must receive comments on this proposed AD by June 7, 2010.

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

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail *me.boecom@boeing.com;* Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–0383; Directorate Identifier 2009–NM–214–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received several reports of cracks in overwing intercostal webs between station (STA) 1160 and STA 1220. Most of the cracks were found near the intercostal lower chord and a few cracks were found near the intercostal upper chord. The cracks ranged from 0.2 inch to 3.5 inches long. The cracks are caused by cyclic buckling of the web from normal flight loads. The earliest report of a web crack occurred on an airplane with 3,697 flight cycles; however, no cracks have been reported in the upper or lower chord of the overwing intercostals. This condition, if not corrected, could result in crack growth and a severed intercostal. If an intercostal is severed, cracks could develop in the adjacent frame structure and skin, resulting in rapid loss of cabin pressure.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 747–53A2750, dated August 27, 2009. Boeing Alert Service Bulletin 747–53A2750, dated August 27, 2009, describes procedures for doing a repetitive detailed inspection for cracking of the left-side and right-side overwing intercostal webs at STAs 1160, 1180, 1200, and 1220, and related investigative and corrective actions if necessary. The related investigative action is doing a detailed inspection for cracking of the upper chord, lower chord, and stiffener of the intercostal and adjacent frame assembly structure if a crack is found in the web of an overwing intercostal. Depending on findings, the corrective actions are replacing any cracked overwing intercostal web (the replacement of the overwing intercostal web includes doing an open-hole HFEC inspection for cracking of the fastener holes common to the replacement); and contacting Boeing for repair instructions of any cracked intercostal upper chord, lower chord, stiffener, or adjacent frame assembly structure, and of any crack found during any open-hole HFEC inspections, and doing the repair.

For any airplane having a STA 1160, 1180, 1200, or 1220 overwing intercostal web that has been replaced in accordance with this service bulletin, Boeing Alert Service Bulletin 747–53A2750, dated August 27, 2009, specifies procedures for doing repetitive detailed inspections for cracking of the replaced web, and related investigative and corrective actions if necessary. Related investigative actions include doing a detailed inspection for cracking of the upper chord, lower chord, and stiffener of the intercostal, and adjacent frame assembly structure. Corrective actions include replacing any cracked overwing intercostal web; and contacting Boeing for repair instructions of any cracked intercostal upper chord, lower chord, stiffener, or adjacent frame assembly structure, and of any crack found during any open-hole HFEC inspections, and doing the repair.

FAA's Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under "Differences Between the Proposed Rule and Service Bulletin."

Differences Between the Proposed Rule and Service Bulletin

Boeing Alert Service Bulletin 747–53A2750, dated August 27, 2009, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD would affect 86 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

TABLE—ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per product	Number of U.S.-registered airplanes	Fleet cost
Inspection	4	$85	None	$340 per inspection cycle	86	$29,240 per inspection cycle

Authority for This Rulemaking

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

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

products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2010–0383; Directorate Identifier 2009–NM–214–AD.

Comments Due Date

(a) We must receive comments by June 7, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747SR, and 747SP series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747–53A2750, dated August 27, 2009.

Subject

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

Unsafe Condition

(e) This AD results from reports of cracks in overwing intercostal webs between station (STA) 1160 and STA 1220. The Federal Aviation Administration is issuing this AD to detect and correct such cracking, which could grow and result in a severed intercostal. If an intercostal is severed, cracks could develop in the adjacent frame structure and skin, resulting in a rapid loss of cabin pressure.

Compliance

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

Repetitive Inspections of the Overwing Intercostal Web

(g) Before the accumulation of 8,000 total flight cycles, or within 1,500 flight cycles after the effective date of this AD, whichever occurs later: Do a detailed inspection of the left-side and right-side STAs 1160, 1180, 1200, and 1220 overwing intercostal webs, and all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2750, dated August 27, 2009, except as required by paragraph (i) of this AD. Do all applicable related investigative and corrective actions before further flight. If no cracking is found during any detailed inspection, repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles.

(h) For any airplane with an overwing intercostal web replaced in accordance with Boeing Alert Service Bulletin 747–53A2750, dated August 27, 2009: Within 6,000 flight cycles after the web was replaced, do a detailed inspection of the replacement overwing intercostal web, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2750, dated August 27, 2009, except as required by paragraph (i) of this AD. Do all applicable related investigative and corrective actions before further flight. If no cracking is found during any detailed inspection, repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles.

Exception to Service Bulletin

(i) If any cracking is found during any inspection required by this AD, and Boeing Alert Service Bulletin 747–53A2750, dated August 27, 2009, specifies contacting Boeing for appropriate action: Before further flight, repair the cracking using a method approved in accordance with the procedures provided in paragraph (j) of this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6437; fax (425) 917–6590. Information may be e-mailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on April 9, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–9112 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0190; Airspace Docket No. 09–ASW–5]

Proposed Amendment of Class E Airspace; Hamilton, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Hamilton, TX, adding additional controlled airspace to accommodate new Standard Instrument Approach Procedures (SIAP) at Hamilton Municipal Airport, Hamilton, TX. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: Comments must be received on or before June 7, 2010.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140,

Washington, DC 20590–0001. You must identify the docket number FAA–2009–0190/Airspace Docket No. 09–ASW–5, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2009–0190/Airspace Docket No. 09–ASW–5." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

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

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, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking at 202–267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71, by adding additional Class E airspace extending upward from 700 feet above the surface for SIAPs operations at Hamilton Municipal Airport, Hamilton, TX. Adjustment to the geographic coordinates would be made in accordance with the FAAs National Aeronautical Charting Office. Controlled airspace is needed for the safety and management of IFR operations at the airport.

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

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

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 Hamilton, TX [Amended]

Hamilton Municipal Airport, TX
(Lat. 31°39′57″ N., long. 98°08′55″ W.)
Hamilton NDB
(Lat. 31°37′13″ N., long. 98°08′51″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Hamilton Municipal Airport, and within 3.7 miles each side of the 009° bearing from the airport extending from the 6.4-mile radius to 8.6 miles north of the airport, and within 4 miles each side of the 189° bearing from the airport extending from the 6.4-mile radius to 9.6 miles south of the airport, and within 8 miles east and 4 miles west of the 170° bearing from the Hamilton NDB extending from the NDB to 16 miles south of the NDB.

Issued in Fort Worth, TX, on April 12, 2010.

Anthony D. Roetzel,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2010–9174 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM10–20–000]

Market-Based Rate Affiliate Restrictions

April 15, 2010.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to amend its regulations to revise its regulations governing market-based rates for public utilities pursuant to section 205 of the Federal Power Act (FPA). The Commission proposes to clarify that employees that determine the timing of scheduled outages, or that engage in economic dispatch, fuel procurement, or resource planning may not be shared under the market-based rate affiliate restrictions codified in Order No. 697.

DATES: Comments are due June 21, 2010.

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

- *Agency Web site: http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Commenters unable to file comments electronically must mail or hand deliver an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

Michelle Barnaby (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8407.

Paige Bullard (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6462.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking

April 15, 2010.

I. Introduction

1. In this order, the Federal Energy Regulatory Commission (Commission) is proposing to revise § 35.39 of its regulations promulgated in Order No. 697 [1] in order to reflect the clarification provided in an order to be issued concurrently with this order in response to the Compliance Working Group's [2] concerns regarding compliance with the market-based rate affiliate restrictions codified in Order No. 697.[3] Specifically, the Commission is proposing to revise the separation of functions and information sharing provisions of those affiliate restrictions to explicitly state that employees that determine the timing of scheduled outages or that engage in economic dispatch, fuel procurement, or resource planning may not be shared under the Commission's market-based rate affiliate restrictions adopted in Order No. 697.

II. Background

2. In Order No. 697, the Commission adopted affiliate restrictions that govern the relationship between franchised public utilities with captive customers and their "market-regulated" affiliates, i.e., affiliates whose power sales are regulated in whole or in part on a market-based rate basis. These market-based rate affiliate restrictions govern the separation of functions, the sharing of market information, sales of non-power goods or services, and power brokering. The Commission requires that, as a condition of receiving and retaining market-based rate authority, sellers comply with these affiliate restrictions unless explicitly permitted by Commission rule or order. Failure to satisfy the conditions set forth in these affiliate restrictions constitutes a violation of the market-based rate tariff.[4]

3. On March 9, 2009, the Compliance Working Group submitted a request for clarification in the Commission's market-based rate rulemaking proceeding regarding which employees can be shared for purposes of compliance with the Commission's market-based rate affiliate restrictions. On October 28, 2009, the Compliance Working Group submitted an amended request for clarification. In response to the Compliance Working Group's request, the Commission is providing clarification regarding which employees may not be shared under these affiliate restrictions.[5] In this Notice of Proposed Rulemaking (NOPR), we propose to revise the text of the separation of functions and information sharing provisions of the affiliate restrictions contained in § 35.39 of the Commission's regulations in order to reflect the clarification provided in response to the Compliance Working Group's request.

III. Discussion

4. Under the separation of functions requirement in the market-based rate affiliate restrictions, employees of market-regulated power sales affiliates must operate separately, to the maximum extent practical, from employees of affiliated franchised utilities with captive customers.[6] Order No. 697 exempts certain categories of employees from this separation of functions requirement. Employees in these categories are permitted to be shared, and Order No. 697 gives examples of permissibly "shared employees" that are drawn from Order No. 2004, which established the Standards of Conduct rules that were in effect at the time that Order No. 697 was issued.[7] In particular, the market-based rate affiliate restrictions provide that

[1] *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities,* Order No. 697, FERC Stats. & Regs. ¶ 31,252 (Order No. 697), *clarified,* 121 FERC ¶ 61,260 (2007), *order on reh'g,* Order No. 697–A, FERC Stats. & Regs. ¶ 31,268, *clarified,* 124 FERC ¶ 61,055, *order on reh'g,* Order No. 697–B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g,* Order No. 697–C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g,* Order No. 697–D, FERC Stats. & Regs. ¶ 31,305 (2010).

[2] The Compliance Working Group states that it consists of 27 energy companies, which include integrated electric businesses, merchant generators, marketing and trading businesses, and natural gas distributors, and explains that the group was formed in mid-2008 "to develop a model [Commission] compliance program guide." Compliance Working Group Request for Clarification, Docket No. RM04–7–007, at 2 (filed Mar. 9, 2009); Compliance Working Group Amended Request for Clarification, Docket No. RM04–7–007, at 3 (filed Oct. 28, 2009). The members of the Compliance Working Group taking part in its request for clarification are: Allegheny Energy, Inc., American Electric Power Company, Inc., Cleco Corporation, Consumers Energy Company, Dominion Resources, Inc., Duke Energy Corporation, Edison International, El Paso Electric Company, Energy East Corp., Entergy Corporation, Exelon Corporation, FirstEnergy Corp., FPL Group, Inc., Pacific Gas and Electric Co., Progress Energy, Inc., Public Service Enterprise Group Incorporated, and Westar Energy, Inc.

[3] *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services By Public Utilities,* 131 FERC ¶ 61,021 (2010) (April 15 Clarification Order).

[4] Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 549–550.

[5] April 15 Clarification Order, 131 FERC ¶ 61,021.

[6] 18 CFR 35.39(c)(2)(i).

[7] Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 561–566 (citing *Standards of Conduct for Transmission Providers,* Order No. 2004, FERC Stats. & Regs. ¶ 31,155, at P 96, 99–101, 145–146 (2003), *order on reh'g,* Order No. 2004–A, FERC Stats. & Regs. ¶ 31,161, at P 134, *order on reh'g,* Order No. 2004–B, FERC Stats. & Regs. ¶ 31,166, *order on reh'g,* Order No. 2004–C, FERC Stats. & Regs. ¶ 31,172 (2004), *order on reh'g,* Order No. 2004–D, 110 FERC ¶ 61,320 (2005), *vacated and remanded as it applies to natural gas pipelines sub nom. National Fuel Gas Supply Corp.* v. *FERC,* 468 F.3d 831 (D.C. Cir. 2006); *see id.* P 562 (citing 18 CFR 358.4(a)(5) (Order 2004-era Standards of Conduct)).

"Franchised public utilities with captive customers are permitted to share support employees, and field and maintenance employees with their market-regulated power sales affiliates. Franchised public utilities with captive customers are also permitted to share senior officers and boards of directors with their market-regulated power sales affiliates; provided, however, that the shared officers and boards of directors must not participate in directing, organizing or executing generation or market functions." [8] Moreover, under the information sharing restriction, "[a] franchised public utility with captive customers may not share market information with a market-regulated power sales affiliate if the sharing could be used to the detriment of captive customers, unless simultaneously disclosed to the public." However, "[p]ermissibly shared support employees, field and maintenance employees and senior officers and board of directors under § 35.39(c)(2)(ii) may have access to information covered by the prohibition of § 35.39(d)(1), subject to the no-conduit provision in § 35.39(g)." [9]

5. In its request for clarification, the Compliance Working Group asked the Commission to clarify which employees are permissibly "shared employees" for purposes of the Commission's market-based rate affiliate restrictions. Specifically, it suggests that the Commission should interpret these affiliate restrictions to permit sharing of employees who are neither "transmission function employees" nor "marketing function employees" under the Standards of Conduct.[10] The Compliance Working Group stated that the issue arose because shared employees under the market-based rate affiliate restrictions are defined by reference to shared employees under the Order No. 2004-era Standards of Conduct, but as of the effective date of the Standards of Conduct Final Rule, November 26, 2008, the Standards of Conduct no longer use the concept of shared employees. The Compliance Working Group therefore claimed that this inconsistency poses a compliance conundrum that needs to be addressed in order to enable companies and their employees to understand, and comply with, the market-based rate affiliate restrictions.

6. As explained in the April 15 Clarification Order, we are denying the Compliance Working Group's request that the Commission interpret the market-based rate affiliate restrictions to permit the sharing of employees who are neither transmission function employees nor marketing function employees under the Standards of Conduct. However, in order to address the Compliance Working Group's concerns regarding compliance with the market-based rate affiliate restrictions, the April 15 Clarification Order provides guidance regarding which employees may not be shared under the affiliate restrictions.[11]

7. Specifically, in the April 15 Clarification Order the Commission denies the Compliance Working Group's request that it interpret the market-based rate affiliate restrictions to permit the sharing of employees who are neither transmission function employees nor marketing function employees under the Standards of Conduct because the Standards of Conduct definition of "marketing function employee" does not include certain employees who *may not* be shared under the market-based rate affiliate restrictions (for instance, employees that make economic dispatch decisions or that determine the timing of scheduled outages). Thus, the Commission explains that granting the Compliance Working Group's requested interpretation would permit market-based rate sellers to share employees that *may not* currently be shared under the affiliate restrictions.

8. The April 15 Clarification Order explains that "marketing function employee" is not a defined term in the market-based rate regulations adopted in Order No. 697, and explains that the restrictions on which employees may be shared under the market-based rate affiliate restrictions are not limited to those employees who are engaged in sales. It states that as clarified in Order No. 697–A, under the market-based rate affiliate restrictions, "shared employees may not be involved in decisions regarding the marketing or sale of electricity from the facilities, may not make economic dispatch decisions, and may not determine the timing of scheduled outages for facilities." [12] In this regard, the April 15 Clarification Order explains that responsibility for economic dispatch or the timing of scheduled outages, for example, is not a "marketing function" under the Standards of Conduct and, therefore, engaging in these activities would not cause an employee to be a marketing function employee subject to the Independent Functioning Rule under the Standards of Conduct (and therefore, those employees could be shared). Thus, consistent with the Commission's determinations in Order No. 697–A, the April 15 Clarification Order clarifies that, for purposes of compliance with the market-based rate affiliate restrictions, a franchised public utility with captive customers and its market-regulated power sales affiliates may not share employees that make economic dispatch decisions or that determine the timing of scheduled outages.[13]

9. In addition, as explained in the April 15 Clarification Order, franchised public utilities with captive customers should be prohibited from sharing employees that engage in resource planning or fuel procurement with their market-regulated power sales affiliates. If the franchised public utility and its market-regulated power sales affiliate are permitted to share employees that make strategic decisions about future generation supply, such as deciding when and/or where to build or acquire generating capacity, such strategic decision making by a shared employee could result in generation being built or acquired for the benefit of the market-regulated power sales affiliate, and at the expense of the captive customers of the franchised public utility. In this regard, the Commission notes that the corporate entity has an inherent incentive to decrease its market-regulated power sales affiliate's costs in order to maximize profits for shareholders.

10. Similarly, a shared employee that procures fuel for both the franchised public utility and the market-regulated power sales affiliate may have the incentive to allocate purchases of lower priced fuel supplies to the market regulated power sales affiliate while allocating purchases of higher priced fuel supplies to the franchised public utility. By contrast, if the two entities are required to independently procure fuel, they would compete for the market's best priced fuel.

11. Therefore, given that the definition of marketing function employee under the Standards of Conduct does not specifically address

[8] 18 CFR 35.39(c)(2)(ii); *see also* Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 562.

[9] 18 CFR 35.39(d).

[10] *Standards of Conduct for Transmission Providers,* Order No. 717, FERC Stats. & Regs. ¶ 31,280 (2008) (Standards of Conduct Final Rule), *order on reh'g,* Order No. 717–A, FERC Stats. & Regs. ¶ 31,297, *order on reh'g,* Order No. 717–B, 129 FERC ¶ 61,123 (2009). As discussed below, "transmission function employees" and "marketing function employees" are defined terms under the Standards of Conduct. *See* 18 CFR 358.3(d); 358.3(i).

[11] April 15 Clarification Order, 131 FERC ¶ 61,021 at P 39–42.

[12] April 15 Clarification Order 131 FERC ¶ 61,021 at P 37 (citing Order No. 697–A, FERC Stats. & Regs. ¶ 31,268 at P 253).

[13] Order No. 697–A, FERC Stats. & Regs. ¶ 31,268 at P 253.

employees that determine the timing of scheduled outages or that engage in economic dispatch, fuel procurement, or resource planning, the April 15 Clarification Order clarifies that employees engaging in these activities [14] are prohibited from being shared under the market-based rate affiliate restrictions, absent an explicit waiver from the Commission.

12. In order to reflect this clarification, we propose to revise § 35.39 of our regulations in order to clarify that employees that determine the timing of scheduled outages or that engage in economic dispatch, fuel procurement, or resource planning may not be shared under the market-based rate affiliate restrictions. Accordingly, we propose to revise the separation of functions provision contained in § 35.39(c)(2)(ii) of the regulations to include the provision that franchised public utilities with captive customers are prohibited from sharing employees that determine the timing of scheduled outages or that engage in economic dispatch, fuel procurement, or resource planning with their market-regulated power sales affiliates.

13. We also propose to revise the information sharing provision contained in § 35.39(d)(2) of the regulations to include the provision that employees that determine the timing of scheduled outages or that engage in economic dispatch, fuel procurement, or resource planning may not have access to information covered by the prohibition of § 35.39(d)(1).

IV. Information Collection Statement

14. The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection and data retention requirements imposed by an agency.[15] Order No. 697's revisions to the information collection requirements for market-based rate sellers were approved under FERC–919 "Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities" OMB Control Nos. 1902–0234. While this order proposes to revise the regulations for the market-based rate program in order to provide clarification, it does not add to the existing information collection requirements. Accordingly, a copy of this order will be sent to OMB for informational purposes only.

V. Environmental Analysis

15. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[16] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment.[17] The actions proposed here fall within the categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or procedural, or do not substantially change the effect of legislation or regulations being amended.[18] In addition, the proposed rule is categorically excluded as an electric rate filing submitted by a public utility under sections 205 and 206 of the FPA.[19] As explained above, this proposed rule revises the regulations for the market-based rate program in order to provide clarification. Accordingly, no environmental assessment is necessary and none has been prepared in this NOPR.

VI. Regulatory Flexibility Act Analysis

16. The Regulatory Flexibility Act of 1980 (RFA) [20] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. The RFA mandates consideration of regulatory alternatives that accomplish the stated objectives of a proposed rule and that minimize any significant economic impact on a substantial number of small entities. Most filing companies regulated by the Commission do not fall within the RFA's definition of small entity.[21] Moreover, as noted above, this proposed rule revises the regulations for the market-based rate program in order to provide clarification of an existing requirement that affected entities, including small entities, are currently required to comply with. Because the proposed revisions clarify an existing requirement, and do not add to the existing information collection or filing requirements, the Commission concludes that the proposed rule will not have a significant economic impact on a substantial number of small entities. As a result, no regulatory flexibility analysis is required.

VII. Comment Procedures

17. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due June 21, 2010. Comments must refer to Docket No. RM10–20–000, and must include the commenters' name, the organization they represent, if applicable, and their address in their comments.

18. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov*. The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

19. Commenters that are not able to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission; 888 First Street, NE., Washington, DC 20426.

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

VIII. Document Availability

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

22. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary,

[14] The prohibition on sharing employees that engage in resource planning applies only to the sharing of employees between a franchised public utility and its market-regulated power sales affiliate, and is not intended to alter resource planning activities by transmission providers that are permitted under the Standards of Conduct Final Rule.

[15] 5 CFR 1320.11.

[16] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, FERC Stats. & Regs., Regulations Preambles July 1996–December 2000 ¶ 30,783 (1987).

[17] 18 CFR 380.4.

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

[19] 18 CFR 380.4(a)(15).

[20] 5 U.S.C. 601–12.

[21] 5 U.S.C. 601(3), citing to section 3 of the Small Business Act, 15 U.S.C. 632. Section 3 of the Small Business Act defines a "small-business concern" as a business which is independently owned and operated and which is not dominant in its field of operation.

type the docket number excluding the last three digits of this document in the docket number field.

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

List of subjects in 18 CFR Part 35

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

By direction of the Commission.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission proposes to amend part 35, Chapter I, Title 18, *Code of Federal Regulations,* as follows:

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

1. The authority citation for part 35 continues to read as follows:

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

2. In § 35.39, paragraphs (c)(2)(ii) and (d)(2) are revised to read as follows:

§ 35.39 Affiliate restrictions.

* * * * *

(c) * * *

(2) * * *

(ii) Franchised public utilities with captive customers are permitted to share support employees, and field and maintenance employees with their market-regulated power sales affiliates. Franchised public utilities with captive customers are also permitted to share senior officers and boards of directors with their market-regulated power sales affiliates; provided, however, that the shared officers and boards of directors must not participate in directing, organizing or executing generation or market functions. Franchised public utilities with captive customers are prohibited from sharing employees that determine the timing of scheduled outages or that engage in economic dispatch, fuel procurement, or resource planning with their market-regulated power sales affiliates.

* * * * *

(d) * * *

(2) Permissibly shared support employees, field and maintenance employees and senior officers and board of directors under § 35.39(c)(2)(ii) may have access to information covered by the prohibition of § 35.39(d)(1), subject to the no-conduit provision in § 35.39(g). Employees that determine the timing of scheduled outages or that engage in economic dispatch, fuel procurement, or resource planning may not have access to information covered by the prohibition of § 35.39(d)(1).

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[FR Doc. 2010–9083 Filed 4–20–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0019]

RIN 1625–AA00

Safety Zone; AVI July Fireworks Display, Laughlin, NV

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone, on the navigable waters of the lower Colorado River, Laughlin, NV, in support of a fireworks display near the AVI Resort and Casino. This safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels would be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before May 21, 2010. Requests for public meetings must be received by the Coast Guard on or before May 12, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0019 using any one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Fax:* 202–493–2251.
- *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.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

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

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

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

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0019), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–0019" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or

hand delivery, submit them in an unbound format, no larger than 8½; by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0019" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation, West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

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

Public Meeting

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

Background and Purpose

The Coast Guard proposes establishing a temporary safety zone on the navigable waters of the Lower Colorado River in support of a fireworks show in the navigation channel of the Lower Colorado River, Laughlin, NV. The fireworks show is being sponsored by AVI Resort and Casino. The safety zone would be set at an 800 foot radius around the firing site. This temporary safety zone is necessary to provide for the safety of the show's crew, spectators, participants of the event, participating vessels, and other vessels and users of the waterway.

Discussion of Proposed Rule

The Coast Guard proposes a safety zone that would be enforced from 8 p.m. to 9:45 p.m. on July 4, 2010. The limits of the safety zone would include all navigable waters within 800 feet of the firing location adjacent to the AVI Resort and Casino centered in the channel between Laughlin Bridge and the northwest point of AVI Resort and Casino Cove in position: 35°00′93″ N, 114°38′28″ W.

This safety zone is necessary to provide for the safety of the crews, spectators, and participants of the event and to protect other vessels and users of the waterway. Persons and vessels would be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

U.S. Coast Guard personnel would enforce this safety zone. Other Federal, State, or local agencies may assist the Coast Guard, including the Coast Guard Auxiliary. Vessels or persons violating this rule would be subject to both criminal and civil penalties.

Regulatory Analyses

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

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although the safety zone will restrict boating traffic within the navigable waters of the Lower Colorado River, Laughlin, NV, the effect of this regulation will not be significant as the safety zone will encompass only a portion of the waterway and will be very short in duration. The entities most likely to be affected are pleasure craft engaged in recreational activities and sightseeing. As such, the Coast Guard expects the economic impact of this rule to be minimal.

Small Entities

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

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

This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the region of the lower Colorado River adjacent to AVI Resort and Casino from 8 p.m. to 9:45 p.m. on July 4, 2010.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. The safety zone only encompasses a portion of the waterway; it is short in duration at a relatively late hour when commercial traffic is low; and the Captain of the Port may authorize entry into the zone, if necessary. Before the effective period, the Coast Guard will publish a local notice to mariners (LNM) and will issue broadcast notice to mariners (BNM) alerts via marine channel 16 VFH before the safety zone is enforced.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Petty Officer Corey McDonald, Waterways Management, U.S. Coast Guard Sector San Diego, at 619–278–7262. The Coast Guard will not retaliate against small

entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves establishing a safety zone and is categorically excluded under figure 2–1, paragraph (34)(g), of the Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add § 165.T11–290 to read as follows:

§ 165.T11–290; Safety Zone, AVI July Fireworks Display; Laughlin, NV.

(a) *Location.* The limits of the proposed safety zone are as follows: will include all navigable waters within 800 feet of the firing location adjacent to the AVI Resort and Casino centered in the channel between Laughlin Bridge and the northwest point of AVI Resort and Casino Cove in position: 35°00′93″ N, 114°38′28″ W.

(b) *Enforcement period.* This section will be enforced from 8 p.m. to 9:45 p.m. on July 4, 2010. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *designated representative,* means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

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

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the

Patrol Commander (PATCOM). The PATCOM may be contacted on VHF–FM Channel 16.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative.

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

(5) The Coast Guard may be assisted by other Federal, State, or local agencies.

Dated: April 6, 2010.

T. H. Farris,

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

[FR Doc. 2010–9126 Filed 4–20–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0138]

RIN 1625–AA00

Safety Zone; New York Air Show at Jones Beach State Park, Atlantic Ocean off of Jones Beach, Wantagh, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone for the annual New York Air Show at Jones Beach State Park in Wantagh, New York. This proposed safety zone is necessary to provide for the safety of navigation and protection of the maritime public from the hazards inherent with an air show which consist of aircraft performing aerobatic maneuvers over the Atlantic Ocean off of Jones Beach State Park, as specified in this proposal. Entry into this zone would be prohibited unless authorized by the Captain of the Port Long Island Sound, New Haven, Connecticut.

DATES: Comments and related material must be received by the Coast Guard on or before May 21, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0138 using any one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Fax:* 202–493–2251.
- *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.
- *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail: Chief Petty Officer Christie Dixon, Prevention Department, USCG Sector Long Island Sound at 203–468–4459, e-mail: *christie.m.dixon@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

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

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0138), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–0138" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0138" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

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

Public Meeting

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

For information on facilities or services for individuals with disabilities

or to request special assistance at the public meeting, contact Chief Petty Officer Christie Dixon at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Background and Purpose

The New York State Office of Parks, Recreation and Historic Preservation sponsors an annual air show at Jones Beach State Park during the week before Memorial Day. Jones Beach State Park is located on the south shore of Long Island, New York. The Air Show consists of aircraft performing aerobatics in close proximity to other aircraft over a specified area of the Atlantic Ocean off of Jones Beach State Park. Several aerial groups will participate in the Air Show. The entire Air Show will take place over the waters of the Atlantic Ocean immediately to the south of Jones Beach Island. The Coast Guard is proposing to establish a safety zone in order to provide for the safety of the maritime community and spectators viewing the Air Show from the water should an accident, such as a collision of aircraft, occur during the Show. The air shows generally take place from 10 a.m. to 3 p.m. every day from Thursday through Sunday before Memorial Day. The enforcement period for the Safety Zone will be from 9 a.m. to 3:30 p.m. each day. These times, while longer than the actual air shows, will provide sufficient time to clear the safety zone area prior to the shows, as well as providing additional time should they run over the scheduled period. The actual air show will be conducted within an area which is contained in, and smaller than, the safety zone area outlined by the coordinates provided below. The larger safety zone area is needed to protect the boating community from the inherent hazards of air shows.

Discussion of Proposed Rule

The Coast Guard is proposing to establish a permanent safety zone for the Jones Beach State Park Air Show. The safety zone would be established by reference to geographic coordinates as follows: Beginning at a point on land located in Jones Beach State Park at approximate position 40°35′06″ N, 073°32′37″ W, then running east along the shoreline of Jones Beach State Park to approximate position 40°35′49″ N, 073°28′47″ W; then running south to a position in the Atlantic Ocean off of Jones Beach at approximate position 40°35′05″ N, 073°28′34″ W; then running west to approximate position 40°34′23″ N, 073°32′23″ W ; then running north to the point of beginning at approximate position 40°35′06″ N, 073°32′37″ W. All coordinates are North American Datum 1983. The safety zone will be enforced May 24th, 2010 through May 30th, 2010 from 9:30 a.m. to 3:30 p.m. and annually thereafter on the Thursday through Sunday before Memorial Day in May. Notification for future dates of the New York Air Show at Jones Beach State Park will be made via a Notice of Enforcement in the **Federal Register**, marine broadcasts and broadcast notice to mariners.

Entry into this zone is prohibited unless authorized by the Captain of the Port Long Island Sound or by Designated On-scene Patrol Personnel. Any violation of the safety zone described herein is punishable by, among other things, civil and criminal penalties, *in rem* liability against the offending vessel, and the initiation of suspension or revocation proceedings against Coast Guard-issued merchant mariner credentials.

Regulatory Analyses

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

Regulatory Planning and Review

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

This regulation may have some impact on the public, but the potential impact will be minimized for the following reasons: The zone would only be enforced for a temporary period each day over a four day period; and vessels may transit in all areas around the zone at all times.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in those portions of the Atlantic Ocean off of Jones Beach State Park, Jones Beach, New York covered by the safety zone.

For the reasons outlined in the Regulatory Evaluation section above, this proposed rule will not have a significant impact on a substantial number of small entities.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact: Chief Petty Officer Christie Dixon, Prevention Department, USCG Sector Long Island Sound at 203–468–4459, e-mail: *christie.m.dixon@uscg.mil.* The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1225 and 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.159 to read as follows:

§ 165.159 Safety Zone: New York Air Show at Jones Beach State Park, Wantagh, NY.

(a) *Location.* The following waters of the Atlantic Ocean off of Jones Beach State Park, Wantagh, NY are designated a safety zone: Beginning at a point on land located in Jones Beach State Park at approximate position 40°35′06″ N, 073°32′37″ W, then running east along the shoreline of Jones Beach State Park to approximate position 40°35′49″ N, 073°28′47″ W; then running south to a position in the Atlantic Ocean off of Jones Beach at approximate position 40°35′05″ N, 073°28′34″ W; then running west to approximate position 40°34′23″ N, 073°32′23″ W ; then running north to the point of beginning at approximate position 40°35′06″ N, 073°32′37″ W. All coordinates are North American Datum 1983.

(b) *Definitions.* The following definition applies to this section: *Designated On-scene Patrol Personnel,* means any commissioned, warrant and petty officers of the U.S. Coast Guard operating Coast Guard vessels who have been authorized to act on the behalf of the Captain of the Port Long Island Sound.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Long Island Sound.

(2) All persons and vessels must comply with the Coast Guard Captain of the Port or designated on-scene patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels.

(3) Upon being hailed by siren, radio, flashing light or other means from a U.S. Coast Guard vessel or other vessel with on-scene patrol personnel aboard, the operator of the vessel shall proceed as directed.

(4) Persons and vessels desiring to enter the regulated area may request permission to enter from the designated on scene patrol personnel by contacting them on VHF–16 or by a request to the

Captain of the Port Long Island Sound via phone at (203) 468–4401.

(d) *Enforcement period.* This rule will be enforced May 24th, 2010 through May 30th, 2010 from 9:30 a.m. to 3:30 p.m. and annually thereafter on the Thursday through Sunday before Memorial Day in May. Notification of the specific dates and enforcement of the safety zone will be made via a Notice of Enforcement in the **Federal Register**, separate marine broadcasts and local notice to mariners.

Dated: March 26, 2010.

Daniel A. Ronan,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 2010–9127 Filed 4–20–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2010–0150–201009(b); FRL–9138–8]

Approval and Promulgation of Implementation Plans: Tennessee; Visibility Impairment Prevention for Federal Class I Areas; Removal of Federally Promulgated Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to remedy an inadvertent omission in the Tennessee State Implementation Plan (SIP) regarding visibility in 40 CFR 52.2234. EPA approved Tennessee's visibility rules addressing new source review on July 18, 1996, and a plan addressing monitoring and reporting of visibility on July 2, 1997. EPA's approval of these rules neglected to remove the previous federally promulgated provisions from the Federal Implementation Plan contained in 40 CFR 52.2234. EPA is proposing to correct this omission in this rulemaking. This action is being taken pursuant to section 110 of the Clean Air Act. In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments.

DATES: Written comments must be received on or before May 21, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2010–0150 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: benjamin.lynorae@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* "EPA–R04–OAR–2010–0150," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Nacosta C. Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Ward may be reached by phone at (404) 562–9140 or by electronic mail address at *http://ward.nacosta@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules Section of this **Federal Register.** A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: April 1, 2010.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

[FR Doc. 2010–8936 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 75, No. 76

Wednesday, April 21, 2010

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

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Basin Seed Company, LLC of Nampa, Idaho, an exclusive license to the cranberry dry bean variety named "Crimson."

DATES: Comments must be received on or before May 21, 2010.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's rights in this plant variety are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this variety as Basin Seed Company, LLC of Nampa, Idaho has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. 2010–9107 Filed 4–20–10; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Innovative, LLC of Cumming, Georgia, an exclusive license to U.S. Patent No. 6,928,941, "Diamond Row Pattern Planter", issued on August 16, 2005.

DATES: Comments must be received on or before May 21, 2010.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Innovative, LLC of Cumming, Georgia has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. 2010–9108 Filed 4–20–10; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to ORO AGRI INC. of TROPHY CLUB, TEXAS, an exclusive license to U.S. Patent No. 7,579,183, "SAPROPHYTIC YEAST, PICHIA ANOMALA", issued on AUGUST 25, 2009, and to U.S. Patent Application Serial No. 12/507,057, "GROWTH MEDIA AND SAPROPHYTIC USE FOR PICHIA ANOMALA", filed on JULY 21, 2009.

DATES: Comments must be received on or before May 21, 2010.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in these inventions are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license these inventions as ORO AGRI INC. of TROPHY CLUB, TEXAS, has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the

requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. 2010–9109 Filed 4–20–10; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers To Be Used for Publication of Legal Notice of Appealable Decisions and Publication of Notice of Proposed Actions for Southern Region; Alabama, Kentucky, Georgia, Tennessee, Florida, Louisiana, Mississippi, Virginia, West Virginia, Arkansas, Oklahoma, North Carolina, South Carolina, Texas, Puerto Rico

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: Deciding Officers in the Southern Region will publish notice of decisions subject to administrative appeal under 36 CFR parts 215 and 217 in the legal notice section of the newspapers listed in the Supplementary Information section of this notice. As provided in 36 CFR part 215.5 and 36 CFR part 217.5(d), the public shall be advised through **Federal Register** notice, of the newspaper of record to be utilized for publishing legal notice of decisions. Newspaper publication of notice of decisions is in addition to direct notice of decisions to those who have requested it and to those who have participated in project planning. Responsible Officials in the Southern Region will also publish notice of proposed actions under 36 CFR part 215 in the newspapers that are listed in the **SUPPLEMENTARY INFORMATION** section of this notice. As provided in 36 CFR part 215.5, the public shall be advised, through **Federal Register** notice, of the newspaper of record to be utilized for publishing notices on proposed actions. Additionally, the Deciding Officers in the Southern Region will publish notice of the opportunity to object to a proposed authorized hazardous fuel reduction project under 36 CFR part 218.4 or developing, amending or revising land management plans under 36 CFR 219.9 in the legal notice section of the newspapers listed in the Supplementary Information section of this notice.

DATES: Use of these newspapers for purposes of publishing legal notice of decisions subject to appeal under 36 CFR parts 215 and 217, notices of proposed actions under 36 CFR part 215, and notices of the opportunity to object under 36 CFR 218 and 36 CFR 219 shall begin the first day after the date of this publication.

FOR FURTHER INFORMATION CONTACT: James W. Bennett, Regional Appeal Coordinator, Southern Region, Planning, 1720 Peachtree Road, NW., Atlanta, Georgia 30309, Phone: 404/347–2788.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Southern Region will give legal notice of decisions subject to appeal under 36 CFR part 217, the Responsible Officials in the Southern Region will give notice of decisions subject to appeal under 36 CFR part 215 and opportunity to object to a proposed authorized hazardous fuel reduction project under 36 CFR part 218 or developing, amending or revising land management plans under 36 CFR 219.9 in the following newspapers which are listed by Forest Service administrative unit. Responsible Officials in the Southern Region will also give notice of proposed actions under 36 CFR part 215 in the following newspapers of record which are listed by Forest Service administrative unit. The timeframe for comment on a proposed action shall be based on the date of publication of the notice of the proposed action in the newspaper of record. The timeframe for appeal shall be based on the date of publication of the legal notice of the decision in the newspaper of record for 36 CFR parts 215 and 217. The timeframe for an objection shall be based on the date of publication of the legal notice of the opportunity to object for projects subject to 36 CFR part 218 or 36 CFR part 219.

Where more than one newspaper is listed for any unit, the first newspaper listed is the newspaper of record that will be utilized for publishing the legal notice of decisions and calculating timeframes. Secondary newspapers listed for a particular unit are those newspapers the Deciding Officer/Responsible Official expects to use for purposes of providing additional notice.

The following newspapers will be used to provide notice.

Southern Region

Regional Forester Decisions

Affecting National Forest System lands in more than one Administrative unit of the 15 in the Southern Region, Atlanta Journal-Constitution, published daily in Atlanta, GA. Affecting National Forest System lands in only one Administrative unit or only one Ranger District will appear in the newspaper of record elected by the National Forest, National Grassland, National Recreation Area, or Ranger District as listed below.

National Forests in Alabama, Alabama

Forest Supervisor Decisions

Affecting National Forest System lands in more than one Ranger District of the 6 in the National Forests in Alabama, Montgomery Advertiser, published daily in Montgomery, AL. Affecting National Forest System lands in only one Ranger District will appear in the newspaper of record elected by the Ranger District as listed below.

District Ranger Decisions

Bankhead Ranger District: Northwest Alabamian, published bi-weekly (Wednesday & Saturday) in Haleyville, AL.

Conecuh Ranger District: The Andalusia Star News, published daily (Tuesday through Saturday) in Andalusia, AL.

Oakmulgee Ranger District: The Tuscaloosa News, published daily in Tuscaloosa, AL.

Shoal Creek Ranger District: The Anniston Star, published daily in Anniston, AL.

Talladega Ranger District: The Daily Home, published daily in Talladega, AL.

Tuskegee Ranger District: Tuskegee News, published weekly (Thursday) in Tuskegee, AL.

Chattahoochee-Oconee National Forest, Georgia

Forest Supervisor Decisions

The Times, published daily in Gainesville, GA.

District Ranger Decisions

Blue Ridge Ranger District: The News Observer (newspaper of record) published bi-weekly (Tuesday & Friday) in Blue Ridge, GA.

North Georgia News, (newspaper of record) published weekly (Wednesday) in Blairsville, GA.

The Dahlonega Nuggett, (secondary) published weekly (Wednesday) in Dahlonega, GA.

Towns County Herald, (secondary) published weekly (Thursday) in Hiawassee, GA.

Conasauga Ranger District: Daily Citizen, published daily in Dalton, GA.

Chattooga River Ranger District: TheNortheast Georgian, (newspaper of record) published bi-weekly (Tuesday & Friday) in Cornelia, GA.

Clayton Tribune, (newspaper of record) published weekly (Thursday) in Clayton, GA.

The Toccoa Record, (secondary) published weekly (Thursday) in Toccoa, GA.

White County News, (secondary) published weekly (Thursday) in Cleveland, GA.

Oconee Ranger District: Eatonton Messenger, published weekly (Thursday) in Eatonton, GA.

Cherokee National Forest, Tennessee

Forest Supervisor Decisions

Knoxville News Sentinel, published daily in Knoxville, TN.

District Ranger Decisions

Nolichucky-Unaka Ranger District: Greeneville Sun, published daily (except Sunday) in Greeneville, TN.

Ocoee-Hiwassee Ranger District: Polk County News, published weekly (Wednesday) in Benton, TN.

Tellico Ranger District: Monroe County Advocate & Democrat, published tri-weekly (Wednesday, Friday, and Sunday) in Sweetwater, TN.

Watauga Ranger District: Johnson City Press, published daily in Johnson City, TN.

Daniel Boone National Forest, Kentucky

Forest Supervisor Decisions

Lexington Herald-Leader, published daily in Lexington, KY.

District Ranger Decisions

Cumberland Ranger District: Lexington Herald-Leader, published daily in Lexington, KY.

London Ranger District: The Sentinel-Echo, published tri-weekly (Monday, Wednesday, and Friday) in London, KY.

Redbird Ranger District: Manchester Enterprise, published weekly (Thursday) in Manchester, KY.

Stearns Ranger District: McCreary County Record, published weekly (Tuesday) in Whitley City, KY.

El Yunque National Forest, Puerto Rico

Forest Supervisor Decisions

El Nuevo Dia, published daily in Spanish in San Juan, PR.

Puerto Rico Daily Sun, published daily in English in San Juan, PR.

National Forests in Florida, Florida

Forest Supervisor Decisions

The Tallahassee Democrat, published daily in Tallahassee, FL.

District Ranger Decisions

Apalachicola Ranger District: Calhoun-Liberty Journal, published weekly (Wednesday) in Bristol, FL.

Lake George Ranger District: The Ocala Star Banner, published daily in Ocala, FL.

Osceola Ranger District: The Lake City Reporter, published daily (Monday-Saturday) in Lake City FL.

Seminole Ranger District: The Daily Commercial, published daily in Leesburg, FL.

Wakulla Ranger District: The Tallahassee Democrat, published daily in Tallahassee, FL.

Francis Marion & Sumter National Forests, South Carolina

Forest Supervisor Decisions

The State, published daily in Columbia, SC.

District Ranger Decisions

Andrew Pickens Ranger District: The Daily Journal, published daily (Tuesday through Saturday) in Seneca, SC.

Enoree Ranger District: Newberry Observer, published tri-weekly (Monday, Wednesday, and Friday) in Newberry, SC.

Long Cane Ranger District: Index-Journal, published daily in Greenwood, SC.

Wambaw Ranger District: Post and Courier, published daily in Charleston, SC

Witherbee Ranger District: Post and Courier, published daily in Charleston, SC

George Washington and Jefferson National Forests, Virginia and West Virginia

Forest Supervisor Decisions

Roanoke Times, published daily in Roanoke, VA.

District Ranger Decisions

Clinch Ranger District: Coalfield Progress, published bi-weekly (Tuesday and Friday) in Norton, VA.

North River Ranger District: Daily News Record, published daily (except Sunday) in Harrisonburg, VA.

Glenwood-Pedlar Ranger District: Roanoke Times, published daily in Roanoke, VA.

James River Ranger District: Virginian Review, published daily (except Sunday) in Covington, VA.

Lee Ranger District: Shenandoah Valley Herald, published weekly (Wednesday) in Woodstock, VA.

Mount Rogers National Recreation Area: Bristol Herald Courier, published daily in Bristol, VA.

Eastern Divide Ranger District: Roanoke Times, published daily in Roanoke, VA.

Warm Springs Ranger District: The Recorder, published weekly (Thursday) in Monterey, VA.

Kisatchie National Forest, Louisiana

Forest Supervisor Decisions

The Town Talk, published daily in Alexandria, LA.

District Ranger Decisions

Calcasieu Ranger District: The Town Talk, (newspaper of record) published daily in Alexandria, LA.

The Leesville Daily Leader, (secondary) published daily in Leesville, LA.

Caney Ranger District: Minden Press Herald, (newspaper of record) published daily in Minden, LA.

Homer Guardian Journal, (secondary) published weekly (Wednesday) in Homer, LA.

Catahoula Ranger District: The Town Talk, published daily in Alexandria, LA.

Kisatchie Ranger District: Natchitoches Times, published daily (Tuesday thru Friday and on Sunday) in Natchitoches, LA.

Winn Ranger District: Winn Parish Enterprise, published weekly (Wednesday) in Winnfield, LA.

Land Between The Lakes National Recreation Area, Kentucky and Tennessee.

Area Supervisor Decisions

The Paducah Sun, published daily in Paducah, KY.

National Forests in Mississippi, Mississippi

Forest Supervisor Decisions

Clarion-Ledger, published daily in Jackson, MS.

District Ranger Decisions

Bienville Ranger District: Clarion-Ledger, published daily in Jackson, MS.

Chickasawhay Ranger District: Clarion-Ledger, published daily in Jackson, MS.

Delta Ranger District: Clarion-Ledger, published daily in Jackson, MS.

De Soto Ranger District: Clarion Ledger, published daily in Jackson, MS.

Holly Springs Ranger District: Clarion-Ledger, published daily in Jackson, MS.

Homochitto Ranger District: Clarion-Ledger, published daily in Jackson, MS.

Tombigbee Ranger District: Clarion-Ledger, published daily in Jackson, MS.

National Forests in North Carolina, North Carolina

Forest Supervisor Decisions

The Asheville Citizen-Times, published Wednesday thru Sunday, in Asheville, NC.

District Ranger Decisions

Appalachian Ranger District: The Asheville Citizen-Times, published Wednesday thru Sunday, in Asheville, NC.
Cheoah Ranger District: Graham Star, published weekly (Thursday) in Robbinsville, NC.
Croatan Ranger District: The Sun Journal, published daily in New Bern, NC.
Grandfather Ranger District: McDowell News, published daily in Marion, NC.
Nantahala Ranger District: The Franklin Press, published bi-weekly (Tuesday and Friday) in Franklin, NC.
Pisgah Ranger District: The Asheville Citizen-Times, published Wednesday thru Sunday, in Asheville, NC.
Tusquitee Ranger District: Cherokee Scout, published weekly (Wednesday) in Murphy, NC.
Uwharrie Ranger District: Montgomery Herald, published weekly (Wednesday) in Troy, NC.

Ouachita National Forest, Arkansas and Oklahoma

Forest Supervisor Decisions

Arkansas Democrat-Gazette, published daily in Little Rock, AR.

District Ranger Decisions

Caddo-Womble Ranger District: Arkansas Democrat-Gazette, published daily in Little Rock, AR.
Jessieville-Winona-Fourche Ranger District: Arkansas Democrat-Gazette, published daily in Little Rock, AR.
Mena-Oden Ranger District: Arkansas Democrat-Gazette, published daily in Little Rock, AR.
Oklahoma Ranger District (Choctaw; Kiamichi; and Tiak) Tulsa World, published daily in Tulsa, OK.
Poteau-Cold Springs Ranger District: Arkansas Democrat-Gazette, published daily in Little Rock, AR.

Ozark-St. Francis National Forests, Arkansas

Forest Supervisor Decisions

The Courier, published daily (Tuesday through Sunday) in Russellville, AR.

District Ranger Decisions

Bayou Ranger District: The Courier, published daily (Tuesday through Sunday) in Russellville, AR.
Boston Mountain Ranger District: Southwest Times Record, published daily in Fort Smith, AR.
Buffalo Ranger District: Newton County Times, published weekly in Jasper, AR.
Magazine Ranger District: Southwest Times Record, published daily in Fort Smith, AR.
Pleasant Hill Ranger District: Johnson County Graphic, published weekly (Wednesday) in Clarksville, AR.
St. Francis National Forest: The Daily World, published daily (Sunday through Friday) in Helena, AR.
Sylamore Ranger District: Stone County Leader, published weekly (Wednesday) in Mountain View, AR.

National Forests and Grasslands in Texas, Texas

Forest Supervisor Decisions

The Lufkin Daily News, published daily in Lufkin, TX.

District Ranger Decisions

Angelina National Forest: The Lufkin Daily News, published daily in Lufkin, TX.
Caddo & LBJ National Grasslands: Denton Record-Chronicle, published daily in Denton, TX.
Davy Crockett National Forest: The Lufkin Daily News, published daily in Lufkin, TX.
Sabine National Forest: The Lufkin Daily News, published daily in Lufkin, TX.
Sam Houston National Forest: The Courier, published daily in Conroe, TX.

Dated: April 7, 2010.

Jerome Thomas,

Deputy Regional Forester.

[FR Doc. 2010–8742 Filed 4–20–10; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel

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

ACTION: Notice of Additional Membership Solicitation for Hydrographic Services Review Panel.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is soliciting additional applications for membership on the Hydrographic Services Review Panel (the Panel), a Federal advisory committee. NOAA is extending the previous membership solicitation period, which ended July 24, 2009, and will hereby accept additional membership applications through Wednesday, June 30, 2010. NOAA is seeking to broaden the areas of expertise represented on the Panel. The Hydrographic Services Improvement Act Amendments of 2008 states, "the voting members of the Panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields relating to hydrographic data and hydrographic services, marine transportation, port administration, vessel pilotage, coastal and fishery management, and other disciplines as determined appropriate by the Administrator." NOAA encourages individuals with expertise in navigation data, products and services; coastal management; fisheries management; coastal and marine spatial planning; geodesy; water levels; and other science-related fields to submit applications for Panel membership. To apply for membership on the Panel, applicants should submit a resume as indicated in the **ADDRESSES** section. NOAA is an equal opportunity employer.

DATES: Application materials should be sent to the address, email, or fax specified and must be received by June 30, 2010.

ADDRESSES: Submit applications for Panel membership, in the form of a resume, to Kathy Watson via mail, fax, or e-mail. Mail: Kathy Watson, NOAA National Ocean Service, Office of Coast Survey, NOAA (N/CS), 1315 East West Highway, SSMC3 Rm. 6126, Silver Spring, MD, 20910; Fax: 301–713–4019; E-mail: *Hydroservices.panel@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Kathy Watson, NOAA National Ocean Service, Office of Coast Survey, NOAA (N/CS), 1315 East West Highway, SSMC3 Rm. 6126, Silver Spring, Maryland, 20910; Telephone: 301–713–2770 x158, Fax: 301–713–4019; E-mail: *Hydroservices.panel@noaa.gov.*

SUPPLEMENTARY INFORMATION: This notice responds to the Hydrographic Services Improvement Act Amendments of 2002 (Pub. L. 107–372), which requires the Under Secretary of Commerce for Oceans and Atmosphere to solicit nominations for Panel membership. The Panel shall advise the NOAA Administrator on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, its amendments, and such other appropriate matters as the

Administrator refers to the Panel for review and advice.

Under 33 U.S.C. 883a, *et seq.,* NOAA's National Ocean Service (NOS) is responsible for providing nautical charts and related information for safe navigation. NOS collects and compiles hydrographic, tidal and current, geodetic, and a variety of other data in order to fulfill this responsibility. The Hydrographic Services Review Panel provides advice on current and emerging oceanographic and marine science technologies relating to operations, research and development; and dissemination of data pertaining to:

(a) Hydrographic surveying;
(b) Shoreline surveying;
(c) Nautical charting;
(d) Water level measurements;
(e) Current measurements;
(f) Geodetic measurements;
(g) Geospatial measurements;
(h) Geomagnetic measurements; and
(i) Other oceanographic/marine related sciences.

The Panel has fifteen voting members appointed by the Administrator in accordance with 33 U.S.C. 892c. Members are selected on a standardized basis, in accordance with applicable Department of Commerce guidance. The Co-Directors of the Center for Coastal and Ocean Mapping/Joint Hydrographic Center and two other NOAA employees serve as nonvoting members of the Panel. The Director, NOAA Office of Coast Survey, serves as the Designated Federal Official (DFO).

This solicitation is to obtain candidate applications for up to 11 full voting member vacancies on the Panel as of January 1, 2011. Additional appointments may be made to fill vacancies left by any members who choose to resign during 2010. Be advised that some voting members whose terms expire January 1, 2011 may be reappointed for another full term if eligible.

If you submitted an application for the July 16, 2009 **Federal Register** Notice for membership solicitation, and are still interested in being considered for HSRP membership, you need to confirm your interest by contacting NOAA's HSRP Program Coordinator, Kathy Watson, at *Hydroservices.panel@noaa.gov* or 301–713–2770 x 158. If you respond that you are still interested, your 2009 application will remain valid and will be included in this 2010 selection.

Voting members are individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more disciplines relating to hydrographic surveying, tides, currents, geodetic and geospatial measurements, marine transportation, port administration, vessel pilotage, coastal or fishery management, and other oceanographic or marine science areas as deemed appropriate by the Administrator. Full-time officers or employees of the United States may not be appointed as a voting member. Any voting member of the Panel who is an applicant for, or beneficiary of (as determined by the Under Secretary) any assistance under 33 U.S.C. 892c shall disclose to the Panel that relationship, and may not vote on any other matter pertaining to that assistance.

Voting members of the Panel serve a four-year term, except that vacancy appointments are for the remainder of the unexpired term of the vacancy. Members serve at the discretion of the Under Secretary and are subject to government ethics standards. Any individual appointed to a partial or full term may be reappointed for one additional full term. A voting member may serve until his or her successor has taken office. The Panel selects one voting member to serve as the Chair and another to serve as the Vice Chair. The Vice Chair acts as Chair in the absence or incapacity of the Chair but will not automatically become the Chair if the Chair resigns. Meetings occur at least twice a year, and at the call of the Chair or upon the request of a majority of the voting members or of the Under Secretary. Voting members receive compensation at a rate established by the Under Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when engaged in performing duties for the Panel. Members are reimbursed for actual and reasonable expenses incurred in performing such duties.

Individuals Selected for Panel Membership

Upon selection and agreement to serve on the HSRP Panel, you become a Special Government Employee (SGE) of the United States Government. 18 U.S.C. 202(a) An SGE (s) is an officer or employee of an agency who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, either on a fulltime or intermittent basis. Please be aware that after the selection process is complete, applicants selected to serve on the Panel must complete the following actions before they can be appointed as a Panel member:

(a) Security Clearance (on-line Background Security Check process and fingerprinting conducted through NOAA Workforce Management); and

(b) Confidential Financial Disclosure Report-As an SGE, you are required to file a Confidential Financial Disclosure Report to avoid involvement in a real or apparent conflict of interest. You may find the Confidential Financial Disclosure Report at the following Web site: *http://www.usoge.gov/forms/form_450.aspx*

Dated: April 14, 2010.

Captain John E. Lowell, Jr.,

NOAA, Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2010–9138 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Statement of Financial Interests, Regional Fishery Management Councils

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

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

DATES: Written comments must be submitted on or before June 21, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to William Chappell, (301) 713–2337 or *william.chappell@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Stevens Act) authorizes the establishment of Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery

resources through the preparation, monitoring, and revision of such fishery management plans under circumstances (a) which will enable the States, the fishing industry, consumers, environmental organizations, and other interested persons to participate in the development of such plans, and (b) which take into account the social and economic needs of fishermen and dependent communities.

Section 302(j) of the Magnuson-Stevens Act requires that Council members appointed by the Secretary, Scientific and Statistical Committee (SSC) members appointed by a Council under Section 302(g)(1), or individuals nominated by the Governor of a State for possible appointment as a Council member, disclose their financial interest in any Council fishery. These interests include harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction, or with respect to an individual or organization with a financial interest in such activity. Seated Council members appointed by the Secretary, including the Tribal Government appointee and SSC members, must file a financial interest form within 45 days of taking office and must provide an update of their statements at any time any such financial interest is acquired, or substantially changed. The National Marine Fisheries Service is in the process of revising the statement of financial interests form by adding clearer instructions, providing examples of submissions, and updating the form to provide a more appropriate intuitive format.

The Secretary is required to submit an annual report to Congress on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements, including identification of any conflict of interest problems with respect to the Councils and SSCs and recommendations for addressing any such problems.

The Act further provides that a member shall not vote on a Council decision that would have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interest of other participants in the same gear type or sector of the fishery. However, an affected individual who is declared ineligible to vote on a Council action may participate in Council deliberations relating to the decision after notifying the Council of his/her recusal and identifying the financial interest that would be affected.

II. Method of Collection

Respondents submit paper forms by mail.

III. Data

OMB Control Number: 0648–0192.
Form Number: NOAA Form 88–195.
Type of Review: Regular submission.
Affected Public: Individuals or households.
Estimated Number of Respondents: 330.
Estimated Time per Response: 35 minutes.
Estimated Total Annual Burden Hours: 193.
Estimated Total Annual Cost to Public: $128.70.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: April 16, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–9191 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Produce Processor Profiles of Fish Processing Plants in Alaska

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

ACTION: Notice.

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

DATES: Written comments must be submitted on or before June 21, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Christina Package, (206) 526–6683 or *Christina.Package@noaa.gov,* or Jennifer Sepez, (206) 526–6546 or *Jennifer.Sepez@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Workers come from many places inside and outside Alaska to work seasonally in its fish processing facilities. As a result, the population of an Alaska community with a fish processing plant can increase significantly during peak processing seasons. However, very limited information is available in a consolidated location or format about these fish processing facilities. The National Marine Fisheries Service's Alaska Fisheries Science Center proposes to obtain such basic information, as an accurate number of individuals employed at each processing facility during the months of operation, the peak number of workers for processing various species by season, the ethnicity of processing workers, types of lodging and other accommodations and activities available for processing workers, whether or not the company provides meals for the processing workforce in a company galley, the interactions between seasonal processing workers and permanent residents of the community, and the history of the fish processing facility in the community. This type of information is important when attempting to forecast the possible social impacts of fishing regulations on communities which have an onshore fish processing facility.

This project would produce "processor profiles", short narrative descriptions of all the onshore fish processing plants in the state of Alaska that will augment and update existing community profiles.

II. Method of Collection

Phone surveys will be conducted with all shore-based fish processing plants in Alaska. Site visits will be conducted with shore-based fish processing plants in three communities in Alaska: Cordova, Kenai, and Petersburg (these communities have not previously received a site visit and have the largest number of fish processing facilities in their sub-regions).

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 163 phone survey respondents; 27 in-person survey respondents (one per each processing plant visited during site visits).

Estimated Time Per Response: 20 minutes for phone survey; 40–60 minutes for in-person survey.

Estimated Total Annual Burden Hours: 82.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: April 15, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–9114 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northwest Region Pacific Whiting Shoreside Fishery Monitoring and Catch Accounting Program

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

ACTION: Notice.

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

DATES: Written comments must be submitted on or before June 21, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Becky Renko, (206) 526–6110 or *Becky.Renko@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

As part of its fishery management responsibilities, NOAA's National Marine Fisheries Service collects information to determine the amount and type of groundfish caught by fishing vessels. This collection supports exempted fishing permit requirements for Pacific whiting shoreside vessels to have and use electronic monitoring to verify full retention of catch and for Pacific whiting shoreside processors to send electronic catch data used to manage the catch allocations and limits. The respondents are principally groundfish fishermen and shoreside processors which are companies/partnerships. Other respondents include State fisheries agencies who seek an exempted fishing permit.

II. Method of Collection

Information is sent through electronic programs and e-mail.

III. Data

OMB Control Number: 0648–0563.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; State, local, or Tribal government; individuals or households.

Estimated Number of Respondents: 53.

Estimated Time per Response: Initial application and summary report, 10 hours each; inseason data report, 1 hour; electronic fish tickets, 10 minutes in Washington and California, 2 minutes in Oregon; electronic monitoring systems (EMS): installation, 6 hours; data downloads, 4 hours and EMS removal, 2 hours.

Estimated Total Annual Burden Hours: 613.

Estimated Total Annual Cost to Public: $240,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: April 15, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–9113 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

Silicon Metal from Brazil: Amended Final Results of Administrative Review Pursuant to Court Decision

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

EFFECTIVE DATE: April 21, 2010.

FOR FURTHER INFORMATION CONTACT: Thomas Martin, AD/CVD Operations,

Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: 202–482–3936.

SUPPLEMENTARY INFORMATION:

Background

This matter arose from a challenge to the *Final Results* issued by the Department of Commerce ("the Department") regarding the administrative review of the antidumping duty order on Silicon Metal from Brazil for the period of review beginning July 1, 1996, through June 30, 1997. *See Silicon Metal from Brazil: Notice of Final Results of Antidumping Duty Administrative Review*, 64 FR 6305 (February 9, 1999) ("*Final Results*"). Following publication of the *Final Results*, the petitioners[1] and the respondents Eletrosilex S.A. ("Eletrosilex") and Ligas de Aluminio S.A. filed lawsuits with the Court of International Trade ("CIT") challenging the Department's *Final Results*. Eletrosilex contested the Department's application of total adverse facts available ("AFA") to Eletrosilex, and the Department's selected AFA rate of 93.20 percent.

On July 17, 2000, the CIT issued its decision, remanding the Final Results to the Department to reconsider its determination to apply AFA to Eletrosilex and the rate which the Department selected as AFA. *See American Silicon Technologies v. United States,* 110 F. Supp. 2d 992, 1004–5 (2000). On January 29, 2001, the Department submitted remand results to the CIT. *See* "Silicon Metal From Brazil; Final Results of Redetermination Pursuant to Court Remand, Ct. No. 99–00149." In the remand results, the Department considered its determination and reached the same conclusions as regards applying AFA to Eletrosilex, and the appropriate rate to select as AFA, as it did in the *Final Results*.

On October 17, 2002, the CIT issued its decision, affirming the Department's determination to apply AFA to Eletrosilex but remanding to the Department to redetermine an AFA rate. *See American Silicon Technologies v. United States*, 240 F. Supp. 2d 1306, 1313 (2002). Pursuant to the CIT's remand instructions, the Department submitted remand results to the CIT on January 22, 2003. *See* "Silicon Metal From Brazil; Final Results of Redetermination Pursuant to Court Remand" ("Second Remand Results"). The Department selected as AFA for Eletrosilex a margin of 67.93 percent, a margin calculated for another respondent in the administrative review of silicon metal from Brazil for the period July 1, 1994, through June 30, 1995. See Silicon Metal from Brazil, Final Results of Redetermination Pursuant to Court Remand, American Silicon Technologies v. United States, Court No. 97–02–00267, Slip. Op. 99–34. On June 27, 2003, the CIT sustained the Second Remand Results. *See American Silicon Technologies v. United States*, 273 F. Supp. 2d 1342 (2003). However, on October 30, 2003, pursuant to a motion by Eletrosilex, the CIT stayed further action pending the results of litigation regarding the administrative review of silicon metal from Brazil for the 94/95 period of review. *See American Silicon Technologies v. United States*, 27 C.I.T. 1677; 2003 Ct. Intl. Trade LEXIS 147 (2003). On May 13, 2004, the CIT sustained the Department's remand results regarding the 94/95 period of review. *See American Silicon Technologies v. United States*, 28 C.I.T. 698; 2004 Ct. Intl. Trade LEXIS 49 (2004). That decision was not appealed.

On January 27, 2010, the CIT dissolved the stay of its June 27, 2003 judgment. As there is now a final and conclusive court decision in this case, we are amending our *Final Results*.

Amended Final Results

As the litigation in this case has concluded, the Department is amending the *Final Results* in accordance with the CIT's decision. The revised dumping margin for Eletrosilex is as follows:

Manufacturer/Exporter	Margin
Eletrosilex S.A.	67.93%

The Department intends to issue instructions to U.S. Customs and Border Protection to liquidate all entries at the appropriate rates for the company listed above, 15 days after the date of publication of this notice.

This notice is published in accordance with sections 751(a)(1) and 777(i) of the Tariff Act of 1930, as amended.

Dated: April 15, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–9175 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–DS–S

[1] The petitioners are American Silicon Technologies, Elkem Metals Company, Globe Metallurgical, Inc. and SKW Metals & Alloys, Inc.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–954]

Certain Magnesia Carbon Bricks from the People's Republic of China: Amended Preliminary Determination of Sales at Less Than Fair Value

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

EFFECTIVE DATE: April 21, 2010.

SUMMARY: On March 12, 2010, the Department of Commerce ("Department") published the Preliminary Determination of sales at less than fair value ("LTFV") in the antidumping duty investigation of certain magnesia carbon bricks ("bricks") from the People's Republic of China ("PRC"). *See Certain Magnesia Carbon Bricks from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 75 FR 11847 (March 12, 2010) ("*Preliminary Determination*"). We are amending our Preliminary Determination to correct certain ministerial errors with respect to the antidumping duty margin calculation for RHI Refractories Liaoning Co., Ltd. ("RHI"). The corrections to the RHI margin also affect the margin assigned to the companies receiving a separate rate and the PRC–wide rate. In addition, we have granted a separate rate to Yingkou Jiahe Refractories Co., Ltd. ("Jiahe").

FOR FURTHER INFORMATION CONTACT: Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone: (202) 482–0413.

SUPPLEMENTARY INFORMATION: As noted above, on March 12, 2010, the Department published in the **Federal Register** the *Preliminary Determination* that bricks from the PRC are being, or are likely to be, sold in the United States at LTFV, as provided in section 733 of the Tariff Act of 1930, as amended ("Act"). *See Preliminary Determination*.

On March 12, 2010, RHI, Dalian Mayerton Refractories Co., Ltd. and Liaoning Mayerton Refractories Co., Ltd. (collectively, "Mayerton"), Jiahe, and Resco Products, Inc. ("Petitioner"), filed timely allegations of ministerial errors contained in the Department's *Preliminary Determination*. After reviewing the allegations, we have determined that the *Preliminary Determination* included significant

ministerial errors. Therefore, in accordance with 19 CFR 351.224(e), we have made changes, as described below, to the *Preliminary Determination*.

Period of Investigation

The period of investigation ("POI") is January 1, 2009, through June 30, 2009. *See* 19 CFR 351.204(b)(1).

Scope of Investigation

Imports covered by this investigation consist of certain chemically bonded (resin or pitch), magnesia carbon bricks with a magnesia component of at least 70 percent magnesia ("MgO") by weight, regardless of the source of raw materials for the MgO, with carbon levels ranging from trace amounts to 30 percent by weight, regardless of enhancements, (for example, magnesia carbon bricks can be enhanced with coating, grinding, tar impregnation or coking, high temperature heat treatments, anti–slip treatments or metal casing) and regardless of whether or not anti–oxidants are present (for example, anti–oxidants can be added to the mix from trace amounts to 15 percent by weight as various metals, metal alloys, and metal carbides). Certain magnesia carbon bricks that are the subject of this investigation are currently classifiable under subheadings 6902.10.1000, 6902.10.5000, 6815.91.0000, and 6815.99 of the Harmonized Tariff Schedule of the United States ("HTSUS"). While HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive.

Significant Ministerial Error

Pursuant to 19 CFR 351.224(e) and (g)(1), the Department is amending the *Preliminary Determination* to reflect the correction of significant ministerial errors it made in the margin calculations regarding RHI, and Jiahe, a separate rate applicant. In accordance with 19 CFR 351.224(e), we are correcting significant ministerial errors in the *Preliminary Determination*. A ministerial error is defined as errors in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial. *See* section 735(e) of the Act. A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in (1) a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted–average dumping margin calculated in the original (erroneous) preliminary determination, or (2) a difference between a weighted–average dumping margin of zero or *de minimis* and a weighted–average dumping margin of greater than *de minimis* or vice versa. *See* 19 CFR 351.224(g). As a result of this amended preliminary determination, we have revised the antidumping rate for RHI and added Jiahe to the list of exporters that received a separate rate. In addition, we have revised the separate rate based on RHI's revised dumping margin. *See* the "Amended Preliminary Determination" section below. Moreover, we have revised the PRC–wide rate based on RHI's revised dumping margin. *Id.; see also* Memorandum to the File, through Scot T. Fullerton, Program Manager, Office 9, from Paul Walker, Case Analyst, "Investigation of Magnesia Carbon Bricks from the People's Republic of China: Corroboration of the PRC–wide Rate for the Amended Preliminary Determination," dated concurrently with this notice.

Ministerial Error Allegations

On March 12, 2010, Jiahe, a separate rate applicant, submitted a ministerial error allegation claiming that the Department did not name it in the *Preliminary Determination* as one of the exporters receiving a separate rate. On March 12, 2010, Mayerton and RHI submitted ministerial error allegations with respect to their preliminary margin calculations, relating to certain conversion errors and movement expenses. On March 18, 2010, the Petitioner submitted rebuttal comments to RHI's ministerial error allegations. The Department has reviewed its preliminary calculations and agrees that certain errors which the parties alleged are significant ministerial errors within the meaning of 19 CFR 351.224(g). *See* Memorandum to James Doyle, Office Director, Office 9, through Scot T. Fullerton, Program Manager, Office 9, from Paul Walker, Senior Case Analyst, "Investigation of Magnesia Carbon Bricks from the People's Republic of China: Ministerial Error Memorandum," dated concurrently with this notice, for a discussion of the ministerial error allegations. *See* Appendix I for a list of the ministerial error allegations.

The collection of bonds or cash deposits and suspension of liquidation will be revised accordingly and parties will be notified of this determination, in accordance with section 733(d) and (f) of the Act.

Amended Preliminary Determination

As a result of our correction of significant ministerial errors in the *Preliminary Determination*, we have determined that the following weighted–average dumping margins apply:

Exporter	Producer	Weighted–Average Margin
RHI Refractories Liaoning Co., Ltd.	RHI Refractories Liaoning Co., Ltd.	129.17
Liaoning Mayerton Refractories Co., Ltd.	Liaoning Mayerton Refractories Co., Ltd.	132.74
Dalian Mayerton Refractories Co., Ltd.	Dalian Mayerton Refractories Co., Ltd.	132.74
Dashiqiao City Guancheng Refractor Co., Ltd.	Dashiqiao City Guancheng Refractor Co., Ltd.	130.96
Fengchi Imp. And Exp. Co., Ltd. Of Haicheng City	Fengchi Refractories Co., of Haicheng City	130.96
Jiangsu Sujia Group New Materials Co. Ltd.	Jiangsu Sujia Group New Materials Co. Ltd.	130.96
Liaoning Fucheng Refractories Group Co., Ltd.	Liaoning Fucheng Refractories Group Co., Ltd.	130.96
Liaoning Fucheng Special Refractory Co., Ltd.	Liaoning Fucheng Special Refractory Co., Ltd.	130.96
Liaoning Jiayi Metals & Minerals Co., Ltd.	Liaoning Jiayi Metals & Minerals Co., Ltd.	130.96
Yingkou Bayuquan Refractories Co., Ltd.	Yingkou Bayuquan Refractories Co., Ltd.	130.96
Yingkou Dalmond Refractories Co., Ltd.	Yingkou Dalmond Refractories Co., Ltd.	130.96
Yingkou Guangyang Co., Ltd.	Yingkou Guangyang Co., Ltd.	130.96
Yingkou Jiahe Refractories Co., Ltd.	Yingkou Jiahe Refractories Co., Ltd.	130.96
Yingkou Kyushu Refractories Co, Ltd.	Yingkou Kyushu Refractories Co, Ltd.	130.96
Yingkou New Century Refractories Ltd.	Yingkou New Century Refractories Ltd.	130.96
Yingkou Wonjin Refractory Material Co., Ltd.	Yingkou Wonjin Refractory Material Co., Ltd.	130.96
PRC–wide Entity		236.00

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the International Trade Commission ("ITC") of our amended preliminary determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of the preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: April 13, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

Appendix I

Issue 1: Factor of Production Conversions

Issue 2: Foreign Inland Movement Expenses

Issue 3: Separate Rate Application of Yingkou Jiahe Refractories Co., Ltd.

[FR Doc. 2010–9186 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV93

Notice of Intent To Prepare an Environmental Assessment and to Conduct San Joaquin River Chinook Salmon Scoping Meeting

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

ACTION: Notice of Intent; scoping meeting.

SUMMARY: NMFS announces its intent to prepare an Environmental Assessment (EA) to analyze the potential impacts of the proposed reintroduction of spring-run Chinook salmon to the mainstem of the San Joaquin River.

DATES: NMFS will conduct a public scoping meeting in order to provide information and solicit comments for the preparation of the EA. The meeting will be held on April 28, 2010, from 5 p.m. to 7 p.m., Pacific Time, at the Department of Water Resource, South Central Office, 3374 East Shields Avenue, Fresno, CA 93726. Written comments must be postmarked by June 21, 2010.

ADDRESSES: Comments related to the preparation of the EA should be sent to National Marine Fisheries Service, Attn: Elif Fehm-Sullivan, 650 Capitol Mall, Suite 8–300, Sacramento, CA 95814. Comments may also be submitted electronically to *SJRSpringSalmon@nooa.gov*. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Elif Fehm-Sullivan, telephone 916 930 3723.

SUPPLEMENTARY INFORMATION:

Proposed Action

The proposed action is to reintroduce spring-run Chinook salmon into the mainstem of the San Joaquin River which will include collection of founding stock, propagation, and release under authorities of section 10(j) of the Endangered Species Act (ESA), *Natural Resource Defense Council, et al.* v. *Rodgers et. al.* (Settlement), the Omnibus Public Land Management Act of 2009 Public Law 111–11, Title X. (Restoration Act), and section 10(a)(1)(A) of the ESA. This proposed reintroduction includes designating an experimental population for spring-run Chinook salmon within the San Joaquin River from below the confluence with the Stanislaus River to Friant Dam. The proposed action will include promulgation of a 4(d) rule.

Geographic Scope

The proposed planning area for the proposed reintroduction will consist of the aquatic ecosystems and natural communities, and potentially adjacent riparian and floodplain natural communities, within and along the San Joaquin River and from the confluence of the Stanislaus River (approximately 3 miles northeast of Vernalis, California) upstream to Friant Dam and it's associated tributaries including; the Stanislaus River below Goodwin Dam, the Tuolumne River below La Grange Dam, and the Merced River below Crocker-Huffman Dam.

Covered Species

The species that is intended to be the initial focus of the reintroduction is the spring-run Central Valley Chinook salmon (*Oncorhynchus tshawytscha*).

Request for Comments

The primary purpose of the scoping process is to identify important issues raised by the public related to the issuance of an ESA 10(j) rule and promulgation of an ESA 4(d) rule associated with the reintroduction of spring-run Chinook salmon to the San Joaquin River. Written comments from interested parties are invited to ensure that the full range of issues related to the proposed development of the 4(d) rule and the proposed reintroduction. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public. Information regarding this proposed action is available in alternative formats upon request.

Reasonable Accommodations

Persons needing reasonable accommodation to attend and participate should contact Elif Fehman-Sullivan (see **FOR FURTHER CONTACT INFORMATION**). To allow sufficient time to process requests, please call no later than five days prior to attending the meeting.

Dated: April 15, 2010.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010–9188 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils From the People's Republic of China: Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: April 21, 2010.

FOR FURTHER INFORMATION CONTACT: Alexander Montoro or Joseph Shuler, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0238 and (202) 482–1293, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 2009, the Department of Commerce

("Department") published the preliminary results of the administrative review of the antidumping duty order on certain cased pencils from the People's Republic of China ("PRC"), covering the period December 1, 2007 through November 30, 2008. *See Certain Cased Pencils from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 68047 (December 22, 2009). The final results of this administrative review were originally due no later than April 21, 2010. As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in this segment of the proceeding have been extended by seven days. The revised deadline for the final results of this review is currently April 28, 2010. See Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

Extension of Time Limit for Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the "Act"), requires that the Department issue the final results of an administrative review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within that time period, section 751(a)(3)(A) of the Act allows the Department to extend the deadline for the final results to a maximum of 180 days after the date on which the preliminary results are published.

The Department finds that it is not practicable to complete the final results of this review by April 28, 2010, because the Department needs additional time to consider complex issues the parties have raised related to surrogate valuation. Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limit for completion of the final results by 30 days to May 28, 2010.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: April 15, 2010.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–9176 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Meeting

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

ACTION: Notice of open meeting.

SUMMARY: The Hydrographic Services Review Panel (HSRP) is a Federal Advisory Committee established to advise the Under Secretary of Commerce for Oceans and Atmosphere on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, its amendments, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice.

DATE AND TIME: The public meeting will be held May 5–6, 2010 from 8:30 a.m. to 5:30 p.m.

LOCATION: Providence, Rhode Island. Marriott Providence Hotel, 1 Orms Street, Providence, Rhode Island, 02904; Tel: (401) 272–2400. Refer to the HSRP Web site listed below for the most current meeting agenda. Times and agenda topics are subject to change.

FOR FURTHER INFORMATION CONTACT: Captain John E. Lowell, Jr., NOAA, Designated Federal Official (DFO), National Ocean Service (NOS), Office of Coast Survey, NOAA (N/CS), 1315 East West Highway, Silver Spring, Maryland 20910; Telephone: 301–713–2770; Fax: 301–713–4019; E-mail: *Hydroservices.panel@noaa.gov* or visit the NOAA HSRP Web site at *http://nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public and public comment periods will be scheduled at various times throughout the meeting. These comment periods will be included in the final agenda published before May 5, 2010, on the HSRP Web site listed above. Each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Comments will be recorded. Written comments (at least 30 copies) should be submitted in advance to the DFO by April 28, 2010. Written comments received by the DFO after April 28, 2010, will be distributed to the HSRP, but may not be reviewed before the meeting date. Approximately 30 seats will be available for the public, on a first-come, first-served basis.

MATTERS TO BE CONSIDERED: (1) NOAA priorities, future directions and strategic plans for NOAA and NOAA's work in the Arctic; (2) A Speaker panel consisting of regional and local stakeholders on the use of and interest in NOAA's Navigation Services; (3) Presentations will include: updates to the HSRP 2010 Most Wanted Report, NOAA's Fleet Recapitalization, the Integrated Ocean Observing System, Sea Level Rise, the Cape Cod Bay Mapping Project, Maritime Training in the Navy, Coastal and Marine Spatial Planning, NOAA's Navigation Product Distribution, the Committee on Marine Transportation System, HSRP logistics; and (4) public statements.

Dated: April 14, 2010.

Captain John E. Lowell, Jr.,

Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2010–9137 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on May 5, 2010, 9:30 a.m., in the Herbert C. Hoover Building, Room 6087B, 14th Street between Constitution & Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Public Session

1. Welcome and Introductions.
2. Review Status of Working Groups.
3. Proposals from the Public.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 section 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov* no later than April 28, 2010.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 9, 2009, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 section (10)(d)), that the portion of the meeting dealing with matters the disclosure of portion of the meeting dealing with matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 section 10(a)1 and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: April 15, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010–9156 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee

Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on May 5, 2010, 9 a.m., in the Herbert C. Hoover Building, Room 3884, and May 6, 2010, 9 a.m., in the Herbert C. Hoover Building, Room 6087B, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, May 5

Public Session

1. Welcome and Introduction.
2. Working Group Reports.
3. Industry Presentations.
4. New Business.

Thursday, May 6

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov,* no later than April 28, 2010.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 23, 2009, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: April 15, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010–9155 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–896]

Magnesium Metal from the People's Republic of China: Preliminary Results of the 2008–2009 Antidumping Duty Administrative Review

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

SUMMARY: In response to requests from interested parties, the Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on magnesium metal from the People's Republic of China ("PRC"), covering the period April 1, 2008, through March 31, 2009. This administrative review covers one exporter of the subject merchandise.

We have preliminarily determined that the respondent in this administrative review has not made sales in the United States at prices below normal value during the period of review ("POR"). If these preliminary results are adopted in our final results of this review, we will instruct U.S. Customs and Border Protection ("CBP") to liquidate entries of subject merchandise during the POR without regard to antidumping duties.

We invite interested parties to comment on these preliminary results. Parties who submit comments are requested to submit with each argument a summary of the argument. We intend to issue the final results no later than 120 days from the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act").

EFFECTIVE DATE: April 21, 2010.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Eugene Degnan, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4243 and (202) 482–0414, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 12, 1995, the Department published in the **Federal Register** the antidumping duty order on magnesium metal from the PRC.[1] On April 1, 2009,

[1] *See Notice of Antidumping Duty Orders: Pure Magnesium From the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation*

Continued

the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on magnesium metal from the PRC for the period April 1, 2008, through March 31, 2009.[2] On April 27, 2009, in accordance with 19 CFR 351.213(b)(2), Tianjin Magnesium International, Co. Ltd. ("TMI"), a foreign exporter of the subject merchandise, requested the Department to review its sales of subject merchandise. On May 30, 2009, US Magnesium LLC ("Petitioner") also requested that the Department conduct an administrative review of TMI's exports of subject merchandise. On May 29, 2009, the Department initiated an administrative review of the order on magnesium metal from the PRC for the POR with respect to TMI.[3]

On June 10, 2009, the Department issued its antidumping duty questionnaire to TMI. On July 6, 2009, TMI submitted its Section A questionnaire response ("TMI's AQR"). On August 3, 2009, TMI submitted its Section C and D questionnaire responses ("TMI's CQR" and "TMI's DQR," respectively). On September 9, 2009, Petitioner requested that the Department verify TMI. On October 10, 2009, Petitioner submitted comments on TMI's AQR, CQR, and DQR. On December 23, 2009, the Department issued its first supplemental questionnaire to TMI. On January 26, 2010, TMI submitted its response to the Department's sections A, C and D supplemental questionnaire ("TMI's 1st SQR"). On March 19, 2010, the Department issued the second supplemental questionnaire to TMI and the Department received a response on April 6, 2010 ("TMI's 2nd SQR").

On October 13, 2009, the Department requested that Import Administration's Office of Policy provide a list of surrogate countries for this review.[4] On October 13, 2009, the Office of Policy issued its list of surrogate countries.[5] On October 16, 2009, the Department issued a letter to interested parties seeking comments on surrogate country selection and surrogate values. On October 30, 2009, Petitioner and TMI submitted comments on surrogate country selection ("Petitioner's Surrogate Country Selection Letter" and "TMI's Surrogate Country Selection Letter"). On November 12, 2009, Petitioner and TMI submitted surrogate value comments ("Petitioner's Surrogate Value Comments" and "TMI's Surrogate Value Comments," respectively). On November 25, 2009, Petitioner submitted rebuttal surrogate value comments ("Petitioner's Rebuttal Surrogate Value Comments"). On November 27, 2009, TMI submitted rebuttal surrogate value comments ("TMI's Rebuttal Surrogate Value Comments").

On December 23, 2009, the Department extended the time period for completion of the preliminary results of this review by 75 days until March 16, 2010.[6]

On February 2, 2010, the Department requested that CBP provide entry documentation for certain transactions during the POR.[7]

As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in this segment of the proceeding have been extended by seven days. As a result, the revised deadline for the preliminary results of this review became March 23, 2010.[8]

On March 3, 2010, Petitioner requested the Department to extend the deadline for the preliminary results of review by an additional 45 days until May 7, 2010. On March 16, 2010, the Department extended the deadline for the preliminary results an additional 21 days until April 13, 2010.[9]

Period of Review

The POR is April 1, 2008, through March 31, 2009.

Scope of Order

The product covered by this antidumping duty order is magnesium metal, which includes primary and secondary alloy magnesium metal, regardless of chemistry, raw material source, form, shape, or size. Magnesium is a metal or alloy containing by weight primarily the element magnesium. Primary magnesium is produced by decomposing raw materials into magnesium metal. Secondary magnesium is produced by recycling magnesium–based scrap into magnesium metal. The magnesium covered by this order includes blends of primary and secondary magnesium.

The subject merchandise includes the following alloy magnesium metal products made from primary and/or secondary magnesium including, without limitation, magnesium cast into ingots, slabs, rounds, billets, and other shapes, and magnesium ground, chipped, crushed, or machined into raspings, granules, turnings, chips, powder, briquettes, and other shapes: products that contain 50 percent or greater, but less than 99.8 percent, magnesium, by weight, and that have been entered into the United States as conforming to an "ASTM Specification for Magnesium Alloy"[10] and thus are outside the scope of the existing antidumping orders on magnesium from the PRC (generally referred to as "alloy" magnesium).

The scope of this order excludes: (1) all forms of pure magnesium, including chemical combinations of magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less that 99.8 percent, by weight, that do not conform to an "ASTM Specification for Magnesium Alloy"[11]; (2) magnesium that is in liquid or molten form; and (3) mixtures containing 90 percent or less magnesium in granular or powder form

of Pure Magnesium from the Russian Federation, 60 FR 25691 (May 12, 1995).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 74 FR 14771 (April 1, 2009).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 74 FR 25711 (May 29, 2009).

[4] *See* Memorandum to Kelly Parkhill, Acting Director, Office of Policy, "Antidumping Duty Administrative Review of Magnesium Metal from the People's Republic of China: Surrogate-Country Selection," dated September 15, 2009.

[5] *See* Memorandum from Kelly Parkhill, Acting Director, Office of Policy, "Request for a list of Surrogate Countries for an Administrative Review of the Antidumping Duty Order on Magnesium Metal ("Magnesium Metal") from the People's Republic of China, dated October 13, 2009 ("Surrogate Country List").

[6] *See Magnesium Metal from the People's Republic of China: Extension of Time for the Preliminary Results of the Antidumping Duty Administrative Review*, 74 FR 68227 (December 23, 2009).

[7] *See* Memorandum to Alice Buchanan, Acting Director, AD/CVD/Revenue Policy & Programs, Office of International Trade , U.S. Customs and Border Protection, "Request for U.S. Entry Documents - Magnesium Metal from People's Republic of China - A-570-896," dated February 18, 2010.

[8] *See* Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

[9] *See Magnesium Metal from the People's Republic of China: Extension of Time for the Preliminary Results of the Antidumping Duty Administrative Review*, 75 FR 13489 (March 22, 2010).

[10] The meaning of this term is the same as that used by the American Society for Testing and Materials in its Annual Book of ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

[11] This material is already covered by existing antidumping orders. *See Notice of Antidumping Duty Orders: Pure Magnesium from the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium from the Russian Federation*, 60 FR 25691 (May 12, 1995); and *Antidumping Duty Order: Pure Magnesium in Granular Form from the People's Republic of China*, 66 FR 57936 (Nov. 19, 2001).

by weight and one or more of certain non–magnesium granular materials to make magnesium–based reagent mixtures, including lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nephaline syenite, feldspar, alumina (Al203), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomite lime, and colemanite.[12]

The merchandise subject to this order is classifiable under items 8104.19.00, and 8104.30.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS items are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Non–Market Economy Country Status

The Department has treated the PRC as a non–market economy ("NME") country in all past antidumping duty investigations and administrative reviews and continues to do so in this case.[13] The Department has previously examined the PRC's market economy status and determined that NME status should continue for the PRC.[14] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is a NME country shall remain in effect until revoked by the administering authority.[15] No interested party to this proceeding has contested such treatment. Accordingly, we calculated normal value ("NV") in accordance with section 773(c) of the Act, which applies to NME countries.

Surrogate Country

When the Department is investigating imports from an NME country, section 773(c)(1) of the Act directs it to base NV on the NME producer's factors of production ("FOPs"). The Act further instructs that valuation of the FOPs shall be based on the best available information in a surrogate market economy country or countries considered to be appropriate by the Department.[16] When valuing the FOPs, the Department shall utilize, to the extent possible, the prices or costs of FOPs in one or more market economy countries that are: (1) at a level of economic development comparable to that of the NME country; and (2) significant producers of comparable merchandise.[17] Further, the Department normally values all FOPs in a single surrogate country.[18] The sources of surrogate value are discussed under the "Normal Value" section below and in the Factor Valuation Memorandum, which is on file in the Central Records Unit, Room 1117 of the main Department building.[19]

In examining which country to select as its primary surrogate country for this proceeding, the Department first determined that India, the Philippines, Indonesia, Colombia, Thailand, and Peru are countries comparable to the PRC in terms of economic development.[20] In Petitioner's Surrogate Country Selection Letter, Petitioner contends that the Department should continue to select India as the surrogate country for this administrative review, as it has in previous segments of this proceeding. In addition, Petitioner maintains that to the best of its knowledge, there are no magnesium producers currently operating in any of the six countries identified in the Surrogate Country Memorandum. Petitioner states that Southern Magnesium & Chemicals Ltd. ("Southern Magnesium"), which is located in India, has either downsized or ceased its magnesium production operations.[21] Petitioner argues, however, that India is a significant producer of aluminum and the Department has "routinely determined that aluminum is a product comparable to magnesium production."[22] Petitioner states that India has five major producers of aluminum.[23] Additionally, Petitioner contends that the Department determined that zinc is the only other merchandise that the Department has found to be comparable to magnesium,[24] and India is a significant producer of zinc.[25] Finally, Petitioner contends that India is the best available surrogate country for this proceeding because India is known to have complete, up–to-date, and reliable publicly available information for all raw material factors of production. Petitioner states that India is the only potential surrogate country that can be a source for surrogate financial ratios because India is a significant producer of aluminum and zinc.

In TMI's Surrogate Country Selection Letter, TMI contends that India is the most appropriate surrogate country for the PRC in this review.[26] TMI reiterates the reasons that the Department articulated in its determination to use India as the appropriate surrogate country in the 2006–2007 administrative review of magnesium metal from the PRC: (1) India is a significant producer of comparable merchandise; (2) India is at a level of economic development comparable to the PRC; and (3) the Department has reliable data to use from India.[27] Both Petitioner and TMI submitted Indian sourced data to value FOPs.

[12] This third exclusion for magnesium-based reagent mixtures is based on the exclusion for reagent mixtures in the 2000-2001 investigations of magnesium from China, Israel, and Russia. *See Final Determination of Sales at Less Than Fair Value: Pure Magnesium in Granular Form From the People's Republic of China*, 66 FR 49345 (September 27, 2001); *Final Determination of Sales at Less Than Fair Value: Pure Magnesium From Israel*, 66 FR 49349 (September 27, 2001); *Final Determination of Sales at Not Less Than Fair Value: Pure Magnesium From the Russian Federation*, 66 FR 49347 (September 27, 2001). These mixtures are not magnesium alloys, because they are not chemically combined in liquid form and cast into the same ingot.

[13] *See* 771(18)(C) of the Act; *see, e.g., Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 73 FR 76336 (December 16, 2008); and *Frontseating Service Valves From the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 74 FR 10886 (March 13, 2009).

[14] *See* Memorandum from the Office of Policy to David M. Spooner, Assistant Secretary for Import Administration, The People's Republic of China (PRC) Status as a Non-Market Economy (NME), dated May 15, 2006. This document is available online at: http://ia.ita.doc.gov/download/prc-nme-status/prc-nme-status-memo.pdf.

[15] *See* section 771(18)(C)(i) of the Act.

[16] *See* section 773(c)(1) of the Act.

[17] *See* section 773(c)(4) of the Act.

[18] *See* 19 CFR 351.408(c)(2).

[19] *See* Memorandum to the File, "Preliminary Results of the 2008-2009Administrative Review of the Antidumping Duty Order on Pure Magnesium from the People's Republic of China: Surrogate Value Memorandum," dated April 13, 2010 ("Factor Valuation Memorandum").

[20] *See* Surrogate Country List.

[21] *See* 2002 Annual Report of Southern Magnesium, contained in Petitioner's Surrogate Country Selection Letter, at 3 and Exhibit 2.

[22] *See* Petitioner's Surrogate Country Selection Letter, at 4, citing *Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 73 FR 76336, (December 16, 2008) and accompanying Issues and Decision Memorandum at Comment 6.D.

[23] *See* Petitioner's Surrogate Country Selection Letter, at 4, citing *The Mineral Industry of India - 2007*, at Table 2, U.S. Geological Survey ("USGS"), contained in Exhibit 3; also, citing *USGS Minerals Yearbook, Zinc-2006* at Table 16, contained in Exhibit 4.

[24] *See* Petitioner's Surrogate Country Selection Letter, at 5, citing *Notice of Final Determination of Sales at Not Less Than Fair Value: Pure Magnesium From the Russian Federation*, 66 FR 49347 (September 27, 2001), at Comment 1.

[25] *See* Petitioner's Surrogate Country Selection Letter, at 5, citing *USGS Minerals Yearbook, Zinc - 2007*, at Table 2, contained in Exhibit 3. *See also USGS 2007 Minerals Yearbook, Zinc (Advance Release)*, at Table 13, contained in Exhibit 4.

[26] *See* TMI's Surrogate Country Selection Letter at 1.

[27] *See id.* at 3 citing, *Magnesium Metal from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 73 FR 40293, 40294 (July 14, 2008) and *Final Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Magnesium Metal From the People's Republic of China*, 70 FR 9037, 9038 (February 24, 2005).

After evaluating interested parties' comments, the Department has determined that India is the appropriate surrogate country to use in this review in accordance with section 773(c)(4) of the Act. The Department based its decision on the following facts: (1) India is at a level of economic development comparable to that of the PRC; (2) India is a significant producer of comparable merchandise, i.e., aluminum and zinc; and (3) India provides the best opportunity to use quality, publicly available data to value the FOPs. All the data submitted by both Petitioner and TMI for our consideration as potential surrogate values and surrogate financial ratios are sourced from India. Finally, on the record of this review, we have usable surrogate value data (including financial data) from India, but no such surrogate data from any other potential surrogate country.

Therefore, because India best represents the experience of producers of comparable merchandise operating in a surrogate country, we have selected India as the surrogate country and, accordingly, have calculated NV using Indian prices to value TMI's FOPs, when available and appropriate. We have obtained and relied upon publicly available information wherever possible.

In accordance with 19 CFR 351.301(c)(3)(ii), interested parties may submit publicly available information to value the FOPs within 20 days after the date of publication of the preliminary determination.[28]

Separate Rates

In proceedings involving NME countries, the Department has a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty rate. It is the Department's policy to assign all exporters of subject merchandise 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. Exporters can demonstrate this independence through the absence of both de jure and de facto governmental control over export activities. The Department analyzes each entity exporting the subject merchandise under a test arising from the *Notice of Final Determination of Sales at Less Than Fair value: Sparklers From the People's Republic of China*, 56 FR 20588 (May 6, 1991) ("*Sparklers*"), as further developed in *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China*, 59 FR 22585 (May 2, 1994) ("*Silicon Carbide*"). However, if the Department determines that a company is wholly foreign–owned or located in a market economy, then a separate rate analysis is not necessary to determine whether it is independent from government control.

Separate Rate Recipients

TMI is the only respondent in this administrative review. TMI reported that it is a wholly Chinese–owned company. Therefore, the Department must analyze whether it can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

a. Absence of De Jure Control

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) other formal measures by the government decentralizing control of companies.[29]

The evidence provided by TMI supports a preliminary finding of de jure absence of government control based on the following: (1) an absence of restrictive stipulations associated with its business and export licenses; (2) applicable legislative enactments decentralizing control of companies; and (3) formal measures by the government decentralizing control of companies.[30]

b. Absence of De Facto Control

Typically, the Department considers four factors in evaluating whether each respondent is subject to *de facto* government control of its export functions: (1) whether the export prices are set by or are subject to the approval of a government agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses.[31] The Department has determined that an analysis of *de facto* control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

The evidence provided by TMI supports a preliminary finding of *de facto* absence of government control based on the following: (1) the absence of evidence that the export prices are set by or are subject to the approval of a government agency;[32] (2) the respondent has authority to negotiate and sign contracts and other agreements;[33] (3) the respondent has autonomy from the government in making decisions regarding the selection of management;[34] and (4) the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses.[35]

Therefore, the evidence placed on the record of this review by TMI demonstrates an absence of *de jure* and *de facto* government control with respect to TMI's exports of the merchandise under review, in accordance with the criteria identified in *Sparklers* and *Silicon Carbide*. Accordingly, we have determined that TMI has demonstrated its eligibility for a separate rate.

Fair Value Comparisons

To determine whether sales of magnesium metal to the United States by TMI were made at NV, we compared Export Price ("EP") to NV, as described

[28] In accordance with 19 CFR 351.301(c)(1), for the final determination of this review, interested parties may submit factual information to rebut, clarify, or correct factual information submitted by an interested party less than ten days before, on, or after the applicable deadline for submission of such factual information. However, the Department notes that 19 CFR 351.301(c)(1) permits new information only insofar as it rebuts, clarifies, or corrects information recently placed on the record. The Department generally cannot accept the submission of additional, previously absent-from-the-record alternative SV information pursuant to 19 CFR 351.301(c)(1). *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission, in Part*, 72 FR 58809 (October 17, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

[29] *See Sparklers*, 56 FR at 20589.

[30] *See* Foreign Trade Law of the People's Republic of China, contained in TMI's AQR, at Exhibit A-2; *see also* Regulations of the People's Republic of China on Company Registration contained in TMI's AQR at Exhibit A-5.

[31] *See Silicon Carbide*, 59 FR at 22587; *see also Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China*, 60 FR 22544, 22545 (May 8, 1995).

[32] *See* TMI's AQR, at 7; see also the contract and the purchase order between TMI and a U.S. Customer contained in TMI's AQR at Exhibit A-6. *See also* TMI's 1st SQR at 17-18 and Exhibit 8.

[33] *See* the purchase agreements between TMI and its producers contained in TMI's AQR at Exhibit 8 and TMI's 1st SQR at Exhibit 8.

[34] *See* TMI's AQR at 8-9.

[35] *See* TMI's AQR at 8-9.

in the "Export Price" and "Normal Value" sections of this notice.

Export Price

In accordance with section 772(a) of the Act, EP is the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter of the subject merchandise outside of the United States to an unaffiliated purchaser in the United States or to an unaffiliated purchaser for exportation to the United States, as adjusted under section 772(c) of the Act. In accordance with section 772(a) of the Act, we have used EP for TMI's U.S. sales because the subject merchandise was sold directly to the unaffiliated customers in the United States prior to importation and because Constructed Export Price was not otherwise warranted.

We have based the EP on delivered prices to unaffiliated purchasers in the United States. In accordance with section 772(c)(2)(A) of the Act, we have made deductions from the starting price for movement expenses, including expenses for foreign inland freight from the plant to the port of exportation, domestic brokerage and handling, international freight, marine insurance, brokerage and handling expenses incurred in the U.S. and U.S. customs duty. No other adjustments to EP were reported or claimed by TMI.[36]

Normal Value

Section 773(c)(1) of the Act provides that, the Department shall determine NV using an FOP methodology if the the merchandise is exported from an NME country and the Department finds that the available information does not permit the calculation of NV using home–market prices, third–country prices, or constructed value under section 773(a) of the Act. When determining NV in an NME context, the Department will base NV on FOPs because the presence of government controls on various aspects of these economies renders price comparisons and the calculation of production costs invalid under our normal methodologies. The Department's questionnaire requires that TMI provide information regarding the weighted–average FOPs across all of the company's plants that produce the subject merchandise, not just the FOPs from a single plant. This methodology ensures that the Department's calculations are as accurate as possible.[37]

In accordance with 19 CFR 351.408(c)(1), the Department will normally use publicly available information to find an appropriate surrogate value to value FOPs, but when a producer sources an input from a market economy and pays for it in market–economy currency, the Department may value the factor using the actual price paid for the input.[38] TMI reported that it did not purchase any inputs from market economy suppliers for the production of the subject merchandise.[39]

We calculated NV based on FOPs in accordance with section 773(c)(3) and (4) of the Act and 19 CFR 351.408(c). The FOPs include but are not limited to: (1) hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs. The Department used FOPs reported by TMI for materials, energy, labor, by–products, and packing.

TMI stated that it had no by–products or co–products other than magnesium waste and magnesium alloy waste, which are generated during the production of subject merchandise and reintroduced into the production process.[40] However, for these preliminary results, TMI did not request, and we did not grant a by–product offset in our calculation of NV.

Factor Valuations

In accordance with section 773(c) of the Act, the Department calculated NV based on FOPs reported by TMI for the POR. To calculate NV, the Department multiplied the reported per–unit factor consumption quantities by publicly available Indian surrogate values. In selecting the surrogate values, the Department considered the quality, specificity, and contemporaneity of the data. The Department adjusted input prices by including freight costs to make them delivered prices, as appropriate. Specifically, the Department added to Indian import surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory of production. This adjustment is in accordance with the decision of the U.S. Court of Appeals for the Federal Circuit in *Sigma Corp. v. United States*, 117 F.3d 1401, 1407–08 (Fed. Cir. 1997). A detailed description of all surrogate values used to value TMI's reported FOPs can be found in the Factor Valuation Memorandum.

The Department calculated surrogate values for the majority of reported FOPs purchased from NME sources using the contemporaneous, weighted–average unit import value derived from the *Monthly Statistics of the Foreign Trade of India*, as published by the Directorate General of Commercial Intelligence and Statistics of the Ministry of Commerce and Industry, Government of India in the World Trade Atlas, available at *http://www.gtis.com/wta.htm* ("WTA Indian Import Statistics").[41] WTA Indian Import Statistics were reported in U.S. dollars[42] and are contemporaneous with the POR to calculate surrogate values for TMI's material inputs. In selecting the best available information for valuing FOPs in accordance with section 773(c)(1) of the Act, the Department's practice is to select, to the extent practicable, surrogate values which are non–export average values, most contemporaneous with the period ofreview, product–specific, and tax–exclusive.[43]

In those instances where the Department could not obtain publicly available information contemporaneous with the POR with which to value FOPs, the Department adjusted the surrogate values using the Indian Wholesale Price Index ("WPI"), as published in the *International Financial Statistics* of the International Monetary Fund.[44]

Furthermore, with regard to Indian import–based surrogate values, we have disregarded prices that we have reason to believe or suspect may be subsidized, such as those from Indonesia, South

[36] *See* Memorandum "Analysis for the Preliminary Results of Pure Magnesium from the People's Republic of China: Tianjin Magnesium International, Co. Ltd." ("TMI's Analysis Memorandum"), dated April 13, 2010.

[37] *See, e.g., Final Determination of Sales at Less Than Fair Value and Critical Circumstances: Certain Malleable Iron Pipe Fittings From the People's Republic of China*, 68 FR 61395 (October 28, 2003), and accompanying Issue and Decision Memorandum at Comment 19.

[38] *See* 19 CFR 351.408(c)(1); *see also Shakeproof Assembly Components, Div. of Ill. Tool Works, Inc. v. United States*, 268 F. 3d 1376, 1382-1383 (Fed. Cir. 2001) (affirming the Department's use of market-based prices to value certain FOPs).

[39] *See* TMI's DQR at D-5.

[40] *Id.* at D-13-14 and D-9.

[41] *See* Factor Valuation Memorandum at Attachment 1.

[42] The import data obtained from the WTA as published by Global Trade Information Services ("GTIS"), began identifying the original reporting currency for India as the U.S. dollar. *See* Memorandum to the file, "Indian Import Statistics Currency Denomination in the World Trade Atlas," dated March 23, 2010.

[43] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam*, 69 FR 42672, 42682 (July 16, 2004), unchanged in *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam*, 69 FR 71005 (December 8, 2004).

[44] *See* Factor Valuation Memorandum at Attachment 2.

Korea, and Thailand. We have found in other proceedings that these countries maintain broadly available, non–industry-specific export subsidies and, therefore, it is reasonable to infer that all exports to all markets from these countries may be subsidized.[45] We are also guided by the statute's legislative history that explains that it is not necessary to conduct a formal investigation to ensure that such prices are not subsidized.[46] Rather, the Department was instructed by Congress to base its decision on information that is available to it at the time it is making its determination. Therefore, we have not used prices from these countries in calculating the Indian import–based surrogate values.

The Department used WTA Indian Import Statistics to calculate surrogate values for raw materials, including magnesium metal scrap, magnesium alloy scrap, unalloyed aluminum, alloyed aluminum, flux, sulphur, and zinc, as well as for packing materials, including steel bands and plastic bags.

We valued flux No.2, which consists of magnesium chloride, potassium chloride and sodium chloride, using data from *Chemical Weekly*. We consider both *Chemical Weekly* and WTA Indian Import Statistics to be reliable sources, and as such, the Department has used them in past cases to value chemical component inputs. In the instant case, however, we have determined that *Chemical Weekly* is the best information available for valuing flux because the quantity of the total imports of magnesium chloride in the WTA Indian Import Statistics is very small and thus does not appear to represent commercial quantities.

We valued brokerage and handling using a simple average of the brokerage and handling costs that were reported in public submissions that were filed in three antidumping duty cases. Specifically, we averaged the public brokerage and handling expenses reported by Navneet Publications (India) Ltd. in the 2007–2008 administrative review of certain lined paper products from India, Essar Steel Limited in the 2006–2007 antidumping duty administrative review of hot–rolled carbon steel flat products from India, and Himalya International Ltd. in the 2005–2006 administrative review of certain preserved mushrooms from India. We inflated the brokerage and handling rates using the appropriate WPI inflator.

For direct labor, indirect labor, and packing labor, consistent with 19 CFR 351.408(c)(3), the Department used the PRC regression–based wage rate as reported on Import Administration's website.[47] Because this regression–based wage rate does not separate the labor rates into different skill levels or types of labor, the Department has applied the same wage rate to all skill levels and types of labor reported by TMI.

We valued electricity using the updated electricity price data for small, medium, and large industries, as published by the Central Electricity Authority, an *administrative body of the Government of India, in its publication titled* Electricity Tariff & Duty and Average Rates of Electricity Supply in India, dated March 2008. These electricity rates represent actual country–wide, publicly–available information on tax–exclusive electricity rates charged to small, medium, and large industries in India. We did not inflate this value because utility rates represent current rates, as indicated by the effective dates listed for each of the rates provided.

We valued truck freight expenses using an Indian per–unit average rate calculated from data on the following Web site: *http://www.infobanc.com/logistics/logtruck.htm.* The logistics section of this Web site contains inland freight truck rates between many large Indian cities. We did not inflate this rate since it is iscontemporaneous with the POR.

We valued marine insurance using the price quote retrieved from RJG Consultants, online at *http://www.rjgconsultants.com/163.html,* a market–economy provider of marine insurance. We did not inflate this rate since it is iscontemporaneous with the POR.

To value steam coal, we used steam coal prices from the December 12, 2007, *CIL's Coal Pricing Circular. See* CIL: S&M: GM(F): Pricing 1124, dated 12 December 2007).[48] Since TMI reports using non–coking coal with a useful heat value ("UHV") of 5500 kcal/kg,[49] we calculated the surrogate value for steam coal by averaging the prices of grades B and C steam coal from the December 12, 2007, *CIL's Coal Pricing Circular*.[50] We did not inflate this value to the current POR because the steam coal rates represent the rates that were in effect until October 16, 2009,[51] and are therefore contemporaneous with the POR. Finally, we have applied an additional fixed surcharge of 165 rupees ("Rs.")/metric ton ("MT") to our calculation of the average of B and C grades of steam coal.

19 CRF 351.408(c)(4) directs the Department to value overhead, general and administrative expenses ("SG&A"), and profit using non–proprietary information gathered from producers of identical or comparable merchandise in the surrogate country. In this administrative review, Petitioner placed the 2008–2009 financial statements on the record for one Indian producer of aluminum products - National Aluminium Company Limited ("NALCO"), and one producer of zinc products - Hindustan Zinc Limited ("Hindustan Zinc"). TMI placed the 2008–2009 financial statements on the record for five Indian producers of aluminum products: Madras Aluminum Company Ltd. ("MALCO"), HINDALCO Industries Limited ("HINDALCO"), Century Extrusions Ltd. ("Century"), Sudal Industries Ltd. ("Sudal"), and Bhoruka Aluminum ("Bhoruka").

For the following reasons, we have elected not to rely on the 2008–2009 audited financial statements of MALCO, HINDALCO, Century and Bhoruka as surrogate financial statements under section 351.408(c)(4). First, we elected not to rely on MALCO's audited financial statements because MALCO suspended production of aluminum and alumina in November 2008, seven months into its fiscal year (and the POR).[52] In addition, since it suspended aluminum and alumina production, it switched the use of its power generation from captive consumption to external sales.[53] As a result, the financial statements do not reflect the cost

[45] *See* Final Results Of Redetermination Pursuant To Court Remand, dated February 25, 2010, *Jinan Yipin Corp., Ltd. v. United States*, 637 F.Supp.2d 1183 (CIT 2009). *See also Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Preliminary Results and Preliminary Partial Rescission of Antidumping Duty Administrative Review*, 70 FR 54007, 54011 (September 13, 2005), unchanged in *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of the First Administrative Review*, 71 FR 14170 (March 21, 2006); and *China Nat'l Mach. Import & Export Corp. v. United States*, 293 F. Supp. 2d 1334 (CIT 2003), affirmed 104 Fed. Appx. 183 (Fed. Cir. 2004).

[46] *See* H.R. Rep. No. 100-576 at 590 (1988).

[47] *See* "Expected Wages of Selected NME Countries," revised in December 2009, available at *http://ia.ita.doc.gov/wages/07wages/final/final-2009-2007-wages.html.* The source of these wage-rate data is the *Yearbook of Labour Statistics* 2007, ILO (Geneva: 2008), Chapter 5B: Wages in Manufacturing. The years of the reported wage rates are from 2006 and 2007.

[48] *See* Factor Valuation Memorandum.

[49] *See* TMI's DQR at D-12. See also Annexure X of *CIL's Coal Pricing Circular* in the Factor Valuation Memorandum (identifying the range of kcal/kg in each grade of coal).

[50] *See* Factor Valuation Memorandum.

[51] *See http://www.coalindia.in/Business.aspx?tab=2.*

[52] *See* The Madras Aluminum Company Limited, 49th Annual report 2008-09, at 4, contained in TMI's Surrogate Value Comments at Exhibit SV-11D. MALCO's fiscal year coincides with the POR.

[53] *See id.* at 4.

experience of producing a comparable product to the subject merchandise for five months of the POR.

Second, we have elected not to rely on the financial statements of HINDALCO, NALCO, Century and Bhoruka because the record indicates that during this period these companies received subsidies the Department has previously determined to be countervailable. Consistent with Department practice, we do not use financial statements of a company that we have reason to believe or suspect may have received subsidies, where there are other sufficient reliable and representative data on the record for purposes of calculating the surrogate financial ratios, because the financial statements of companies receiving actionable subsidies are less representative of the financial experience of the relevant industry than the ratios derived from financial statements that do not contain evidence of subsidization.[54] In this case, HINDALCO's 2008–2009 financial statements indicate that HINDALCO received benefits under the Duty Free Import Entitlement Scheme ("EPCG Scheme").[55] Similarly, NALCO's financial statements indicate that NALCO received benefits under the Duty Entitlement Pass Book ("DEPB Premium")[56] and obtained EPCG licenses.[57] Century's audited financial statements demonstrated that it also received benefits under the EPCG scheme.[58] India's EPCG Scheme and DEPB Premiums each have been found by the Department to provide a countervailable subsidy.[59] Third, we rejected Bhoruka's audited financial statements because they did not show a profit for the 2008–2009 fiscal year.[60] The Department has an established practice of not relying on financial statements that are incomplete, or that indicate that the company is unprofitable, or designated as "sick" by the Indian government.[61] Fourth, we have determined not to use the 2008–2009 financial statements of Hindustan Zinc because Hindustan Zinc has four captive mines, which indicates that it is at a much higher level of integration than TMI's supplier and so would not accurately reflect TMI's supplier's experience.[62] The Department also has an established practice of rejecting financial statements of surrogate producers whose production process or integration level is not comparable to the respondent's when better information is available.[63]

As a result, we have preliminarily determined to use the 2008–2009 audited financial statements of Sudal as the basis of the financial ratios in this review. Sudal is a secondary aluminum extrusion manufacturer that used, purchased, or imported aluminum metals as raw materials to manufacture aluminum extrusions and fabricated products.[64] Although the aluminum extrusions and fabricated products produced by Sudal require more processing than the magnesium metal ingots and chippings produced by TMI's producer, Sudal begins its respective manufacturing process at a similar level of production as TMI's producer. Moreover, Sudal earned a profit,[65] and there is no record evidence to indicate that it received benefits that the Department has determined to be countervailable.[66] Further, its audited financial statements are complete and are sufficiently detailed to disaggregate materials, labor, overhead, and SG&A expenses.[67] While the Department has not previously determined whether the production process for magnesium metal is similar to that of extruded aluminum products for purposes of calculating surrogate financial ratios, we find that the evidence currently on the record does not establish that it must be considered as too dissimilar. Thus, we preliminarily find that the audited financial statements of Sudal constitutes the best information available on the record on which to base surrogate financial ratios in this review. Accordingly, we invite parties to provide additional information and explanation on the record concerning the comparability of the manufacturing process for magnesium metal and extruded aluminum products.

For a complete listing of all the inputs and a detailed discussion about our surrogate value selections, *see* the Factor Valuation Memorandum.

Currency Conversion

The Department made currency conversions into U.S. dollars, in accordance with section 773A(a) of the Act, based on the exchange rates in effect as certified by the Federal Reserve Bank on the dates of the U.S. sales.

Verification

As provided in section 782(i)(3) of the Act, we intend to verify the information from TMI upon which we will rely in making our final determination.

Weighted–Average Dumping Margins

The preliminary weighted–average dumping margin is as follows:

MAGNESIUM METAL FROM THE PRC

Exporter	Weighted–Average Margin (percentage)
Tianjin Magnesium International Co. Ltd.	0.00%

[54] *See Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 73 FR 40485 (July 15, 2008) ("OTR Tires") at Comment 17A; *Certain Frozen Warmwater Shrimp From the People's Republic of China: Notice of Final Results and Rescission, in Part, of 2004/2006 Antidumping Duty Administrative and New Shipper Reviews*, 72 FR 52049, (September 12, 2007) at Comment 2, citing *Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Final Results And Rescission, In Part, of 2004/2005 Antidumping Duty Administrative and New Shipper Reviews*, 72 FR 19174 (April 17, 2007) ("Crawfish from the PRC"), and accompanying Issues and Decision Memorandum at Comment 1.

[55] *See* Annual Report 2008-2009, Hindalco Industries Limited, at 91 contained in TMI's Surrogate Value Comments at Exhibit SV-11E.

[56] *See* 28th Annual Report 2008-2009, National Aluminium Company Limited, at 71 contained in Petitioner's Surrogate Value Comments at Exhibit 5.

[57] *See id.* at 72.

[58] *See* Century Extrusion Limited, Twenty First Annual Report 2008-2009, at pages 35 and 41, in TMI's Surrogate Value Comments at Exhibit SV-11B.

[59] *See, e.g., Certain Iron-Metal Castings From India: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review*, 64 FR 61592 (November 12, 1999); unchanged in *Certain Iron-Metal Castings From India: Final Results of Countervailing Duty Administrative Review* 65 FR 31515 (May 18, 2000); *see also* http://ia.ita.doc.gov/esel/eselframes.html; and *Notice of Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Certain Lined Paper Products from India*, 71 FR 45034 (August 8, 2006), and accompanying Issues and Decision Memorandum at "Benchmarks for Loans and Discount Rate."

[60] *See* 29th Annual Report 2008-09, Bhoruka Aluminium Limited, at 31 contained in TMI's Surrogate Value Comments at Exhibit SV-11C.

[61] *See* OTR Tires at Comment 17A.

[62] *See* Annual Report 2008-09, Hindustan Zinc Limited, at 10, contained in Petitioner's Surrogate Value Comments at Exhibit 6.

[63] *See Notice of Final Determination of Sales at Less than Fair Value: Chlorinated Isocyanurates From the People's Republic of China*, 70 FR 24,502 (May 10, 2005) at Comment 3 citing *e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China*, 66 FR 22183, 22193 (May 3, 2001); *Persulfates from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 70 FR 6836 (February 9, 2005) ("PRC Persulfates") and the accompanying Issues and Decision Memorandum at Comment 1.

[64] *See* Annual Report 2008-2009, Sudal Industries Limited, at 33 contained in TMI's Surrogate Value Comments at Exhibit SV-11A.

[65] *See* Annual Report 2008-2009, Sudal Industries Limited, at 19 contained in TMI's Surrogate Value Comments at Exhibit SV-11A. See also Century Extrusions Ltd., at 33 contained in TMI's Surrogate Value Comments at Exhibit SV-11B.

[66] *See id.*

[67] *See id.* See also the appropriate schedules to the financial statements as indicated on page 33 for Century and page 19 for Sudal.

Disclosure

The Department will disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication of these preliminary results.[68] If a hearing is requested, the Department will announce the hearing schedule at a later date. Interested parties may submit case briefs and/or written comments no later than seven days after the release of the verification report issued in this review.[69] Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than five days after the time limit for filing the case briefs.[70] Further, we request that parties submitting written comments provide the Department with an additional copy of those comments on diskette or CD ROM. The Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any comments, and at a hearing, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.[71] For assessment purposes, we calculated importer- or customer specific assessment rates for merchandise subject to this review. We calculated an *ad valorem* rate for each importer or customer by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty–assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per–unit rate for each importer or customer by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty–assessment rates calculated on this basis, we will direct CBP to assess the resulting per–unit rate against the entered quantity of the subject merchandise. Where an importer- (or customer-) specific assessment rate is *de minimis (i.e.*, less than 0.50 percent) in accordance with the requirement of 19 CFR 351.106(c)(2), the Department will instruct CBP to assess that importer's (or customer's) entries of subject merchandise without regard to antidumping duties. We intend to instruct CBP to liquidate entries containing subject merchandise exported by the PRC–wide entity at the PRC–wide rate we determine in the final results of this review. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For TMI, which has a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis*, zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non–PRC exporters not listed above that received a separate rate in a prior segment of this proceeding the cash deposit rate will continue to be the exporter–specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC–wide rate of 141.49 percent; and (4) for all non–PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non–PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: April 13, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–9178 Filed 4–20–10; 8:45 am]

BILLING CODE 3510–DS–S

[68] *See* 19 CFR 351.310(c).

[69] *See* 19 CFR 351.309(c)(ii).

[70] *See* 19 CFR 351.309(d).

[71] *See* 19 CFR 351.212(b).

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

DATE AND TIME: Tuesday, April 27, 2010 at 9:30 a.m.

PLACE: Three Lafayette Centre, 1155 21st St., NW., Washington, DC, Lobby Level Hearing Room (Room 1000).

STATUS: Open.

MATTERS TO BE CONSIDERED: Public meeting to consider whether the following contracts offered for trading on the IntercontinentalExchange, Inc. ("ICE"), the Natural Gas Exchange, Inc. ("NGX") or the Chicago Climate Exchange, Inc. ("CCX") perform a significant price discovery function: (1) AECO Financial Basis Contract (ICE); (2) NWP Rockies Financial Basis Contract (ICE); (3) HSC Financial Basis Contract (ICE); (4) PG&E Citygate Financial Basis Contract (ICE); (5) TCO Financial Basis Contract (ICE); (6) Waha Financial Basis Contract (ICE); (7) Permian Financial Basis Contract (ICE); (8) Zone 6–NY Financial Basis Contract (ICE); (9) Malin Financial Basis Contract (ICE); (10) Dominion-South Financial Basis Contract (ICE); (11) TETCO–M3 Financial Basis Contract (ICE); (12) NGPL TXOK Financial Basis Contract (ICE); (13) San Juan Financial Basis Contract (ICE); (14) Chicago Financial Basis Contract (ICE); (15) Socal Financial Basis Contract (ICE); (16) Henry Financial Basis Contract (ICE); (17) Henry Financial Index Contract (ICE); (18) Henry Financial Swing Contract (ICE); (19) Phys, BS, LD1 (US/MM), AB–NIT Contract (NGX); (20) Phys, BS, LD1 (US/MM), Union-Dawn Contract (NGX); (21) Phys, FP, LD1 (CA/GJ), AB–NIT Contract (NGX); (22) Phys, FP, LD1 (US/MM), Union-Dawn Contract (NGX); (23) Phys, ID, 7a (CA/GJ), AB–NIT Contract (NGX); and (24) Carbon Financial Instrument Contract (CCX).

CONTACT PERSON: Gregory Price, Industry Economist, Commodity Futures Trading Commission, 202–418–5515.

Dated: April 16, 2010.

David A. Stawick,

Secretary of the Commission.

[FR Doc. 2010–9372 Filed 4–19–10; 4:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[OMB Control Number 0704–0398]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Part 211, Describing Agency Needs

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through December 31, 2010. DoD proposes that OMB extend its approval for these collections to expire three years after the approval date.

DATES: DoD will consider all comments received by June 21, 2010.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0398, using any of the following methods:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

○ *E-mail: dfars@acq.osd.mil.* Include OMB Control Number 0704–0398 in the subject line of the message.

○ *Fax:* 703–602–0350.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Meredith Murphy, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

○ Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith Murphy, 703–602–1302. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html.* Paper copies are available from Ms. Meredith Murphy, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 211, Describing Agency Needs, and the associated clauses at DFARS 252.211–7004, Alternate Preservation, Packaging, and Packing; and 252.211–7005, Substitutions for Military or Federal Specifications and Standards; OMB Control Number 0704–0398. Information collection requirements and approvals for the clause at DFARS 252.211–7006, Radio Frequency Identification, are addressed separately under Control Number 0704–0434. Information collection requirements and approvals for the clause at DFARS 252.211–7007, Reporting of Government-Furnished Equipment in the DoD Item Unique Identification (IUID) Registry, are addressed separately under Control Number 0704–0246.

Needs and Uses: This information collection permits offerors to—

• Propose alternatives to military preservation, packaging, or packing specifications. DoD uses the information to evaluate and award contracts using commercial or industrial preservation, packaging, or packing if the offeror chooses to propose such alternates.

• Propose Single Process Initiative (SPI) processes as alternatives to military or Federal specifications and standards cited in DoD solicitations for previously developed items. DoD uses the information to verify Government acceptance of an SPI process as a valid replacement for a military or Federal specification or standard.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 2,326.

Number of Respondents: 675.

Responses per Respondent: approximately 2.6.

Annual Responses: 1,763.

Average Burden per Response: approximately 1⅓ hours.

Frequency: On occasion.

Summary of Information Collection

DFARS Part 211 and the clauses at DFARS 252.211–7004 and 252.211–7005 are required for DoD contractors and subcontractors to propose—

(a) Alternatives to military preservation, packaging, or packing specifications; and/or

(b) Single Process Initiative (SPI) processes in lieu of military or Federal specifications.

The provision at DFARS 252.211–7004, Alternate Preservation, Packaging, and Packing, is used in solicitations that include military preservation, packaging, or packing specifications when it may be feasible for DoD to evaluate and award using commercial or industrial preservation, packaging, or packing. If the offeror chooses to propose alternate preservation, packaging, or packing, the provision requires the offeror to submit information sufficient to allow evaluation of the proposed commercial or industrial preservation, packaging, or packing.

The clause at DFARS 252.211–7005, Substitutions for Military or Federal Specifications and Standards, is used in solicitations and contracts for previously developed items. The clause encourages offerors to propose management or manufacturing processes, if previously accepted by DoD under the Single Process Initiative (SPI) program, as alternatives to military or Federal specifications and standards cited in the solicitation.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2010–9139 Filed 4–20–10; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[OMB Control Number 0704–0332]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; DoD Pilot Mentor-Protege Program

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through July 31, 2010. DoD proposes that OMB extend its approval for three additional years.

DATES: DoD will consider all comments received by June 21, 2010.

ADDRESSES: You may submit comments identified by OMB Control Number 0704–0332, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: dfars@acq.osd.mil.* Include OMB Control Number 0704–0332 in the subject line of the message.
- *Fax:* (703) 602–0350.
- *Mail:* Defense Acquisition Regulations System, Attn: Ms. Cassandra R. Freeman, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.
- Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Cassandra R. Freeman at 703–602–8383. The information collection requirement addressed in this notice is available on the World Wide Web at *http://www.acq.osd.mil/dpap/dars/dfars/index.htm.* Paper copies are available from Ms. Cassandra R. Freeman, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Appendix I, DoD Pilot Mentor-Protege Program; OMB Control Number 0704–0332.

Needs and Uses: DoD needs this information to evaluate whether the purposes of the DoD Pilot Mentor-Protege Program have been met. The purposes of the Program are to (1) provide incentives to major DoD contractors to assist protege firms in enhancing their capabilities to satisfy contract and subcontract requirements; (2) increase the overall participation of protege firms as subcontractors and suppliers; and (3) foster the establishment of long-term business relationships between protege firms and major DoD contractors. This Program implements section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) and section 811 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) (10 U.S.C. 2302 note). Participation in the Program is voluntary.

Affected Public: Businesses or other for-profit organizations.

Annual Burden Hours: 961.

Number of Respondents: 190.

Responses Per Respondent: Approximately 2.

Annual Responses: 372.

Average Burden Per Response: 1 hour.

Total Recordkeeping Hours: 589

Frequency: Semiannually (mentor); Annually (protege).

Summary of Information Collection

DFARS Appendix I–112.2(a)–(d) requires mentor firms to report on the progress made under active mentor-protege agreements semiannually for the periods ending March 31 and September 30. The September 30 report must address the entire fiscal year. *Reports must include*—

(1) Data on performance under the mentor-protege agreement, including dollars obligated, expenditures, credit taken under the Program, applicable subcontract awards under DoD contracts, developmental assistance provided, impact of the agreement, and progress of the agreement; and

(2) For each contract where developmental assistance was credited toward an SDB subcontracting goal, a copy of SF 294, Subcontracting Report for Individual Contracts (ISR), and/or SF 295, Summary Subcontracting Report (SSR) with a statement identifying—

(i) The amount of dollars credited to the applicable subcontracting goal as a result of developmental assistance provided to protege firms under the Program; and

(ii) The number and dollar value of subcontracts awarded to the protege firm(s), broken out per protege.

DFARS Appendix I–112.2(e) requires the protege firm to annually provide data by October 31 on the progress made by the protege firm in employment, revenues, and participation in DoD contracts during each fiscal year of the Program participation term and each of the two fiscal years following the expiration of the Program participation term. During the Program participation term, the firms may provide this data as part of the mentor report required by I–112.2(a) for the period ending September 30.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2010–9140 Filed 4–20–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Prepare a Draft Environmental Impact Statement on Beach and Dune Restoration in St. Lucie County, FL

AGENCY: U.S. Army Corps of Engineers, Jacksonville District, DoD.

ACTION: Notice of Intent (NOI).

SUMMARY: The U.S. Army Corps of Engineers (Corps), Jacksonville District, has received a permit application for a Department of the Army permit under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act from the St. Lucie County Erosion Control District (County) to construct a beach nourishment and dune restoration project along St. Lucie County. As part of the permit process, the Corps is evaluating the environmental effects associated with beach nourishment and dune restoration.

The primary Federal involvement associated with the Proposed Action is the dredging and discharge of fill within navigable waters of the United States. Because of the extensive hardbottom resources immediately adjacent to the beach, the high recreational uses of the project area, and the potential environmental impacts of the proposed project, the Corps will prepare an Environmental Impact Statement (EIS) in compliance with the National Environmental Policy Act (NEPA) to render a final decision on the County's permit application. The Corps' decision will be to either issue or deny a Department of the Army permit for the Proposed Action. The Draft EIS (DEIS) is intended to be sufficient in scope to address Federal, State, and local requirements and environmental issues

concerning the Proposed Action and permit reviews.

The ongoing St. Lucie County, FL, Shore Protection Feasibility Study was authorized by Section 418 of the Water Resources and Development Act of 2000 (Pub. L. 106–541). It is anticipated that this study will culminate in a congressionally authorized Federal project and the Corps will cost share future renourishment events subsequent to the construction of the initial project by the permittee. In addition, as a Federal agency with jurisdiction to manage resources available on the Outer Continental Shelf (OCS), the U.S. Minerals Management Service would be invited to become a cooperating agency on the study should potential borrow areas be identified within Federal waters (outside the 3-mile State statutory limit).

DATES: A public scoping workshop will be held on, or about, May 19, 2010 at 6 p.m. EST.

ADDRESSES: The meeting will be held at the following location. St. Lucie County Commission Chambers, Roger Poitras Administration Annex, 2300 Virginia Ave., Fort Pierce, FL 34982. The workshop will give agencies and the public an opportunity to receive more information on the Proposed Action, alternatives, and to provide comments and suggestions on the scope of the EIS.

FOR FURTHER INFORMATION CONTACT: Questions about the Proposed Action and Draft EIS should be directed to Mr. Garett Lips, Corps Regulatory Project Manager, by telephone at (561) 472–3519 or by e-mail at *Garett.G.Lips@usace.army.mil.* Written comments should be addressed to the U.S. Army Corps of Engineers, Attn: Mr. Garett Lips, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 34410 or by facsimile at (561) 626–6971.

SUPPLEMENTARY INFORMATION: a. *Project Background and Authorization.* The Corps will study the southern 3.8 miles of County shoreline which approximately coincides with Florida Department of Environmental Protection Shoreline Monuments R–88.5 to R–90.3, and R–98 to the St. Lucie/Martin County line. The study area is comprised of the shoreline and nearshore environment. The shoreline in this area has experienced long-term erosion due to waves and intense tropical storms.

b. *Background:* No previous beach nourishment activities have occurred along this segment of beach. However, upland dune restoration was performed after Hurricane Jeanne in 2004, which was not regulated by the Corps. Native dune vegetation is limited to those few locations where the dry beach extends far enough to allow dune vegetation to grow. Based on aerial photography, hardbottom colonized by *Phragmatopoma lapidosa* is commonly found within 600 feet of the inter-tidal beach, depending on the time of evaluation and the specific location within the project area.

c. *Purpose and Need:* The project purpose is to stabilize and restore the beach and dune between FDEP Monuments R–88.5 to R–90.3, and R–98 to the St. Lucie/Martin County line.

d. *Proposed Action.* St. Lucie County intends to restore the beach and dune by placing approximately 610,000 cubic yards of beach compatible sand along the proposed project's beach. The sand will be hopper-dredged from a relict shoal approximately three to six miles offshore of FDEP monuments R–88 to R–115.

e. *Alternatives.* An evaluation of alternatives to the Proposed Action initially being considered includes a "No Action" alternative, beach nourishment and dune restoration through filling activities, as well as analyzing other reasonable alternatives developed through the project scoping process to stabilizing the beach to meet the identified purpose and need.

f. *Draft EIS Scoping Process:* The Corps is furnishing this notice to advise other Federal and State agencies, affected federally recognized Tribes, and the public of our intentions. This notice announces the initiation of a 30-day scoping period which requests the public's involvement in the scoping and evaluation process of the DEIS. Stakeholders will be notified through advertisements, public notices and other means. All parties who express interest will be given an opportunity to participate in this process. The process allows the Corps to obtain suggestions and information on the scope of issues and an opportunity to provide reasonable alternatives to be included in the Draft EIS. The Corps invites comments from all interested parties to ensure that all significant issues are identified and the full range of issues related to the permit request are addressed. We will accept written comments until 30 days after the date of publication of this notice. (*See* **DATES** and **ADDRESSES**)

g. *Significant issues:* The DEIS will analyze the following: aesthetics/visual quality, agricultural resources, air quality, biological resources, cultural resources, cumulative impacts, environmental justice, flood protection, geology/soils, growth inducement, land use/planning, noise/vibration, public health and safety, public services/utilities, recreation, socioeconomics, threatened and endangered species, traffic/circulation, water resources including wetlands, and other issues identified through scoping, public involvement, and interagency coordination. The Corps will conduct an environmental review of the Proposed Action in accordance with the requirements of NEPA, 1969, as amended, (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 Code of Federal Regulations, Section 1500 *et seq.*), Corps Procedures for Implementing NEPA (33 Code of Federal Regulations, Section 230 *et seq.*), NEPA Implementation Procedures for the Regulatory Program (33 Code of Federal Regulations, Section 325, Appendix B), and with other appropriate Federal laws and regulations, policies, and procedures of the Corps for compliance with those regulations. The Proposed Action, through the Corps permit review process, will require consultation under Section 7 of the Endangered Species Act and the Magnunson-Stevens Fishery Conservation and Management Act. Additionally, the proposed action would involve evaluation for compliance with the Section 404(b)(1) Guidelines of the Clean Water Act; Section 106 of the National Historic Preservation Act; Water Quality Certification pursuant to Section 401 of the Clean Water Act; certification of State lands, easements and right of ways; and determination of Coastal Zone Management Act consistency.

h. *Availability of the Draft EIS.* The Corps currently expects the DEIS to be made available to the public in late October 2010. A public meeting will be held during the public comment period for the DEIS. Written comments will be accepted at the meeting.

Donnie W. Kinard,

Chief, Regulatory Division, Jacksonville District.

[FR Doc. 2010–9204 Filed 4–20–10; 8:45 am]

BILLING CODE 3710–58–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Meeting notice.

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 that the following Federal advisory committee meeting will take place:

1. *Name of Committee:* United States Military Academy Board of Visitors.

2. *Date:* Tuesday, May 11, 2010.

3. *Time:* 10:30 a.m.–1 p.m. Members of the public wishing to attend the meeting must notify Ms. Joy A. Pasquazi no later than May 6, 2010 at joy.pasquazi@us.army.mil or (845) 938–5078 in order to have their name included on the attendance list. Photo identification may be required in order to gain access to the meeting location. All participants may be subject to security screening.

4. *Location:* Meeting room location has not yet been secured and will be posted in the **Federal Register** and on the Board of Visitors Web page, *http://www.usma.edu/bov.asp,* when it becomes available.

5. *Purpose of the Meeting:* This is the 2010 Spring Meeting of the USMA Board of Visitors (BoV). Members of the Board will be provided updates on Academy issues.

6. *Agenda:* The Academy leadership will provide the Board updates on the following: Military Program, Physical Program, Intercollegiate Athletics, FY2010 Budget and Program Objective Memorandum (POM) 10–15. The Board will discuss meeting dates for the 2010 Summer and Annual Meetings, and receive updates on USMA upcoming events.

7. *Public's 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.

8. *Committee's Designated Federal Officer or Point of Contact:* Ms. Joy A. Pasquazi, (845) 938–5078, *Joy.Pasquazi@us.army.mil.*

SUPPLEMENTARY INFORMATION: Any member of the public is permitted to file a written statement with the USMA Board of Visitors. Written statements should be sent to the Designated Federal Officer (DFO) at: United States Military Academy, Office of the Secretary of the General Staff (MASG), 646 Swift Road, West Point, NY 10996–1905 or faxed to the Designated Federal Officer (DFO) at (845) 938–3214. Written statements must be received no later than five working days prior to the next meeting in order to provide time for member consideration. By rule, no member of the public attending open meetings will be allowed to present questions from the floor or speak to any issue under consideration by the Board.

FOR FURTHER INFORMATION CONTACT: Ms. Joy A. Pasquazi, (845) 938–5078, (Fax: 845–938–3214) or via e-mail: *Joy.Pasquazi@us.army.mil.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2010–9148 Filed 4–20–10; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning a Chimeric Ebola and Marburg Virus Glycoproteins Virus Like Particle Vaccine To Protect Against Diverse Ebola and Marburg Viruses

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Patent Application Serial No. 61/338,967, entitled "A Chimeric Ebola and Marburg Virus Glycoproteins Virus Like Particle Vaccine To Protect Against Diverse Ebola and Marburg Viruses." The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to a chimeric Ebola and Marburg virus glycoproteins virus like particle vaccine and its use to protect against highly fatal diverse Ebola and Marburg viruses, in which no vaccine or proven countermeasure exists.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2010–9150 Filed 4–20–10; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Active Topical Skin Protectants

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Patent Application Serial No. 09/871,743, entitled "Active Topical Skin Protectants," filed June 1, 2001, which issued on October 29, 2002 as U.S. Patent No. 6,472,437. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to a topical skin protectant formulation containing a barrier cream and an active moiety for protecting warfighters and civilians against all types of harmful chemicals, specifically chemical warfare agents (CWAs). The topical skin protectant offers a barrier property and an active moiety that serves to neutralize chemical warfare agents into less toxic agents.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2010–9149 Filed 4–20–10; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Application Concerning Perfactant Pulmonary Lavage

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Provisional Patent Application Serial No. 61/308,096 entitled "Perfactant Pulmonary Lavage," filed February 25, 2010. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates generally to a method of treatment and specifically to a chemical pulmonary lavage to treat smoke inhalation.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2010–9151 Filed 4–20–10; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting 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 May 21, 2010.

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 e-mailed to *oira_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.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 Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 16, 2010.

James Hyler,

Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: Revision.

Title: Umbrella Clearance for Customer Satisfaction Surveys, Focus Groups, and Topic Surveys.

Frequency: Quarterly; Semi-Annually; Annually.

Affected Public: Individuals or household; Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 60,300.

Burden Hours: 13,375.

Abstract: The Higher Education Amendments of 1998 established Federal Student Aid (FSA) as the first Performance-Based Organization (PBO). One purpose of the PBO is to improve service to students and other participants in the student financial assistance programs authorized under Title IV, including making those programs more understandable to students and their parents. To do that, FSA has committed to ensuring that all people receive service that matches or exceeds the best service available in the private sector. The legislation's requirements establish an ongoing need for FSA to be engaged in an interactive process of collecting information and using it to improve program services and processes.

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 4190. 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. 2010–9147 Filed 4–20–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting 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 May 21, 2010.

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 e-mailed to *oira_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.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 Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 16, 2010.

James Hyler,

Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Innovation and Improvement

Type of Review: Extension.

Title: Magnet Schools Assistance Program Application for Grants.

Frequency: Annually.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 150.

Burden Hours: 6,000.

Abstract: The Magnet Schools Assistance Program (MSAP) makes grants to local educational agencies (LEAs) to establish and operate magnet schools projects that are part of approved desegregation plans and that are designed to bring together students from different social, economic, ethnic, and racial backgrounds. The collection of information is necessary for LEAs to apply for and receive grants under the MSAP in a manner consistent with Title V of the Elementary and Secondary Education Act (ESEA). The information is further necessary in order for grantees to meet reporting requirements as a part of the Department's monitoring project performance during the grant period.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4281. 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. 2010–9146 Filed 4–20–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Early Learning

AGENCY: Office of the Secretary, Department of Education.

ACTION: Notice of public meetings and request for input.

SUMMARY: The U.S. Department of Education (ED), in collaboration with the U.S. Department of Health and Human Services (HHS) and through public meetings and written submissions, is seeking input from State agencies responsible for early learning and development, families (including families with children birth through third grade), educators (including early intervention service providers and other providers of services to young children), students, technical assistance providers, researchers of early learning, stakeholders who work with early learning and development for young children, and other members of the public regarding several important topics relating to early learning for children, birth through third grade: Understanding pre-kindergarten through third grade (P–3) Structures ;[1] Workforce and Professional Development; Family Engagement; and Standards and Assessments. Over the next two months, ED and HHS will be holding a series of "Listening and Learning about Early Learning" meetings to inform their work and hear how States and others are implementing innovative and successful approaches to improving early learning outcomes for children, birth through third grade, in the four areas listed in this notice. Neither ED nor HHS is proposing to make any changes to existing requirements in programs administered by these two Federal agencies through this notice.

DATES: ED and HHS will hold public meetings on the dates and at the locations specified elsewhere in this notice. ED must receive all written submissions of comments on the four early learning topics on or before 5 p.m., Washington, DC time, on Tuesday, May 18, 2010.

ADDRESSES: For those planning to submit written input, we encourage submissions by e-mail using the following address: *earlylearning.comments@ed.gov.* You must include "Listening and Learning about Early Learning" and the topic area(s) to be addressed in the subject line of your e-mail. If you prefer to send your input by regular mail, you must address it to the Office of the Secretary, Attention: Listening and Learning about Early Learning—Public Input Meetings, U.S. Department of Education, 400 Maryland Avenue, SW., room 7W219, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Katy Chapman, U.S. Department of Education, 400 Maryland Avenue, SW., room 7W219, Washington, DC 20202. Telephone: (202) 453–7275 or by e-mail: *earlylearning.comments@ed.gov.*

If you use a telecommunications device for the deaf, call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background: The President has outlined and is committed to a cradle through college and career agenda. High-quality early learning programs and services are critical to closing the achievement gap and ensuring that students are college and career ready to help us achieve our goal that the United States will lead the world in college completion by the year 2020. ED and HHS are committed to carrying out the President's birth through third grade early learning agenda that improves early learning outcomes for all children, especially high-needs children, to ensure that they are successful in school and in life. The listening and learning

[1] P–3 structures refer to systems that align a continuum of instructional strategies, professional development, standards, assessments, and other components from pre-kindergarten through third grade.

sessions, along with submitted comments, will help inform the Departments work, foster ongoing dialogue between state and local practitioners and the two departments, and reflects the continued collaborative relationship between the two departments to enact the Administration's early learning agenda. The Senior Advisor to the Secretary for Early Learning (ED) and the Deputy Assistant Secretary and Inter-Departmental Liaison for Early Childhood Development at the Administration for Children and Families (HHS) will lead the listening and learning meetings announced in this notice.

Details of Public Meetings

Structure of Public Meetings

ED and HHS anticipate that each meeting will have the following three components:

(1) Opening statements by officials from ED and HHS.

(2) Input from invited panels of experts.

- Each meeting will have an invited panel of experts in the field of early learning who will have a set amount of time to make presentations, with additional time allotted for questions from the public and from ED and HHS.

(3) Open opportunity for public speakers to share input.

- Each meeting will have 60 to 90 minutes for interested members of the public, who have registered to speak and raise questions.
  - Each individual registered and scheduled to speak will have up to five minutes to provide oral input.
  - Individuals who have registered and are scheduled to speak must limit their remarks to the topic of the specific meeting at which they are speaking.
  - We will also accept written submissions as described in the *Submission of Written Input* section of this notice.

Each meeting will focus on a particular topic as indicated in the next section of this notice. The Department will share any updates and other information about these meetings online at *http://www.ed.gov.*

Topic Areas, Dates, Times, Locations, and Registration Information

The early learning public meetings will occur on the following dates from 10 a.m. to 3:30 p.m. at the locations indicated below.

- *Early Learning Topic Area:* Understanding P–3 Structures
  - Friday, April 23, 2010, in Washington, DC; at the LBJ Auditorium at the Department's headquarters building in the Lyndon Baines Johnson Building, 400 Maryland Avenue, SW., Washington, DC.
- *Early Learning Topic Area:* Workforce and Professional Development
  - Monday, April 26, 2010, in Denver, Colorado; in the auditorium at the Center for Early Education, 3245 E. Exposition Avenue, Denver, CO.
- *Early Learning Topic Area:* Family Engagement
  - Tuesday, May 4, 2010, in Orlando, Florida; at the Orange County Public Schools Educational Leadership Center, 445 W. Amelia Street, Orlando, FL.
- *Early Learning Topic Area:* Standards and Assessments
  - Tuesday, May 11, 2010, in Chicago, Illinois; at the Polk Bros. Lecture Hall at the Erikson Institute, 451 N. LaSalle Street, Chicago, IL

How To Participate in the Early Learning Listening Tour

On-Site Attendance: Anyone who would like to attend or speak at a meeting must register at *http://www.fsaregistration.ed.gov/profile/web/index.cfm?PKWebId=0x91942aeb2&varPage=agenda.* We ask that anyone registering to attend one or more meetings do so at least four business days prior to each meeting they plan to attend. Seating and speaker slots are limited, so early registration is important to ensure that interested persons are able to secure seats, speaking slots, or both. Persons wishing to participate will receive an e-mail responding to their registration request. Anyone not having access to the Internet or to e-mail should call the number indicated in this notice to register. Speakers should come to the meeting prepared to provide an electronic copy of their comments (*e.g.,* CD or flash drive). Federal staff will keep this information for our records.

Webinar Attendance for April 23, 2010: The Department is planning to hold the first early learning meeting in Washington, DC on April 23, 2010. This meeting will also be offered as a webinar. Anyone unable to attend the April 23rd meeting in person, but who would like an opportunity to hear the information shared and watch the slide presentations live, may go to *http://www.fsaregistration.ed.gov/profile/web/index.cfm?PKWebId=0x91942aeb2&varPage=agenda* and register as a webinar attendee. Webinar attendees will be in "listen" mode only.

Assistance to Individuals With Disabilities at the Public Meetings: The meeting sites will be accessible to individuals with disabilities and will make sign language interpreters available for anyone wishing to attend or speak who requests them at least five days prior to each meeting they plan to attend. Registrants must indicate whether they will need sign language interpreters or any other special accommodation in the "special accommodations" portion of the registration form. Attendees requiring an auxiliary aid or service to participate in a meeting (*i.e.,* interpreting service such as oral, cued speech, or tactile interpreter; assisted listening device; or materials in alternate format), should notify the contact person listed under **FOR FURTHER INFORMATION CONTACT** at least two weeks before the scheduled meeting date. Although we will attempt to meet requests received less than two weeks before each meeting date, unless we receive two weeks' notice, we may not be able to make available the requested auxiliary aid or service because of insufficient time.

Submission of Written Input

All interested parties, including those who cannot attend a meeting or from whom we may not have enough time to hear at a meeting, may submit written input in response to this notice.

We will accept written input at the meeting site, or via e-mail or regular mail at the addresses listed in the **ADDRESSES** section of this notice. ED must receive all written submissions of comments on the four early learning topics on or before 5 p.m., Washington, DC time, on Tuesday, May 18, 2010.

When submitting input at the meetings, we request that you submit one paper copy and an electronic file (CD or flash drive) of your statement. Please include your name and contact information on the paper and electronic files.

Sharing Input Publicly

ED and HHS are committed to gathering and sharing publicly the input from the meetings and written submissions. We will make all written input that we receive from members of the public available at *http://www.ed.gov.*

Remarks for Input

All input, including expert presentations and discussions, public input, and written submissions at the meetings, must focus primarily on the topic listed elsewhere in this notice. We encourage all participants to make their input as specific as possible, and to provide evidence to support their input with data and citations to relevant research, as appropriate. We also strongly encourage all presenters to

focus their remarks directly on the topic of the specific meeting they are attending: Understanding P–3 Structures (Washington, DC); Workforce and Professional Development (Denver, CO); Family Engagement (Orlando, FL); and Standards and Assessment (Chicago, IL).

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: You can view this document, as well as all other documents published in the **Federal Register** by ED or HHS, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: April 16, 2010.

Arne Duncan,

Secretary of Education.

[FR Doc. 2010–9276 Filed 4–20–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada Test Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register.**

DATES: Wednesday, May 12, 2010 5 p.m.

ADDRESSES: Atomic Testing Museum, 755 East Flamingo Road, Las Vegas, Nevada 89119.

FOR FURTHER INFORMATION CONTACT: Denise Rupp, Board Administrator, 232 Energy Way, M/S 505, North Las Vegas, Nevada 89030. Phone: (702) 657–9088; Fax (702) 295–5300 or E-mail: *ntscab@nv.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Presentation—Current Non-EM Activities at the Nevada Test Site
2. Presentation—Mixed Waste Storage Unit
3. Sub-Committee Updates
   - Industrial Sites Committee
   - Membership Committee
   - Outreach Committee
   - Soils Committee
   - Transportation/Waste Committee
   - Underground Test Area Committee

Public Participation: The EM SSAB, Nevada Test Site, 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 Denise Rupp at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Denise Rupp at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing to Denise Rupp at the address listed above or at the following Web site: *http://www.nv.doe.gov/ntscab/MeetingMinutes.aspx.*

Issued at Washington, DC, on April 16, 2010.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2010–9153 Filed 4–20–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Coal Council

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the National Coal Council (NCC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register.**

DATES: Friday, May 21, 2010 9 a.m. to Noon.

ADDRESSES: The Fairmont Hotel, 2401 M Street, NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Michael J. Ducker, U.S. Department of Energy; 4G–036/Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–1290; Telephone: 202–586–7810.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To conduct an open meeting of the NCC and to approve of a new NCC study topic.

Tentative Agenda:

- Welcome and Call to Order by NCC Chair Michael Mueller
- Remarks by Secretary Steven Chu, Department of Energy
- Presentation by Walter Crickmer on Biomass/Coal Blending to Generate Electricity
- Council Business:
  - Finance Report by Committee Chairman Joe Hopf
  - Secretary's Report by NCC Secretary Larry Grimes
  - Election of Officers for the 2010/2011 Term of the Council
- Presentation by Roger Bezdek on Green Transmission: An Opportunity for Clean Coal Technologies
- Other Business
- Adjourn

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any potential items on the agenda, you should contact Michael J. Ducker, 202–586–7810 or *Michael.Ducker@HQ.DOE.GOV* (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The NCC will prepare meeting minutes within 45 days of the meeting. The minutes will be posted on the NCC Web site at *http://www.nationalcoalcouncil.org/*

Issued at Washington, DC on April 16, 2010.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2010–9154 Filed 4–20–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Docket No. EERE–2010–BT–BC–0012]

Building Energy Codes

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for Information.

SUMMARY: The U.S. Department of Energy (DOE) is soliciting information on how it can better assist the states to adopt, implement, enforce, and assess compliance with the current model building energy codes or their equivalent. DOE is interested in better understanding the barriers and issues involved and the needs, resources, materials and other technical assistance required to accomplish the goal of increased adoption and compliance with the latest model building energy codes, Standard 90.1–2007, *Energy Standard for Buildings Except Low-Rise Residential Buildings* (or equivalent), for commercial buildings and the *2009 International Energy Conservation Code* (or equivalent) for low-rise residential buildings.

DOE is publishing this request for information to allow interested parties to provide suggestions, comments, and other information. This notice identifies several areas in which DOE is particularly interested in receiving information; however, any input and suggestions considered relevant to the topic are welcome.

DATES: Written comments and information are requested by May 21, 2010.

ADDRESSES: Interested persons may submit comments in writing, identified by docket number EERE–2010–BT–BC–0012, by any of the following methods:

- *E-mail: HelpUpdateStateCodes@ee.doe.gov.* Include EERE–2010–BT–BC–0012 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Building Energy Codes, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Phone (202) 586–2945. Please submit one signed paper original.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024. Phone: (202) 586–2945. Please submit one signed paper original.
- *Internet: http://www.energycodes.gov/HelpUpdateStateCodes.* Please use the input form and complete all required fields.
- *Instructions:* All submissions received must include the agency name and docket number.

Docket: For access to the docket to read background documents, or comments received, visit the U.S. Department of Energy, Resource Room of the Building Technologies Program, 950 L'Enfant Plaza, SW., Suite 600, Washington, DC 20024, (202) 586–2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at the above telephone number for additional information regarding visiting the Resource Room.

FOR FURTHER INFORMATION CONTACT: Margo Appel or Jean Boulin, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Ms. Appel (202) 586–9495, e-mail: *margo.appel@ee.doe.gov* or Mr. Boulin (202) 586–9870, e-mail: *jean.boulin@ee.doe.gov*.

Christopher Calamita, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, Mailstop GC–71, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–1777, e-mail: *christopher.calamita@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Authority and Background

Any strategy to realize the goal of the President and the Secretary of Energy (Secretary)—to achieve 83-percent reductions in energy use by the year 2050—must address the energy performance of the buildings sector. Increases in stringency to building energy codes, along with increased adoption by states and localities and paired with rigorous compliance verification, can provide significant reductions in building energy use. This is consistent with section 304(d) and (e) of the Energy Conservation and Production Act which requires DOE to provide technical and financial assistance to states. (42 U.S.C. 6833(d) and (e))

A number of states are in the process of, or planning to, update, implement, and enforce their building energy codes. Further, many states will implement plans to assess and improve compliance with their updated codes, in response to assurances received by their governors in response to the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), of which the Secretary was notified. This presents a unique opportunity to increase current efforts to ensure that states, municipalities, and local governments, are able to adopt the latest energy codes and increase compliance rates.

In view of the above, DOE believes it is important to provide interested parties with an opportunity to submit information they feel will assist DOE in compiling information.

Public Participation

A. Submission of Information

DOE will accept information in response to this notice under the timeline provided in the **DATES** section above. Information submitted to the Department by e-mail should be provided in WordPerfect, Microsoft Word, PDF, or text file format. Those responding should avoid the use of special characters or any form of encryption, and wherever possible, comments should include the electronic signature of the author. Comments submitted to the Department by mail or hand delivery/courier should include one signed original paper copy. No telefacsimiles will be accepted. Comments submitted in response to this notice will become a matter of public record and will be made publicly available.

B. Issues on Which DOE Seeks Information

DOE is particularly interested in receiving information on the following issues/topics:

(1) Problems, issues, and barriers to the adoption, implementation, enforcement, and improved compliance with improved building energy codes.

(2) Training needed for designers, builders, code officials, owners, and others to support upgraded codes to meet Standard 90.1–2007 (or code that achieves equivalent or greater energy savings) for commercial buildings and the 2009 IECC (or code that achieves equivalent or greater energy savings) for residential buildings. Training and assistance needed to develop and implement a plan to achieve compliance with upgraded codes by 2017.

(3) Processes, information, materials and tools necessary to upgrade building

codes to meet Standard 90.1–2007, Energy Standard for Buildings Except Low-Rise Residential Buildings (or equivalent) for commercial buildings and the 2009 International Energy Conservation Code (or equivalent) for residential buildings. Information, materials, and tools necessary to develop and implement a plan to achieve 90-percent compliance with upgraded codes by 2017.

(4) Assistance and resources available from stakeholders, states, local jurisdictions, and others.

Issued in Washington, DC, on April 9, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2010–9152 Filed 4–20–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

April 13, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–586–000.
Applicants: Natural Gas Pipeline Company of America, LLC.
Description: Natural Gas Pipeline Company of America, LLC submits amendment to the Firm Transportation and Storage Negotiated Rate Agreement with CenterPoint Energy Minnesota Gas.
Filed Date: 04/08/2010.
Accession Number: 20100408–0205.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 20, 2010.

Docket Numbers: RP10–587–000.
Applicants: Midwestern Gas Transmission Company.
Description: Midwestern Gas Transmission Company submits Eighth Revised Sheet 1 *et al.* to its FERC Gas Tariff, Third Revised Volume 1, to be effective 05/10/10.
Filed Date: 04/08/2010.
Accession Number: 20100408–0204
Comment Date: 5 p.m. Eastern Time on Tuesday, April 20, 2010.

Docket Numbers: RP10–588–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits Second Revised Sheet 2 *et al.* to its FERC Gas Tariff, Third Revised Volume 1, to be effective 05/09/10.
Filed Date: 04/09/2010.
Accession Number: 20100409–0203.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 21, 2010.

Docket Numbers: RP10–589–000.
Applicants: Central Kentucky Transmission Company.
Description: Central Kentucky Transmission Company submits First Revised Sheet 2 *et al.* to its FERC Gas Tariff, Third Revised Volume 1, to be effective 05/09/10.
Filed Date: 04/09/2010.
Accession Number: 20100409–0204.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 21, 2010.

Docket Numbers: RP10–590–000.
Applicants: Hardy Storage Company, LLC.
Description: Hardy Storage Company, LLC submits First Revised Sheet 2 *et al.* to FERC Gas Tariff, Original Volume 1 to be effective 05/09/10.
Filed Date: 04/09/2010.
Accession Number: 20100409–0202.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 21, 2010.

Docket Numbers: RP10–591–000.
Applicants: Crossroads Pipeline Company.
Description: Crossroad Pipeline Company submits Fourth Revised Sheet 2 *et al.* to its FERC Gas Tariff, First Revised Volume 1, to be effective 05/09/10.
Filed Date: 04/09/2010.
Accession Number: 20100409–0205.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 21, 2010.

Docket Numbers: RP10–592–000.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company submits Third Revised Sheet 2 *et al.* to its FERC Gas Tariff, Second Revised Volume 1, to be effective 05/09/10.
Filed Date: 04/09/2010.
Accession Number: 20100409–0206.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 21, 2010.

Docket Numbers: RP10–593–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits the transportation service agreements under Rate Schedule FT.
Filed Date: 04/09/2010.
Accession Number: 20100409–0218.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 21, 2010.

Docket Numbers: RP10–594–000.
Applicants: Garden Banks Gas Pipeline, LLC.
Description: Garden Banks Gas Pipeline, LLC submits Fifth Revised Sheet 0 *et al.* to its FERC Gas Tariff, Original Volume 1, to be effective 05/10/10.
Filed Date: 04/09/2010.
Accession Number: 20100409–0219.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 21, 2010.

Docket Numbers: RP10–595–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits tariff filing per 154.203: Baseline Filing to be effective 04/09/10.
Filed Date: 04/09/2010.
Accession Number: 20100409–5087.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 21, 2010.

Docket Numbers: RP10–596–000.
Applicants: Northwest Pipeline GP.
Description: Northwest Pipeline GP submits Second Revised Sheet 4 to FERC Gas Tariff, Fourth Revised Volume 1, to be effective 05/12/10.
Filed Date: 04/12/2010.
Accession Number: 20100413–0205.
Comment Date: 5 p.m. Eastern Time on Monday, April 26, 2010.

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 email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–9129 Filed 4–20–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

April 08, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–581–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company submits Third Revised Sheet 2502 to FERC Gas Tariff, Sixth Revised Volume 1.
Filed Date: 04/05/2010.
Accession Number: 20100405–0225.
Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

Docket Numbers: RP10–582–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits Fourth Revised Sheet 87 *et al.* to FERC Gas Tariff, Fifth Revised Volume 1 to be effective 5/6/10.
Filed Date: 04/06/2010.
Accession Number: 20100406–0210.
Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

Docket Numbers: RP10–583–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Natural Gas Pipeline Company of American LLC submits Third Revised Sheet 35C.03 to the FERC Gas Tariff, Seventh Revised Volume 1.
Filed Date: 04/07/2010.
Accession Number: 20100407–0236.
Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

Docket Numbers: RP10–584–000.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits Second Revised Sheet 495–A *et al.* of its FERC Gas Tariff, Second Revised Volume 1.
Filed Date: 04/07/2010.
Accession Number: 20100407–0239.
Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

Docket Numbers: RP10–585–000.
Applicants: Maritimes & Northeast Pipeline, LLC.
Description: Maritimes & Northeast Pipeline, LLC submits First Revised Sheet 9P *et al.* of its FERC Gas Tariff, First Volume 1, to be effective 5/7/2010.
Filed Date: 04/07/2010.
Accession Number: 20100407–0245.
Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

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.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–9131 Filed 4–20–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

April 08, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–1027–003.
Applicants: White River Hub, LLC.
Description: White River Hub, LLC submits Substitute First Revised Sheet 242 *et al* to FERC Gas Tariff, Original Volume 1.
Filed Date: 04/06/2010.
Accession Number: 20100407–0201.
Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

Docket Numbers: RP09–1028–003.
Applicants: Questar Southern Trails Pipeline Company.
Description: Questar Southern Trails Pipeline Company submits Third Substitute Revised Sheet 130 *et al* to FERC Gas Tariff, Original Volume 1.
Filed Date: 04/06/2010.
Accession Number: 20100407–0203.
Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

Docket Numbers: RP09–1029–003.
Applicants: Questar Overthrust Pipeline Company.
Description: Questar Overthrust Pipeline Company submits Fifth Revised Sheet 1 *et al* to FERC Gas Tariff, Second Revised Volume 1.
Filed Date: 04/06/2010.
Accession Number: 20100407–0202.
Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

Docket Numbers: RP09–1030–003.
Applicants: Questar Pipeline Company.
Description: Questar Pipeline Company submits First Revised Sheet 72 *et al* to FERC Gas Tariff, First Revised Volume 1.
Filed Date: 04/06/2010.
Accession Number: 20100407–0204.
Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

Docket Numbers: RP10–468–001.
Applicants: CenterPoint Energy Gas Transmission Comp.

Description: CenterPoint Energy Gas Transmission Company submits Sixth Revised Sheet 729 *et al* to FERC Gas Tariff, Sixth Revised Volume 1.

Filed Date: 04/06/2010.

Accession Number: 20100407–0214.

Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

Docket Numbers: RP09–466–004.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Gas Transmission Company submits Amendment to Credit Settlement Agreement.

Filed Date: 04/07/2010.

Accession Number: 20100407–5110.

Comment Date: 5 p.m. Eastern Time on Monday, April 19, 2010.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–9130 Filed 4–20–10; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2009–0420; FRL–9140–5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Flexible Vinyl and Urethane Coating and Printing (Renewal), EPA ICR Number 1157.09, OMB Control Number 2060–0073

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 May 21, 2010.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2009–0420, to (1) EPA online using *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: John Schaefer, Office of Air Quality Planning and Standards, Sector Policies and Programs Division (D243–05), Measurement Policy Group, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0296; fax number: (919) 541–3207; e-mail address: *schaefer.john@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 32581), 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–2009–0420, 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 *www.regulations.gov.*

Title: NSPS for Flexible Vinyl and Urethane Coating and Printing (Renewal).

ICR Numbers: EPA ICR Number 1157.09, OMB Control Number 2060–0073.

ICR Status: This ICR is scheduled to expire on May 31, 2010. 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: This Information Collection Request (ICR) renewal is being

submitted for the NSPS for Flexible Vinyl and Urethane Coating and Printing (40 CFR Part 60, Subpart FFF) (Renewal), which were proposed on January 18, 1983 and promulgated on June 29, 1984. These standards apply to the following facilities in subpart FFF: Each rotogravure printing line used to print or coat flexible vinyl or urethane products, and for which construction, modification or reconstruction commenced after the proposed date of the rule. The affected entities are subject to the General Provisions of the NSPS at 40 CFR part 60 subpart A and any changes, or additions to the Provisions specified at 40 CFR part 60, subpart FFF.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 15 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: Initially, occasionally, and semi-annually.

Estimated Number of Respondents: 20.

Frequency of Response: Initially, occasionally, and semi-annually.

Estimated Total Annual Hour Burden: 594.

Estimated Total Annual Cost: $242,431 which includes $55,831 in labor costs, $6,600 in capital/startup costs, and $180,000 in operation and maintenance (O&M) costs.

Changes in the Estimates: The regulations have not changed over the past three years and are not anticipated to change over the next three years. However, a slight increase in labor hours for respondents and small decrease in labor hours for the Agency occurred due to an incorrect calculation of the number of hours in the previous ICR. There was also an increase in O&M costs due to an error in the number of affected facilities in the previous ICR.

Dated: April 15, 2010.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2010–9170 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2009–0532; FRL–9140–6; EPA ICR Number 1678.07, OMB Control Number 2060–0326]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Magnetic Tape Manufacturing Operations

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 May 21, 2010.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2009–0532, 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 Compliance, Mail Code: 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–2009–0532, 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: NESHAP for Magnetic Tape Manufacturing Operations (Renewal).

ICR Numbers: EPA ICR Number 1678.07, OMB Control Number 2060–0326.

ICR Status: This ICR is scheduled to expire on June 30, 2010. 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 affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart EE. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. 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. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 200 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: Magnetic tape manufacturing operations.

Estimated Number of Respondents: 6.

Frequency of Response: Initially, occasionally, quarterly, semiannually and annually.

Estimated Total Annual Hour Burden: 3,396.

Estimated Total Annual Cost: $366,607, which includes $319,607 in labor costs, $11,000 in capital/startup costs, and $36,000 in operation and maintenance (O&M) costs.

Changes in the Estimates: There is no change in the estimation methodology of labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. Because this ICR carries two decimal places in calculations within Table 1, there is an apparent increase of one labor hour in this ICR compared to the previous ICR which presented calculation results rounded to a whole number.

The increase in cost to respondents and the Agency is due to labor rate adjustments to reflect rates for fiscal year 2009. This increase is not due to any program changes. Labor rates reflected in the previous ICR were based on fiscal year 2003.

Dated: April 15, 2010.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2010–9171 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2009–0380; FRL–FRL–9140–4]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Wood Furniture Manufacturing Operations, EPA ICR Number 1716.06, OMB Control Number 2060–0324

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 May 21, 2010.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2009–0380, 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 Compliance, Mail Code: 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–7021; fax number: (202) 564–0050, 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 8, 2009 (74 FR 34583), 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–2009–0380, 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: NESHAP for Wood Furniture Manufacturing Operations (Renewal).

ICR Numbers: EPA ICR Number 1716.06, OMB Control Number 2060–0324.

ICR Status: This ICR is scheduled to expire on June 30, 2010. 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 affected entities are subject to the General Provisions of the NSPS at 40 CFR part 60, subpart A and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart JJ. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. 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. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 45 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: Wood furniture manufacturing operations.

Estimated Number of Respondents: 750.

Frequency of Response: Initially, occasionally, quarterly, semiannually and annually.

Estimated Total Annual Hour Burden: 47,189.

Estimated Total Annual Cost: $4,456,012, which includes $4,438,012 in labor costs, $0 in capital/startup costs, and $18,000 in operation and maintenance (O&M) costs.

Changes in the Estimates: There are no changes in the respondent labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated (with a correction for rounding) in this ICR. It should be noted that there is an apparent decrease of one hour in the total labor hours for this ICR. Total labor hours for this ICR are 47,189 rather than 47,190 as in the previous ICR. This is due to rounding of the various cost figures.

There is an increase in both respondent and Agency labor costs resulting from labor rate increases from 2003 to 2009.

Dated: April 15, 2010.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2010–9168 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0321; FRL–8818–1]

Dimethyldithiocarbamate Salts; Amendments to Terminate Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellation and/or amendments to terminate uses, voluntarily requested by the registrant and accepted by the Agency, of products containing the pesticides sodium dimethyldithiocarbamate and/or potassium dimethyldithiocarbamate, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a September 16, 2009 **Federal Register** Notice of Receipt of Requests from dimethyldithiocarbamate salts registrants to voluntarily cancel and/or amend to terminate uses of some of their dimethyldithiocarbamate salts product registrations. These are not the last dimethyldithiocarbamate salts products registered for use in the United States. In the September 16, 2009 notice, EPA indicated that it would issue an order implementing the cancellations and amendments to terminate uses, unless the Agency received substantive comments within the 180–day comment period that would merit its further review of these requests, or unless the registrant withdrew its requests within this period. The Agency did not receive any comments on the notice. Further, the registrant did not withdraw its requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested product cancellation and amendments to terminate uses. Any distribution, sale, or use of the sodium dimethyldithiocarbamate and potassium dimethyldithiocarbamate products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are effective April 21, 2010.

FOR FURTHER INFORMATION CONTACT: Eliza Blair, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–7279; e-mail address: *blair.eliza@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2009–0321. 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 Office of Pesticide Programs (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.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at *http://www.epa.gov/fedrgstr*.

II. What Action is the Agency Taking?

This notice announces the amendments to terminate uses, as requested by registrants, of certain materials-preservation, antifoulant, and manufacturing-use sodium dimethyldithiocarbamate salts products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Tables 1 and 2 of this unit.

TABLE 1.—SODIUM DIMETHYLDITHIOCARBAMATE PRODUCT CANCELLATION

Registration Number	Product Name	Company
34688-83	AQUATREAT DCD	Akzo Nobel Surface Chemistry LLC

TABLE 2.—DIMETHYLDITHIOCARBAMATE SALTS PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES

EPA Registration No.	Product Name	Active Ingredient	Delete from Label
34688-78	AQUATREAT SDM	Sodium Dimethyldithiocarbamate	Sapstain
34688-82	AQUATREAT DNM-80	Sodium Dimethyldithiocarbamate	All "open pour" applications in water systems – see Sec. II above
1448-70	BUSAN 85	Potassium Dimethyldithiocarbamate	Paints, Coatings and Cutting Fluids
1448-381	DIMET	Potassium Dimethyldithiocarbamate	Paints, Coatings and Cutting Fluids

Table 3 of this unit includes the names and addresses of record for all registrants of the products in Tables 1 and 2 of this unit.

TABLE 3.—REGISTRANTS OF VOLUNTARILY CANCELED AND/OR AMENDED PRODUCTS

EPA Company Number	Company Name and Address
34688	Akzo Nobel Surface Chemistry LLC7140, Heritage Village Plaza, Gainesville, VA 20136
1448	Buckman Laboratories Inc., 1256 North McLean Blvd., Memphis, TN 38108

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the September 16, 2009 **Federal Register** notice (74 FR 47581 FRL–8432–7) announcing the Agency's receipt of the request for product cancellation and amendments to terminate uses of sodium dimethyldithiocarbamate and potassium dimethyldithiocarbamate.

IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellation and amendments to terminate uses of dimethyldithiocarbamate salts registrations identified in Tables 1 and 2 of Unit II. Accordingly, the Agency orders that the dimethyldithiocarbamate salts product registrations identified in Tables 1 and 2 of Unit II. are hereby canceled and/or amended to terminate the affected uses. Any distribution, sale, or use of existing stocks of the products identified in Tables 1 and 2 of Unit II. in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit VI. will be considered a violation of FIFRA.

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

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the Administrator may approve such a request.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The cancellation order issued in this notice includes the following existing stocks provisions.

The Agency has authorized the registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pests, Antimicrobials, Dimethyldithiocarbamate salts, sodium dimethyldithiocarbamate, Potassium dimethyldithiocarbamate.

Dated: April 12, 2010.

Joan Harrigan Farrelly,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 2010–8759 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0008; FRL–8818–7]

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 such applications, pursuant to section 3(c)(4) of FIFRA.

DATES: Comments must be received on or before May 21, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number specified within the table below, 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 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* 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 *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, with telephone number and e-mail address, is listed at the end of each registration application summary. You may also reach each contact person by mail at 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 **FOR FURTHER INFORMATION CONTACT**.

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 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 pesticide products containing currently registered active ingredients pursuant to the provisions of section 3(c) of FIFRA, and is publishing this Notice of such applications pursuant to section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

1. *Registration Numbers*: 100–993, 100–1103, 100–1017. *Docket Number*: EPA–HQ–OPP–2010–0122. *Company name and address*: Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419–8300. *Active ingredient*: Fomesafen. *Proposed Use(s)*: Peppers. *Contact*: Michael Walsh, (703) 308–2972; *walsh.michael@epa.gov.*

2. *Registration Number*: 264–678. *Docket Number*: EPA–HQ–OPP–2008–0887. *Company name and address*: Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Propamocarb hydrochloride. *Proposed Use(s)*: Lima Beans. *Contact*: Tamue Gibson, (703) 305–9096; *gibson.tamue@epa.gov*.

3. *Registration Number*: 264–704. *Docket Number*: EPA–HQ–OPP–2009–0622. *Company name and address*: Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Pyrimethanil. *Proposed Use(s)*: Caneberries, and bushberries. *Contact*: Tamue Gibson, (703) 305–9096; *gibson.tamue@epa.gov*.

4. *Registration Numbers*: 264–718, 264–719, 264–850. *Docket Number*: EPA–HQ–OPP–2010–0250. *Company name and address*: Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Dr., Research Triangle, NC 27709. *Active ingredient*: Spiromesifen. *Proposed Use(s)*: Wheat and sorghum. *Contact*: Jennifer Gaines, (703) 305–5967; *gaines.jennifer@epa.gov*.

5. *Registration Number*: 264–776. *Docket Number*: EPA–HQ–OPP–2009–0163. *Company name and address*: Bayer CropScience LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient*: Trifloxystrobin. *Proposed Use(s)*: Vegetable, tuberous and corm, subgroup 1C; artichoke, globe; leafy greens, subgroup 4A; *Brassica*, head and stem, subgroup 5A; *Brassica*, leafy greens, subgroup 5B; fruit, small fruit vine climbing, subgroup 13–07F, except fuzzy kiwifruit; berry, lowgrowing, subgroup 13–07G; herb, subgroup 19A; spice, subgroup 19B, except black pepper. *Contact*: Rose Mary Kearns, (703) 305–5611; *kearns.rosemary@epa.gov*.

6. *Registration Numbers*: 352–583, 352–569. *Docket Number*: EPA–HQ–OPP–2010–0102. *Company name and address*: E. I. du Pont de Nemours and Company, 1007 Market St., Wilmington, DE 19898. *Active ingredient*: Triflusulfuron methyl. *Proposed Use(s)*: Garden beet. *Contact*: Mindy Ondish, (703) 605–0723; *ondish.mindy@epa.gov*.

7. *Registration Numbers*: 59639–107, 59639–138. *Docket Number*: EPA–HQ–OPP–2010–0063. *Company name and address*: Valent U.S.A. Corp, 1600 Riviera Ave, Suite 200, Walnut Creek, CA 94596. *Active ingredient*: Etoxazole. *Proposed Use(s)*: African eggplant; bell pepper; eggplant; martynia; nonbell pepper; okra; pea eggplant; pepino; roselle; scarlet eggplant, including cultivars, varieties and/or hybrids of these commodities: Berry and small fruit subgroups 13–07 A, F & G, squash/cucumber subgroup 9B, avocado, papaya, star apple, black sapote, mango, sapodilla, canistel, mamey sapote. *Contact*: Autumn Metzger, (703) 305–5314; *metzger.autumn@epa.gov*.

8. *Registration Number*: 59639–151. *Docket Number*: EPA–HQ–OPP–2010–0217. *Company name and address*: Valent U.S.A. Corp, P.O. Box 8025, Walnut Creek, CA 94596–8025. *Active ingredient*: Clothianidin. *Proposed Use(s)*: Rice seed treatment. *Contact*: Marianne Lewis, (703) 308–8043; *lewis.marianne@epa.gov*.

9. *Registration Number*: 62719–282. *Docket Number*: EPA–HQ–OPP–2010–0199. *Company name and address*: Dow AgroSciences LLC, 9330 Zionsville Rd, Indianapolis, IN 46268. *Active ingredient*: Spinosad. *Proposed Use(s)*: Seed treatments on: bulb vegetables (crop group 3); dried shelled pea and bean (except soybean; subgroup 6C; excluding lentils and cowpea); lentils; cowpea; corn grown for seed; cucurbit vegetables (crop group 9; excluding cantaloupe, pumpkin, watermelon, winter squash); cantaloupe; pumpkin; watermelon; winter squash; edible-podded legume vegetables (subgroup 6A); field corn; leaves of legume vegetables (subgroup 7A; excluding cowpea and lentils); and sweet corn. *Contact*: Samantha Hulkower, (703) 603–0683; *hulkower.samantha@epa.gov*.

10. *File Symbol*: 100–RGAR. *Docket Number*: EPA–HQ–OPP–2010–0204. Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419. *Active ingredient*: Tefluthrin. *Proposed Use(s)*: Sugar beet seed treatment. *Contact*: BeWanda Alexander, (703) 305–7460; *alexander.bewanda@epa.gov*.

11. *File Symbol*: 100–RGAU. *Docket Number*: EPA–HQ–OPP–2009–0905, *Company name and address*: Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419. *Active ingredient*: Acibenzolar, chlorothalonil.*Proposed Use(s)*: Non-residential turf. *Contact*: Janet Whitehurst, (703) 305–6129; *whitehurst.janet@epa.gov*.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: April 9, 2010.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2010–9190 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0196; FRL–8817–5]

Pirimicarb; Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellation of products containing the pesticide pirimicarb, pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a February 21, 2004 expiration of conditional registrations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are effective April 21, 2010.

FOR FURTHER INFORMATION CONTACT: Olga Odiott, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9369; fax number: (703) 305–6920; e-mail address: *odiott.olga@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of this Document and Other Related Information?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2010–0196. 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 Office of Pesticide Programs (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.

II. What Action is the Agency Taking?

This notice announces the expiration of products registered under section 3 of FIFRA. This notice also serves as a cancellation order to provide for existing stocks of affected products. These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1.—PIRIMICARB PRODUCT CANCELLATIONS

EPA Registration Number	Product Name
100–1072	Pirimicarb Technical
100–1073	Pirimidor 50-DF Insecticide

Table 2 of this unit includes the name and address of record for the registrant of the products in Table 1 of this unit.

TABLE 2.—REGISTRANTS OF CANCELLED PRODUCTS

EPA Company Number	Company Name and Address
100	Syngenta Crop Protection Inc. P.O. Box 18300 Greensboro, NC 27419-8300

III. Cancellation Order

Pursuant to FIFRA section 3, EPA hereby announces the expiration of pirimicarb registrations identified in Table 1 of Unit II. The Agency considers the expiration of a time limited registration to be a cancellation under section 3 of FIFRA, for purposes of section 6(a)(1) of FIFRA. Any distribution, sale, or use of existing stocks of the cancelled products identified in Table 1 of Unit II in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit IV will be considered a violation of FIFRA.

IV. Provisions for Disposition of Existing Stocks

1. The registrant may continue to sell or distribute existing stocks of pirimicarb products identified in Table 1 of Unit II with previously approved labeling until September 30, 2011.

2. Persons other than the registrant may continue to sell or distribute existing stocks of pirimicarb products identified in Table 1 of Unit II with previously approved labeling until such stocks are exhausted.

3. Persons other than the registrant may use existing stocks of pirimicarb products identified in Table 1 of Unit II until existing stocks are exhausted. Any existing stocks must be used in a manner consistent with the previously approved labeling for that product.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 1, 2010.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs

[FR Doc. 2010–8931 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2010–0108; FRL–9139–9]

Notice of Workshop To Discuss Policy-Relevant Science to Inform EPA's Integrated Plan for the Review of the Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency.

ACTION: Notice of workshop.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing that a workshop entitled, "Workshop to Discuss Policy-Relevant Science to Inform EPA's Integrated Plan for Review of the National Ambient Air Quality Standards for Lead," is being organized by EPA's Office of Air and Radiation's Office of Air Quality Planning and Standards (OAQPS) and EPA's Office of Research and Development's National Center for Environmental Assessment (NCEA). The workshop will be held May 10–11, 2010, in Research Triangle Park, North Carolina. The workshop will be open to attendance by interested public observers on a first-come, first-served basis up to the limits of available space.

DATES: The workshop will be held on May 10 and 11, 2010. The pre-registration deadline is May 3, 2010.

ADDRESSES: The workshop will be held at the U.S. EPA, 109 T.W. Alexander Drive, Research Triangle Park, North Carolina. An EPA contractor, ICF International Inc., is providing logistical support for the workshop. To register, please use the on-line registration form at: *http://epa.leadworkshop.icfi.com.* Please direct questions regarding workshop registration or logistics to ICF staff at 919–293–1621 or *EPA_Lead_Wksp@icfi.com,* or contact Ms. Tricia Crabtree, OAQPS, at 919–541–5688. For specific questions regarding technical aspects of the workshop, see **FOR FURTHER INFORMATION CONTACT** below.

FOR FURTHER INFORMATION CONTACT: For information on technical aspects of the workshop, contact Dr. Deirdre Murphy, OAQPS, telephone: 919–541–0729, facsimile: 919–541–1818, or e-mail: *Murphy.deirdre@epa.gov* or contact Dr. Ellen Kirrane, NCEA, telephone: 919–541–1340, or e-mail: *kirrane.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information about the Workshop

This workshop is designed to inform the planning for EPA's recently initiated review of the primary (health-based)

and secondary (welfare-based) National Ambient Air Quality Standards (NAAQS) for lead (Pb).[1] Consistent with the NAAQS review process,[2] the workshop will provide an opportunity to highlight key policy issues around which EPA would structure the Pb NAAQS review. In workshop discussions, external and internal experts will be expected to highlight significant new and emerging Pb research and make recommendations to the Agency regarding the design and scope of this review. The goal of the workshop is to ensure that this review focuses on the key policy-relevant issues and considers the most meaningful new science to inform our understanding of these issues. Workshop discussions will provide important input as EPA considers the appropriate design and scope of major elements of the Pb review that will inform the Agency's policy assessment. These elements include an integrated review plan (IRP) highlighting the key policy-relevant issues; an integrated science assessment; and a risk and exposure assessment. The workshop discussions are planned to build upon the following two publications, copies of which are available at *http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_index.html.*

1. *National Ambient Air Quality Standards for Lead: Final Rule* (73 FR 66964, November 12, 2008). The preamble to the final rule includes detailed discussions of policy-relevant issues central to the last review.

2. *Air Quality Criteria for Lead* (EPA/600/R–05/144aF, October 2006).

As an early step in the new review, the workshop is intended to identify issues and questions to frame the review. Drawing from the workgroup discussions, EPA will next develop a draft IRP. The IRP, in addition to summarizing the schedule and process for the review, will present general approaches for evaluating the relevant scientific information, assessing lead-related risks to public health and the environment, and addressing the key policy-relevant issues. The Clean Air Scientific Advisory Committee (CASAC) will be asked to consult with the Agency on the draft IRP in the late summer of 2010, and the public will have the opportunity to comment on it as well. The final IRP will be used as the framework to guide the review.

[1] The **Federal Register** notice issuing EPA's call for information for the recently initiated review is available at: *http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_index.html.*

[2] More information on the NAAQS review process is provided at: *http://www.epa.gov/ttn/naaqs/.*

Dated: April 14, 2010.

Jennifer Noonan Edmonds,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2010–9172 Filed 4–20–10; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Advisory Committee on Diversity for Communications in the Digital Age

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Advisory Committee on Diversity for Communications in the Digital Age ("Diversity Committee") will hold a meeting on Tuesday, June 15, 2010 at 2:00 p.m. in the Commission Meeting Room of the Federal Communications Commission, Room TW–C305, 445 12th Street, SW., Washington, DC 20554.

DATES: June 15, 2010

ADDRESSES: Federal Communications Commission, Room TW–C305 (Commission Meeting Room), 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Barbara Kreisman, 202–418–1605; *Barbara.Kreisman@FCC.gov.*

SUPPLEMENTARY INFORMATION: At this meeting the Constitutional, Broadband and Media Issues working groups will present best practices recommendations.

Members of the general public may attend the meeting. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to seating availability. The public may submit written comments before the meeting to: Barbara Kreisman, the FCC's Designated Federal Officer for the Diversity Committee by e-mail: *Barbara.Kreisman@fcc.gov* or U.S. Postal Service Mail (Barbara Kreisman, Federal Communications Commission, Room 2–A665, 445 12th Street, SW., Washington, DC 20554).

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via e-mail to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty). Such requests should include a detailed description of the accommodation needed. In addition, please include a way we can contact you if we need more information. Please allow at least five days advance notice; last minute requests will be accepted, but may be impossible to fill.

Additional information regarding the Diversity Committee can be found at *http://www.fcc.gov/DiversityFAC.*

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 2010–9179 Filed 4–20–10; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 10–585]

Notice of Suspension and Initiation of Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (Bureau) gives notice to Mr. Jay H. Soled of his suspension from the schools and libraries universal service support mechanism (E-Rate Program). Additionally, the Bureau gives notice that debarment proceedings are commencing against him. Mr. Soled, or any person who has an existing contract with or intends to contract with him to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

DATES: Opposition requests must be received by May 21, 2010. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or May 21, 2010, whichever comes first. The Bureau will decide any opposition request for reversal or modification of suspension or debarment within 90 days of its receipt of such requests.

FOR FURTHER INFORMATION CONTACT: Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street, SW., Washington, DC 20554. Rebekah Bina may be contacted by phone at (202) 418–7931 or e-mail at *Rebekah.Bina@fcc.gov.* If Ms. Bina is unavailable, you may contact Ms. Michele Levy Berlove, Assistant Chief,

Investigations and Hearings Division, by telephone at (202) 418–1477 and by e-mail at *Michele.Berlove@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111(a)(14). Suspension will help to ensure that the party to be suspended cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 10–585, which was mailed to Mr. Soled and released on April 7, 2010. The complete text of the notice of suspension and initiation of debarment proceedings is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554, In addition, the complete text is available on the FCC's Web site at *http://www.fcc.gov.* The text may also be purchased from the Commission's duplicating inspection and copying during regular business hours at the contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY–B420, Washington, DC 20554, telephone (202) 488–5300 or (800) 378–3160, facsimile (202) 488–5563, or via e-mail *http://www.bcpiweb.com.*

Federal Communications Commission.

Hillary S. DeNigro,

Chief, Investigations and Hearings Division, Enforcement Bureau.

The suspension letter follows:

April 7, 2010
DA 10–585

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED AND E-MAIL (mdm@monico-law.com) AND FACSIMILE (312) 853–2187

Mr. Jay H. Soled
c/o Monico, Pavich & Spevack
Attn: Michael D. Monico
20 South Clark Street, Suite 700
Chicago, IL 60603

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB–10–IH–2080

Dear Mr. Soled:

The Federal Communications Commission ("FCC" or "Commission") has received notice of your guilty plea for conspiracy to defraud the United States in violation of 18 U.S.C. § 371 in connection with your participation in the schools and libraries universal service support mechanism ("E-Rate program").[1] Consequently, pursuant to 47 CFR § 54.8, this letter constitutes official notice of your suspension from the E-Rate program. In addition, the Enforcement Bureau ("Bureau") hereby notifies you that we are commencing debarment proceedings against you.[2]

I. Notice of Suspension

The Commission has established procedures to prevent persons who have "defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism" from receiving the benefits associated with that program.[3] On July 10, 2008, you, Jay H. Soled, entered a plea agreement and pleaded guilty to knowingly and intentionally conspiring with others to defraud and obtain money from the E-Rate Program through submission of materially false representations, concealment of material facts, mail fraud, wire fraud, and intentional manipulation of the competitive bidding process.[4] Specifically, from Fall 1999 to at least November 2003, you held yourself out as an E-Rate salesperson and installer for the purpose of defrauding the E-Rate Program.[5] You admitted that you and others devised schemes to defraud school districts and the E-Rate program by having your co-conspirators steer E-rate related contracts to various companies that directly benefited you, your conspirators, and your company, primarily DeltaNet, Inc.[6] In furtherance of the schemes, you submitted misleading, fraudulent and false documents to the Universal Service Administrative Company ("USAC") claiming schools were paid or would pay their co-pay, submitted other materially false and fraudulent documents to USAC, and concealed from the school districts relationships with co-conspirators in order to induce schools to select your companies as service providers in violation of E-Rate Program rules.[7] Ultimately, your conspiracy was comprised of two closely related schemes that affected at least thirteen different schools in eight different states across the United States.[8]

On February 4, 2010, you were sentenced to serve twenty-seven months in prison, to be followed by twenty-four months of supervised release for your role in the scheme to defraud the E-Rate program.[9] You were also ordered to pay $271,716 in restitution to USAC for your role in the schemes.[10]

Pursuant to section 54.8 of the Commission's rules, your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries support mechanism.[11] Such activities include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.[12]

Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**, pending the Bureau's final debarment determination.[13] In accordance with the Commission's debarment rules, you may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation.[14] Your request must be received within 30 days after you receive this letter or after notice is published in the **Federal Register**, whichever comes first.[15] Such requests, however, will not ordinarily be granted.[16] The Bureau may reverse or

[1] Any further reference in this letter to "your conviction" refers to your guilty plea and subsequent sentencing for conspiracy to defraud the United States. *United States v. Jay H. Soled,* Criminal Docket No. 1:08–cr–00464–2, Plea Agreement (N.D. Ill. filed Feb. 4, 2010 and entered Mar. 15, 2010) ("*Soled Judgment*"); *United States v. Jay H. Soled,* Criminal Docket No. 1:08–cr–00464–2, Plea Agreement (N.D. Ill. filed July 10, 2008 and entered July 14, 2008) ("*Soled Plea*"); *United States v. Benjamin Rowner and Jay H. Soled,* Criminal Docket No. 1:08–cr–20047–01–02 CM/JPO, Information (D. Kan. filed and entered Apr. 23, 2008) ("*Rowner and Soled Information*").

[2] 47 CFR § 54.8; *see also* 47 CFR § 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the schools and libraries universal service support mechanism in 2003. *See Schools and Libraries Universal Service Support Mechanism,* Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) ("*Second Report and Order*") (adopting section 54.521 of the Commission's rules to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all of the Federal universal service support mechanisms. *Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Lifeline and Link Up; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.,* Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (5), (c), (d), (e)(2)(i), (3), (e)(4), and (g)).

[3] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 66. The Commission's debarment rules define a "person" as "[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however, organized." 47 CFR § 54.8(a)(6).

[4] *Soled Plea* at 2–3; *see also Rowner and Soled Information* at 5–12; Department of Justice Press Release (Apr. 23, 2008), *available* at *http://www.justice.gov/atr/public/press_releases/2008/232526.htm* ("*DOJ April 2008 Press Release*").

[5] *Soled Plea at 3–8; see also Rowner and Soled Information* at 5–12.

[6] *Soled Plea* at 3–8; *see also Rowner and Soled Information* at 5–12; Department of Justice Press Release (Feb. 4, 2010), *available at http://chicago.fbi.gov/dojpressrel/pressrel10/cg020410a.htm* ("*DOJ February 2010 Press Release*").

[7] *Soled Plea* at 3–8; *see also Rowner and Soled Information* at 5–12.

[8] *Soled Plea* at 4–6; *see also Rowner and Soled Information* at 8–11 (Listing the schools and states including Wisconsin, Illinois, Kansas, California, Oregon, New York, New Jersey, and Arkansas); *DOJ February 2010 Press Release* at 1.

[9] *Soled Judgment* at 2–3; *see also DOJ February 2010 Press Release* at 1.

[10] *Soled Judgment* at 4–5 (You were also ordered to pay a $100 assessment); *see also DOJ February 2010 Press Release* at 1.

[11] 47 CFR § 54.8(b)–(e); *see also* 47 CFR § 54.8(a)(4); *Second Report and Order,* 18 FCC Rcd at 9225–27, ¶¶ 67–74.

[12] 47 CFR § 54.8(a)(1); *see also* 47 CFR § 54.8(a)(3).

[13] 47 CFR § 54.8(a)(7), (e)(1); *see also Second Report and Order,* 18 FCC Rcd at 9226, ¶ 69.

[14] 47 CFR § 54.8(e)(4).

[15] Id.

[16] Id.

limit the scope of suspension only upon a finding of extraordinary circumstances.[17] The Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.[18]

II. Initiation of Debarment Proceedings

Your guilty plea and conviction of criminal conduct in connection with the E–Rate program, in addition to serving as a basis for immediate suspension from the program, also serves as a basis for the initiation of debarment proceedings against you. Your conviction falls within the categories of causes for debarment defined in section 54.8(c) of the Commission's rules.[19] Therefore, pursuant to section 54.8 of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.[20]

As with your suspension, you may contest debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**.[21] Absent extraordinary circumstances, the Bureau will debar you.[22] The Bureau will decide any request for reversal or limitation of debarment within 90 days of receipt of such request.[23] If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of the decision in the **Federal Register**.[24]

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for three years from the date of debarment.[25] The Bureau may, if necessary to protect the public interest, extend the debarment period.[26]

Please direct any response, if by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554, to the attention of Rebekah Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, with a copy to Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Rebekah Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–C330, Washington, DC 20554, with a copy to Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–C330, Washington, DC 20554. You shall also transmit a copy of the response via e-mail to *Rebekah.Bina@fcc.gov* and to *Michele.Berlove@fcc.gov*.

If you have any questions, please contact Ms. Bina via mail, by telephone at (202) 418–7931 or by e-mail at *Rebekah.Bina@fcc.gov*. If Ms. Bina is unavailable, you may contact Ms. Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418–1477 and by e-mail at *Michele.Berlove@fcc.gov*.

Sincerely,

Hillary S. DeNigro

Chief, Investigations and Hearings Division, Enforcement Bureau.

cc: United States Attorney's Office, Department of Justice (via e-mail)
Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail)

[FR Doc. 2010–9187 Filed 4–20–10; 8:45 am]

BILLING CODE 6712–01–P

[17] 47 CFR § 54.8(e)(5).

[18] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; *see also* 47 CFR § 54.8(e)(5),(f).

[19] "Causes for suspension and debarment are the conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism." 47 CFR § 54.8(c). Such activities "include the receipt of funds or discounted services through [the Federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the Federal universal service] support mechanism." 47 CFR § 54.8(a)(1).

[20] *See* 47 CFR § 54.8(b), (c).

[21] See 47 CFR § 54.8(e)(3), (e)(5); *see also Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70.

[22] 47 CFR § 54.8(e)(5); *see also Second Report and Order,* 18 FCC Rcd at 9227, ¶ 74.

[23] See 47 CFR § 54.8(e)(5), (f); *see also Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70.

[24] 47 CFR § 54.8(e)(5). The Commission may reverse a debarment or may limit the scope or period of debarment upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. 47 CFR § 54.8(f).

[25] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 67; 47 CFR § 54.8(d), (g).

[26] 47 CFR § 54.8(g).

FEDERAL COMMUNICATIONS COMMISSION

[DA 10–584]

Notice of Suspension and Initiation of Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (Bureau) gives notice to Mr. Benjamin Rowner of his suspension from the schools and libraries universal service support mechanism (E-Rate Program). Additionally, the Bureau gives notice that debarment proceedings are commencing against him. Mr. Rowner, or any person who has an existing contract with or intends to contract with him to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation to Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street, SW., Washington, DC 20554.

DATES: Opposition requests must be received by May 21, 2010. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or May 21, 2010, whichever comes first. The Bureau will decide any opposition request for reversal or modification of suspension or debarment within 90 days of its receipt of such requests.

FOR FURTHER INFORMATION CONTACT: Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street, SW., Washington, DC 20554. Rebekah Bina may be contacted by phone at (202) 418–7931 or e-mail at *Rebekah.Bina@fcc.gov.* If Ms. Bina is unavailable, you may contact Ms. Michele Levy Berlove, Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418–1477 and by e-mail at *Michele.Berlove@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111(a)(14). Suspension will help to ensure that the party to be suspended cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 10–584, which was mailed to Mr. Rowner and released on April 7, 2010. The complete text of the notice of suspension and initiation of debarment proceedings is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554, In addition, the complete text is available on the FCC's Web site at *http://www.fcc.gov.* The text may also be purchased from the Commission's duplicating inspection and copying during regular business hours at the contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY–B420, Washington, DC 20554, telephone (202) 488–5300 or (800) 378–

3160, facsimile (202) 488–5563, or via e-mail *http://www.bcpiweb.com.*

Hillary S. DeNigro,

Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission.

The suspension letter follows:

April 7, 2010

DA 10–584

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

AND E–MAIL (*jmontana@vedderprice.com*) AND FACSIMILE (312) 609–5005

Mr. Benjamin Rowner, c/o Vedder Price P.C. Attn: James S. Montana, Jr., 222 North LaSalle Street, Site 2600, Chicago, IL 60601

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB–10–IH–2079

Dear Mr. Rowner: The Federal Communications Commission ("FCC" or "Commission") has received notice of your guilty plea for conspiracy to defraud the United States in violation of 18 U.S.C. § 371 in connection with your participation in the schools and libraries universal service support mechanism ("E–Rate program").[1] Consequently, pursuant to 47 CFR § 54.8, this letter constitutes official notice of your suspension from the E–Rate program. In addition, the Enforcement Bureau ("Bureau") hereby notifies you that we are commencing debarment proceedings against you.[2]

I. Notice of Suspension

The Commission has established procedures to prevent persons who have "defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism" from receiving the benefits associated with that program.[3] On July 10, 2008, you, Benjamin Rowner, entered a plea agreement and pleaded guilty to knowingly and intentionally conspiring with others to defraud and obtain money from the E–Rate Program through submission of materially false representations, concealment of material facts, mail fraud, wire fraud, and intentional manipulation of the competitive bidding process.[4] Specifically, from Fall 1999 to at least November 2003, you held yourself out as an E–Rate salesperson and installer for the purpose of defrauding the E–Rate Program.[5] You admitted that you and others devised schemes to defraud school districts and the E–Rate program by having your co-conspirators steer E-rate related contracts to various companies that directly benefited you, your conspirators, and your company, primarily DeltaNet, Inc.[6] In furtherance of the schemes, you submitted misleading, fraudulent and false documents to the Universal Service Administrative Company ("USAC") claiming schools were paid or would pay their co-pay, submitted other materially false and fraudulent documents to USAC, and concealed from the school districts relationships with co-conspirators in order to induce schools to select your companies as service providers in violation of E–Rate Program rules.[7] Ultimately, your conspiracy was comprised of two closely related schemes that affected at least thirteen different schools in eight different States across the United States.[8]

On February 4, 2010, you were sentenced to serve twenty-seven months in prison, to be followed by twenty-four months of supervised release for your role in the scheme to defraud the E–Rate program.[9] You were also ordered to pay $271,716 in restitution to USAC for your role in the schemes.[10]

Pursuant to section 54.8 of the Commission's rules, your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries support mechanism.[11] Such activities include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.[12]

Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**, pending the Bureau's final debarment determination.[13] In accordance with the Commission's debarment rules, you may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation.[14] Your request must be received within 30 days after you receive this letter or after notice is published in the **Federal Register**, whichever comes first.[15] Such requests, however, will not ordinarily be granted.[16] The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.[17] The Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.[18]

II. Initiation of Debarment Proceedings

Your guilty plea and conviction of criminal conduct in connection with the E–Rate program, in addition to serving as a basis for immediate suspension from the program, also serves as a basis for the initiation of debarment proceedings against you. Your conviction falls within the categories of causes for debarment defined in section 54.8(c) of the Commission's rules.[19] Therefore, pursuant to section 54.8 of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.[20]

As with your suspension, you may contest debarment or the scope of the proposed

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[2] 47 CFR § 54.8; see also 47 CFR § 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the schools and libraries universal service support mechanism in 2003. See Schools and Libraries Universal Service Support Mechanism, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) ("Second Report and Order") (adopting section 54.521 of the Commission's rules to suspend and debar parties from the E–Rate program). In 2007, the Commission extended the debarment rules to apply to all of the Federal universal service support mechanisms. Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Lifeline and Link Up; Changes to the Board of Directors for the National Exchange Carrier Association, Inc., Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (Program Management Order) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (5), (c), (d), (e)(2)(i), (3), (e)(4), and (g)).

[3] Second Report and Order, 18 FCC Rcd at 9225, ¶ 66. The Commission's debarment rules define a "person" as "[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however, organized." 47 CFR § 54.8(a)(6).

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[5] Rowner Plea at 3–8; see also Rowner and Soled Information at 5–12.

[6] Rowner Plea at 3–8; see also Rowner and Soled Information at 5–12; Department of Justice Press Release (Feb. 4, 2010), available at *http://chicago.fbi.gov/dojpressrel/pressrel10/cg020410a.htm* ("DOJ February 2010 Press Release").

[7] Rowner Plea at 3–8; see also Rowner and Soled Information at 5–12.

[8] Rowner Plea at 4–6; see also Rowner and Soled Information at 8–11 (Listing the schools and States including Wisconsin, Illinois, Kansas, California, Oregon, New York, New Jersey, and Arkansas); DOJ February 2010 Press Release at 1.

[9] Rowner Judgment at 2–3; see also DOJ February 2010 Press Release at 1.

[10] Rowner Judgment at 4–5 (You were also ordered to pay a $100 assessment); see also DOJ February 2010 Press Release at 1.

[11] 47 CFR § 54.8(b)–(e); see also 47 CFR § 54.8(a)(4); Second Report and Order, 18 FCC Rcd at 9225–27, ¶¶ 67–74.

[12] 47 CFR § 54.8(a)(1); see also 47 CFR § 54.8(a)(3).

[13] 47 CFR § 54.8(a)(7), (e)(1); see also Second Report and Order, 18 FCC Rcd at 9226, ¶ 69..

[14] 47 CFR § 54.8(e)(4).

[15] Id.

[16] Id.

[17] 47 CFR § 54.8(e)(5).

[18] See Second Report and Order, 18 FCC Rcd at 9226, ¶ 70; see also 47 CFR § 54.8(e)(5), (f).

[19] "Causes for suspension and debarment are the conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism." 47 CFR § 54.8(c). Such activities "include the receipt of funds or discounted services through [the Federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the Federal universal service] support mechanism." 47 CFR § 54.8(a)(1).

[20] See 47 CFR § 54.8(b), (c).

debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**.[21] Absent extraordinary circumstances, the Bureau will debar you.[22] The Bureau will decide any request for reversal or limitation of debarment within 90 days of receipt of such request.[23] If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of the decision in the **Federal Register**.[24]

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for three years from the date of debarment.[25] The Bureau may, if necessary to protect the public interest, extend the debarment period.[26]

Please direct any response, if by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554, to the attention of Rebekah Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, with a copy to Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Rebekah Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4–C330, Washington, DC, 20554, with a copy to Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–C330, Washington, DC 20554. You shall also transmit a copy of the response via e-mail to *Rebekah.Bina@fcc.gov* and to *Michele.Berlove@fcc.gov*.

If you have any questions, please contact Ms. Bina via mail, by telephone at (202) 418–7931 or by e-mail at *Rebekah.Bina@fcc.gov*. If Ms. Bina is unavailable, you may contact Ms. Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418–1477 and by e-mail at *Michele.Berlove@fcc.gov*.

Sincerely,

Hillary S. DeNigro,

Chief Investigations and Hearings Division Enforcement Bureau.

cc: United States Attorney's Office, Department of Justice (via e-mail)
Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail)

[FR Doc. 2010–9181 Filed 4–20–10; 8:45 am]

BILLING CODE 6712–01–P

[21] See 47 CFR § 54.8(e)(3), (e)(5); see also Second Report and Order, 18 FCC Rcd at 9226, ¶ 70.

[22] 47 CFR § 54.8(e)(5); see also Second Report and Order, 18 FCC Rcd at 9227, ¶ 74.

[23] See 47 CFR § 54.8(e)(5), (f); see also Second Report and Order, 18 FCC Rcd at 9226, ¶ 70.

[24] 47 CFR § 54.8(e)(5). The Commission may reverse a debarment or may limit the scope or period of debarment upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. 47 CFR § 54.8(f).

[25] Second Report and Order, 18 FCC Rcd at 9225, ¶ 67; 47 CFR § 54.8(d), (g).

[26] 47 CFR § 54.8(g).

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 4, 2010.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. Robert E. Dye, Jr., Lane W. Dye, Alexander C. Dye, Amy S. Dye, Brenda W. Dye, Devon A. Young, Cassi A.Young, and Taylor W. Young, all of Easley, South Carolina; with Gary G. Wells, Helen T. Wells, and the Joe A.Young Trust, of Greenville, South Carolina, and other family members; as a group acting in concert to retain shares of Peoples Bancorporation, Inc., Easley, South Carolina. and thereby retain voting shares of Bank of Anderson, National Association, Anderson, South Carolina, Seneca National Bank, Seneca, South Carolina, and The Peoples National Bank, Easley, South Carolina.

B. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. Benjamin F. Zimmerman, Dodge City, Kansas, individually; and Benjamin F. Zimmerman, Candace M. Zimmerman, Dodge City, Kansas, and L. Suzanne Zimmerman, Beaverton, Oregon, as members of a family group acting in concert, to retain control of Fidelity Banc Corporation, parent of The Fidelity State Bank and Trust Company, both of Dodge City, Kansas.

Board of Governors of the Federal Reserve System, April 16, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–9166 Filed 4–20–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site 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 May 14, 2010.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. Dentel Bancorporation, Victor, Iowa; to acquire 100 percent of Panora State Bank, Panora, Iowa.

Board of Governors of the Federal Reserve System, April 16, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–9164 Filed 4–20–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center Web site at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 4, 2010.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. Lake Central Financial, Inc., Annandale, Minnesota; to directly engage, de novo in extending credit and servicing loans pursuant to section 225.25(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, April 16, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–9165 Filed 4–20–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*http://www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 010977–063.

Title: Hispaniola Discussion Agreement.

Parties: Crowley Liner Services and Seaboard Marine Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment terminates the general authorities of the Agreement effective May 31, 2010, but allows the parties to continue their Agreement service contracts obligations through June 30, 2010 on which date the Agreement will be terminated in its entirety.

Agreement No.: 011075–073.

Title: Central America Discussion Agreement.

Parties: APL Co. PTE Ltd.; Crowley Latin America Services, LLC.; Dole Ocean Cargo Express; Great White Fleet; King Ocean Services Limited; and Seaboard Marine, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment adds the Dominican Republic and Haiti to the geographic scope of the Agreement.

Agreement No.: 011830–008.

Title: Indamex Cross Space Charter, Sailing and Cooperative Working Agreement.

Parties: APL Co. Pte Ltd; American President Lines, Ltd.; Nippon Yusen Kaisha; Orient Overseas Container Line Limited.

Filing Parties: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment authorizes the deployment of an eighth vessel, makes conforming revisions to the forgoing, and adds Savannah to the port rotation.

Agreement No.: 012094.

Title: Tropical Shipping & Construction Co., Ltd. and United Abaco Shipping Company Limited Slot Charter and Sailing Agreement.

Parties: Tropical Shipping & Construction Co., Ltd. and United Abaco Shipping Company Limited.

Filing Parties: Neal M. Mayer, Esq.; Hoppel, Mayer & Coleman; 1050 Connecticut Avenue NW., 10th Floor; Washington, DC 20036.

Synopsis: The agreement authorizes Tropical and United Abaco to charter slots to one another on an "as needed, as available" basis in the trade between ports on the East Coast of Florida and ports in the Bahamas.

By Order of the Federal Maritime Commission.

Dated: April 16, 2010.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2010–9200 Filed 4–20–10; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–10–0816]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

"Youth Knowledge, Attitudes, and Feedback to Inform Choose Respect Implementation" (OMB no. 0920–0816 exp. 6/30/2012)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

A revision of approved OMB# 0920–0816 is requested to reflect adjustments in the age of youth who will participate in the focus group studies and surveys (11–14 will become 11–18). The revision requests permission to ask knowledge and attitude questions at some of the focus groups.

Over a three-year period, NCIPC seeks to understand youths' (ages 11 to 18) knowledge and attitudes regarding healthy and unhealthy relationships, and obtain their feedback regarding message development/placement, creative executions, appropriate partners, and other similar issues, to inform ongoing implementation and evaluation of the Choose Respect campaign, an initiative intended to promote youth awareness of and participation in healthy dating relationships. Communication research indicates that campaign planning implementation must employ a consumer-oriented approach to ensure that program messages/materials, and their placement, can successfully gain the attention of and resonate with the intended audience. To that end, the NCIPC proposes conducting further planning, implementation, and evaluation research that enlists the involvement and support of youth. The proposed information collection will inform message and materials development and provide interim and ongoing feedback to campaign planners regarding the implementation and progress of the campaign.

The proposed data collection will enlist geographically, culturally/racially/ethnically, and socio-economically diverse groups of young people to complete: (1) Ten-minute online surveys, with 200 respondents, up to four times per year; and (2) up to 36 in-person focus groups, with up to eight participants each (or more smaller discussion groups with fewer people per group), twice per year. Online surveys will reduce the potential burden for young people as Web-based formats are convenient and consistent with the way they communicate and spend their leisure time.

Online surveys—Each Web-based survey will involve a different group of tweens/teens. The burden table shows time to screen parents and youth, as well as the actual time to complete the survey (rows 4–6).

In-person focus groups—First and second focus groups will involve different groups of young people. The focus groups will be segmented by age and gender, as indicated. Other variables for segmentation may include, but not be limited to, geography, language, and culture/race/ethnicity. The burden table shows time to screen parents and youth, as well as the actual time for focus groups and a waiting room survey (rows 1–3). The assumption is that two parental contacts will be needed to successfully recruit one respondent for each type of study. There are no costs to respondents other than their time.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Type of respondents	Data collection type	Number of respondent	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Parents of boys and girls, ages 11 to 18 and youth ages 11 to 18.	Focus Group Screening Instrument for Parents and Youth.	576	2	5/60	96
Youths ages 11 to 18	Focus Group Waiting Room Survey	288	2	5/60	48
Youths ages 11 to 18	Focus Group Moderator's Guide (participation in focus group).	288	2	1.5	864
Parents of boys and girls, ages 11 to 18.	Online Survey Email Invitation AND Online Survey Screening Instrument for Parents.	400	4	5/60	133
Youths ages 11 to 18	Online Survey Screening Instrument for Youth.	400	4	3/60	80
Youths ages 11 to 18	Online Survey	200	4	10/60	133
Total					1354

Kimberly S. Lane,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–9202 Filed 4–20–10; 8:45 am]

BILLING CODE 4163–18–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 (ACE), 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 characteristic 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.qov.*

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 1, 2009.

Seth F. Chamberlain,

OPRE Reports Clearance Officer.

Editorial Note: This document was received in the Office of the Federal Register on Thursday, April 15, 2010.

[FR Doc. 2010–9038 Filed 4–20–10; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2010 Funding Opportunity

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of intent to award a Single Source Grant to Link2Health Solutions, Inc.

SUMMARY: This notice is to inform the public that the Substance Abuse and Mental Health Services Administration (SAMHSA) intends to award approximately $478,000 (total costs) for up to two years to Link2Health Solutions, Inc. This is not a formal request for applications. Assistance will be provided only to Link2Health Solutions, Inc. based on the receipt of a satisfactory application that is approved by an independent review group.

Funding Opportunity Title: SM–10–013.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.243.

Authority: Section 520(A) of the Public Health Service Act, as amended.

Justification: Only an application from Link2Health Solutions will be considered for funding under this announcement. Two-year funding has become available to assist SAMHSA in responding to the growing and pressing need to provide resources for individuals stressed by the nation's current economic crisis. It is considered most cost-effective and efficient to supplement the existing grantee for the National Suicide Prevention Lifeline and to build on the existing capacity and infrastructure within its network of crisis centers.

Link2Health Solutions is in the unique position to carry out the activities of this grant announcement because it is the current recipient of SAMHSA's cooperative agreement to manage the National Suicide Prevention Lifeline. As such, Link2Health Solutions has been maintaining the network communications system and has an existing relationship with the networked crisis centers.

The crisis centers that comprise the National Suicide Prevention Lifeline are a critical part of the nation's mental health safety net. Many crisis centers are experiencing significant increases in calls. The National Suicide Prevention Lifeline crisis centers require assistance to continue to play their critical role in providing support as well as emergency services to suicidal callers during these challenging economic times. In addition, the National Suicide Prevention Lifeline crisis centers are community resources that need to be utilized to reach out to those in their communities most at risk, including those currently impacted severely by the economy.

Contact: Shelly Hara, Substance Abuse and Mental Health Services Administration,1 Choke Cherry Road, Room 8–1095, Rockville, MD 20857; telephone: (240) 276–2306; E-mail: *shelly.hara@samhsa.hhs.gov.*

Toian Vaughn,

SAMHSA Committee Management Officer.

[FR Doc. 2010–9103 Filed 4–20–10; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of a Health Care Policy and Research Special Emphasis Panel (SEP) meeting.

A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C. 552b(c)(6). Grant applications for the Recovery Act 2009 Limited Competition: Innovative Adaptation and Dissemination of AHRQ Comparative Effectiveness Research Products (iADAPT) (R18) applications are to be reviewed and discussed at this meeting. These discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited statutes.

SEP Meeting on: Recovery Act 2009 Limited Competition: Innovative Adaptation and Dissemination of AHRQ Comparative Effectiveness Research Products (iADAPT) (R18).

Date: April 29–30, 2010 (Open on April 29 from 8 a.m. to 8:15 a.m. and closed for the remainder of the meeting).

Place: Doubletree Bethesda Hotel & Executive Meeting Center, 8120 Wisconsin Avenue, Conference Room TBD, Bethesda, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members, agenda or minutes of the nonconfidential portions of this meeting should contact Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 540 Gaither Road, Room 2038, Rockville, Maryland 20850, Telephone (301) 427–1554.

Agenda items for this meeting are subject to change as priorities dictate.

This notice is published less than 15 days in advance of the meeting date due to logistical difficulties.

Dated: April 13, 2010.

Carolyn M. Clancy,

Director.

[FR Doc. 2010–9034 Filed 4–20–10; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.

Date: June 9–10, 2010.

Closed: June 9, 2010, 5:30 p.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Open: June 10, 2010, 9 a.m. to 3 p.m.

Agenda: Presentations and other business of the council.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Abraham P. Bautista, PhD, Executive Secretary, National Institute on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Room 2085, Rockville, MD 20852, 301–443–9737, *bautistaa@mail.nih.gov.*

Information is also available on the Institutes/Center's home page: *http://silk.nih.gov/silk/niaaa1/about/roster.htm,* where an agenda and any additional information for the meeting will be posted when available.

(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: April 9, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–8843 Filed 4–20–10; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Biological Chemistry and Macromolecular Biophysics.

Date: May 26–27, 2010.

Time: 11 a.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Donald L. Schneider, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5160, MSC 7842, Bethesda, MD 20892. (301) 435–1727. *schneidd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cancer Biomarker SEP.

Date: May 26, 2010.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sally A. Mulhern, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892. (301) 435–5877. *mulherns@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR 07–417: Neuroimaging Informatics Software Enhancement.

Date: May 26–27, 2010.

Time: 11 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kristin Kramer, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5205, MSC 7846, Bethesda, MD 20892. (301) 437–0911. *kramerkm@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: April 14, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–9199 Filed 4–20–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: May 18–19, 2010.

Open: May 18, 2010, 1 p.m. to 5 p.m.

Agenda: Discussion of Program Policies and Issues.

Place: National Institutes of Health, Building 1, 1 Center Drive, Wilson Hall, Bethesda, MD 20892.

Closed: May 19, 2010, 9 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 1, 1 Center Drive, Wilson Hall Bethesda, MD 20892.

Contact Person: Mary E. Kerr, FAAN, RN, PhD, Deputy Director, National Institute of Nursing, National Institutes of Health, 31 Center Drive, Room 5B–05, Bethesda, MD 20892–2178, 301/496–8230, *kerrme@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nih.gov/ninr/a_advisory.html,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: April 12, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–8847 Filed 4–20–10; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Board on Medical Rehabilitation Research.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Board on Medical Rehabilitation Research.

Date: May 3–4, 2010.

Time: May 3, 2010, 8:30 a.m. to 5 p.m.

Agenda: NICHD Director's Report presentation, NCMRR Director's report presentation and various reports on Medical Research Initiatives.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Time: May 4, 2010, 8:30 a.m. to 12 p.m.

Agenda: Other business dealing with the NABMRR Board.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ralph M Nitkin, PhD, Director, B.S.C.D., Biological Sciences and Career Development, NCMRR, Eunice Kennedy Shriver, National Institute of Child Health & Human Development, NIH, DHHS, 6100 Executive Boulevard, Room 2A03, Bethesda, MD 20892–7510, (301) 402–4206, *nitkinr@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.nichd.nih.gov/about/ncmrr.htm,* where an agenda and any additional information for the meeting will be posted when available.

(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: April 7, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–8851 Filed 4–20–10; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel, Immunosuppression for Eye Diseases.

Date: April 20, 2010.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, 5635 Fishers Lane, 1300, Bethesda, MD 20892.

Contact Person: Samuel Rawlings, PhD, Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892–9300, 301–451–2020, *rawlings@nei.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. 93867, Vision Research, National Institutes of Health, HHS)

Dated: April 8, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–8846 Filed 4–20–10; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of a Health Care Policy and Research Special Emphasis Panel (SEP) meeting.

A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C. 552b(c)(6). Grant applications for the Recovery Act 2009 Limited Competition: AHRQ Clinical and Health Outcomes Initiative in Comparative Effectiveness (CHOICE) Grants (R01) applications are to be reviewed and discussed at this meeting. These discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited statutes.

SEP Meeting on: Recovery Act 2009 Limited Competition: AHRQ Clinical and Health Outcomes Initiative in Comparative Effectiveness (CHOICE) Grants (R01).

Date: April 28–30, 2010 (Open on April 28 from 8 a.m. to 8:15 a.m. and closed for the remainder of the meeting).

Place: Doubletree Bethesda Hotel & Executive Meeting Center, 8120 Wisconsin Avenue, Conference Room TBD, Bethesda, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members, agenda or minutes of the nonconfidential portions of this meeting should contact Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 540 Gaither Road, Room 2038, Rockville, Maryland 20850, Telephone (301) 427–1554.

Agenda items for this meeting are subject to change as priorities dictate.

This notice is published less than 15 days in advance of the meeting date due to logistical difficulties.

Dated: April 13, 2010.

Carol M. Clancy,

Director.

[FR Doc. 2010–9035 Filed 4–20–10; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0202]

Medical Device Use in the Home Environment: Implications for the Safe and Effective Use of Medical Device Technology Migrating Into the Home; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

The Food and Drug Administration (FDA) is announcing a public workshop entitled Medical Device Use in the Home Environment: Implications for the Safe and Effective Use of Medical Device Technology Migrating Into the Home. The purpose of the workshop is to solicit information from healthcare providers, academics, human factors experts, medical device manufacturers and distributors, professional societies, patient advocacy groups, patients, and caregivers, on the challenges surrounding medical device technology in the home environment. FDA seeks input and comments on a number of identified topics related to medical device home use.

Dates and Times: The public workshop will be held on May 24, 2010, from 7:30 a.m. to 5 p.m. Persons interested in attending and/or participating in the workshop must register by 5 p.m. on May 17, 2010. Submit written or electronic comments by June 30, 2010.

Location: The public workshop will be held at the Hilton Hotel, 8727 Colesville Rd., Silver Spring, MD 20910. The hotel's front desk telephone number is 301–589–5200.

Contact Person: Mary Brady, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 2320, Silver Spring, MD 20993–0002, e-mail: *Mary.Brady@fda.hhs.gov* (preferable), 301–796–6089.

Registration and Requests for Oral Comments: If you wish to attend the public meeting, you must register online at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm* (select the appropriate meeting from the list). Please provide complete contact information for each attendee, including name, title, organization or company, address, e-mail, and telephone number. Registrations must be submitted by May 17, 2010.

If you wish to make an oral comment during general sessions of the public workshop (see section III of this document), you must indicate this in your registration. Please also identify which topics you wish to address in your oral comment. Topics for discussion are listed in section II of this document. FDA will do its best to accommodate all persons who wish to make oral comments during the general sessions. However, FDA strongly recommends that you provide written or electronic comments as instructed in this document to ensure that your comments are captured. Please refer to the section entitled *Comments* for instructions on submitting written or electronic comments.

Registration is free and will be on a first-come, first-served basis. Early registration is encouraged because seating is limited. There will be no onsite registration.

If you need special accommodations due to a disability (such as wheelchair access or a sign language interpreter), please notify Ian Chan, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 3313, Silver Spring, MD 20993–0002, e-mail: *Ian.Chan@fda.hhs.gov* (preferable); 301–796–6658 at least 7 days before the public workshop (no later than May 17, 2010).

Comments: The goal of this public workshop is to gain a greater understanding of medical device use in the home and to solicit feedback from the public regarding how the Center for Devices and Radiological Health (CDRH) should be reviewing and monitoring these devices. The deadline for submitting comments related to this public workshop is June 30, 2010.

Regardless of attendance at the public workshop, interested persons may submit written or electronic comments on the topics listed in section II of this document. If you wish to comment in writing on a particular topic, please identify the topic that you are addressing before providing your response to the question. For example, your comment could take the following format:

"Topic 1—[Quote the topic]."

"Response—[Insert your response]."

You do not have to address every topic. For those topics pertaining to the prevalence of a particular need, problem, or scientific question, please provide data and/or references so that FDA can understand the basis for your comment, figures, and any assumptions that you used.

Written comments should be submitted to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Electronic comments should be submitted to *http://www.regulations.gov*. Comments should 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.

SUPPLEMENTARY INFORMATION:

I. Background

Assuring the safety and safe use of medical devices in the home is becoming an increasingly important public health issue. The aging of the U.S. population and shifts toward shorter hospital stays continue to make home healthcare more common. With these trends, a significant number of medical devices, including infusion pumps, ventilators, and wound care therapies, are now being used in the home.

Home healthcare can provide significant benefits to patients, in terms of both quality of life and cost of care. However, because the home environment is fundamentally different from the clinical environment, home use of medical devices presents unique challenges, many of which have the potential to impact patient safety. Home medical care is often provided by lay caregivers, who may not have received proper training in the operation of the medical devices on which their loved ones rely. Moreover, many medical devices that are currently used in the home were not designed for use by lay caregivers or outside of a controlled clinical environment.

FDA's CDRH has announced its Medical Device Home Use Initiative, a multi-pronged effort to support the safety and safe use of medical devices in the home. The goal of the initiative is to support safe, high-quality home healthcare and facilitate the development of medical devices that are capable of meeting patients' needs in the home. This public workshop is one of several steps CDRH is taking to provide greater assurance of the safety and safe use of medical device technology used in the home setting. Additional information on the benefits and challenges associated with the use of devices in the home, other actions FDA is taking as a part of its home use device initiative, as well as an agency white paper is available at *www.fda.gov/homeusedevices*.

II. Why Are We Holding This Public Workshop?

The purpose of the public workshop is to solicit expert input on topics related to the safe and effective use of medical device technology in the home environment. The workshop will highlight steps that can be taken to assure that medical devices are safe and effective when used by lay people in the home. The information gathered in the workshop will help guide future efforts by FDA's CDRH to address the growing use of medical devices in the home environment. Some of this information may be incorporated a into guidance document or other agency actions. Accordingly, FDA looks forward to participation and written or electronic comments from manufacturers and distributors, innovators, and organizations that either market or have in development technologies that could be used in the home environment.

FDA will solicit feedback on:

1. The agency's current working definition of "home use" as a medical device that: Is intended for users in a non-clinical or transitory environment; is managed partly or wholly by the user; requires adequate labeling for use; and may require training by a licensed healthcare provider in order to be used safely and effectively;
2. The unique risks in the home environment that need to be factored into device design;
3. The unique characteristics of end users in the home environment that need to be factored into device design;
4. The challenges and limitations associated with tracking medical devices in the home for purposes of safety notices and recalls, as well as potential solutions to these challenges; and
5. What elements, from the user perspective, should be incorporated into device labeling to help lay users understand and use a medical device safely in the home.

FDA intends to discuss and expand on these topics during the breakout group discussions at the workshop.

III. What Will Be the Format for the Workshop?

The workshop will begin with a general session. The presentations during this session will provide topics for a set of breakout groups that will meet in the afternoon. Each of the breakout group discussion sessions will be led and moderated by an expert panel. Each breakout session will begin with a presentation by an invited speaker, describing the issues of concern in the specific topic area. This will be followed by a moderated question and comment session, including both pre-specified questions posed to the assembled group and any questions that arise during the workshop discussions. Breakout group participation will be limited by space and will be available on a first-come, first-served basis. At the conclusion of the day's breakout group discussions, the general session will reconvene. When the general session reconvenes, each breakout group will report to the general session the results of its discussion.

IV. Where Can I Find Out More About FDA's Medical Device Home Use Initiative?

Information on the public workshop, registration information, the agenda, lodging, and other relevant information will be posted, as it becomes available, on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm* (select the appropriate meeting from the list). Background information regarding

FDA's Medical Device Home Use Initiative can be found at *www.fda.gov/homeusedevices*.

V. Additional Information

Following the meeting, a report of the workshop and the information presented will be available on the meeting Web page which can be found at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm* (select the appropriate meeting from the list).

Dated: April 16, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–9287 Filed 4–20–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1874–DR; Docket ID FEMA–2010–0002]

Virginia; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA–1874–DR), dated February 16, 2010, and related determinations.

DATES: *Effective Date:* April 13, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Recovery Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 16, 2010.

Craig, Roanoke, and Tazewell Counties and the Independent Cities of Fredericksburg and Roanoke for Public Assistance.

Craig, Roanoke, and Tazewell Counties and the Independent Cities of Fredericksburg and Roanoke for emergency protective measures (Category B), including snow assistance, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–9122 Filed 4–20–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0274]

Towing Safety Advisory Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the Towing Safety Advisory Committee (TSAC). This Committee advises the Coast Guard on matters relating to shallow-draft inland and coastal waterway navigation and towing safety.

DATES: Completed application forms should reach us on or before May 21, 2010.

ADDRESSES: Application forms are available for download on the Advisory Committee's Web site at *http://homeport.uscg.mil/tsac*. Look for the *Application for Committee Membership ACM* under "General Information". You may also request an application form be e-mailed or sent to you by writing to Commandant (CG–5222)/TSAC, U.S. Coast Guard, 2100 Second St., SW., STOP 7126, Washington, DC 20593–7126; calling 202–372–1427; or e-mail to *Michael.J.Harmon@uscg.mil.*

Also a copy of the application form, as well as this notice, is available in our online docket, USCG–2010–0274, at *http://www.regulations.gov.* Send your completed application to Michael J. Harmon, the Alternate Designated Federal Officer (ADFO) at the street address above.

FOR FURTHER INFORMATION CONTACT: Michael J. Harmon, ADFO of Towing Safety Advisory Committee (TSAC); telephone 202–372–1427; fax 202–372–1926; or e-mail at *Michael.J.Harmon@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Towing Safety Advisory Committee (TSAC) ("Committee") is a Federal advisory committee under 5 U.S.C. App. (Pub. L. 92–463). It was established under authority of 33 U.S.C. 1231a and advises the Secretary of Homeland Security on matters relating to shallow-draft inland and coastal waterway navigation and towing safety. This advice also assists the Coast Guard in formulating the position of the United States in advance of meetings of the International Maritime Organization.

The Committee meets at least twice a year around towing industry populations and in the Washington DC area. It may also meet for extraordinary purposes. Subcommittees and workgroups may conduct intersessional telephonic meetings when necessary for specific tasking. The 16 members include:

○ 7 representatives from the Barge and Towing industry (reflecting a regional geographical balance);

○ 1 member from the Offshore Mineral and Oil Supply Vessel industry;

○ 2 members each from the following sectors:

■ Maritime Labor;

■ Shippers (of whom one will be engaged in the shipment of oil or hazardous materials by barge);

■ Port District Authorities or Terminal Operators;

■ The General Public.

The Coast Guard is currently considering applications for six positions that will become vacant on September 30, 2010:

- 3 from the Barge and Towing industry;
- 1 from the Port District Authorities or Terminal Operators;
- 1 from Maritime Labor;
- 1 from Shippers (who must represent engagement in the shipment of oil or hazardous materials by barge).

To be eligible, applicants should have expertise, knowledge, and experience relative to the position in the towing industry, marine transportation, or business operations associated with shallow-draft inland and coastal waterway navigation and towing safety. Registered lobbyists are not eligible to serve on Federal advisory committees. Registered lobbyists are lobbyists required to comply with provisions contained in the Lobbying Disclosure Act of 1995 (Pub. L. 110–81, as amended). Each member serves for a term of three years. Members may be considered to serve consecutive terms. All members serve at their own expense

and receive no salary, or other compensation from the Federal Government. The exception to this policy is the possible reimbursement of travel expenses depending on fiscal budgetary constraints.

In support of the policy of the Coast Guard on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply. The Coast Guard values diversity; all the different characteristics and attributes that enhance the mission of the Coast Guard.

If you are interested in applying to become a member of the Committee, send a completed application to Michael J. Harmon, Alternate Designated Federal Officer (ADFO) of TSAC at Commandant (CG–5222)/ TSAC, U.S. Coast Guard, 2100 Second ST SW., STOP 7126, Washington, DC 20593–7126. Send the application in time for it to be received by the DFO on or before May 21, 2010. Ensure the application is signed and include the short page which allows us to maintain political affiliation on file. In addition to your "HOME ADDRESS", please include a valid e-mail address in that block. In the "TELEPHONE" block please include a valid contact number as well as a valid FAX number if available. A copy of the application form is available in the docket for this notice. To visit our online docket, go to *http://www.regulations.gov*, enter the docket number for this notice (USCG–2010–0274) in the Search box, and click "Go."

Dated: April 14, 2010.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2010–9121 Filed 4–20–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

National Park Service

60-Day Notice of Intention To Request Clearance of Collection of Information—Opportunity for Public Comment

AGENCY: Department of the Interior; National Park Service.

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3507) and 5 CFR 1320, Reporting and Recordkeeping Requirements, the National Park Service invites public comments on an extension of a currently approved collection of information Office of Management and Budget (OMB) #1024–0048. 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.

DATES: Public comments will be accepted on or before June 21, 2010.

ADDRESSES: Send comments to Michael D. Wilson, Chief or Laurie Heupel, Outdoor Recreation Planner, State and Local Assistance Programs Division, National Park Service (2225), 1849 C Street, NW., Washington, DC 20240–0001 or via e-mail at *michael_d_wilson@nps.gov* or *laurie_heupel@nps.gov.* All responses to this notice will be summarized and included in the request.

To Request a Draft of Proposed Collection of Information Contact: Michael D. Wilson, Chief or Laurie Heupel, Outdoor Recreation Planner, State and Local Assistance Programs Division, National Park Service (2225), 1849 C Street, NW., Washington, DC 20240–0001 or via e-mail at *michael_d_wilson@nps.gov* or *laurie_heupel@nps.gov.* You are entitled to a copy of the entire ICR package free-of-charge.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 1024–0048.

Title: Urban Park and Recreation Program Conversion of Use Provisions.

Form: None.

Type of Request: Extension of currently approved information collection.

Expiration Date: August 31, 2010.

Abstract: In order to convert assisted sites and facilities to other than public recreation use, the recipient must submit documentation for NPS consideration. Documentation requirement includes discussion regarding need for the conversion and such additional information as may be necessary given the peculiar nature of a specific request.

Affected Public: 56 State Governments, DC and Territories.

Obligation to Respond: Required to obtain a benefit.

Frequency of Response: On occasion.

Estimated Total Annual Responses: 3.

Estimated Average Completion Time per Response: 1.0 hour.

Estimated Annual Reporting Burden: 3.

Estimated Annual Non-Hour Cost Burden: $94.00.

The NPS also is asking for comments on (1) the practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information we cannot guarantee that we will be able to do so.

Dated: April 15, 2010.

Cartina Miller,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2010–9123 Filed 4–20–10; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2010–N075; 80221–1113–0000–F5]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing these permits.

DATES: Comments on these permit applications must be received on or before May 21, 2010.

ADDRESSES: Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Endangered Species Program Manager, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825 (telephone: 916–414–6464; fax: 916–414–6486). Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist; *see* **ADDRESSES** (telephone: 760–431–9440; fax: 760–431–9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). We seek review and comment from local, State, and Federal agencies and the public on the following permit requests. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Permit No. TE–237017

Applicant: Tetra Tech Incorporated, Santa Barbara, California.

The applicant requests a permit to take (survey, capture, and release) the tidewater goby (*Eucyclogobius newberryi*) and the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) in conjunction with surveys and population monitoring throughout the range of the species in San Diego, Orange, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo Counties, California, for the purpose of enhancing their survival.

Permit No. TE–227263

Applicant: Daniel Edelstein, Novato, California.

The applicant requests an amendment to an existing permit (October 12, 2005, 70 FR 59363) to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with surveys and population monitoring studies throughout the range of the species in San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, and Marin Counties, California, for the purpose of enhancing its survival.

Permit No. TE–237061

Applicant: Daniel A. Chase, San Francisco, California.

The applicant requests a permit to take (survey, capture, and release) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with surveys and population monitoring throughout the range of the species in California, for the purpose of enhancing its survival.

Permit No. TE–237086

Applicant: Bruce K. Orr, Berkeley, California.

The applicant requests a permit to take (survey, capture, and release) the vernal pool tadpole shrimp (*Lepidurus packardi)* in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–049693

Applicant: Jody M. Gallaway, Chico, California.

The applicant requests a permit to take (survey, capture, handle, translocate, and release) the San Francisco garter snake (*Thamnophis sirtalis*) in conjunction with surveys and habitat enhancement activities throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–837448

Applicant: Douglas W. Allen, San Diego, California.

The applicant requests an amendment to an existing permit (November 15, 2000, 65 FR 69043) to take (capture, collect, and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–062125

Applicant: Bureau of Land Management, El Dorado Hills, California.

The applicant requests an amendment to an existing permit (December 2, 2003, 68 FR 67465) to take (survey, capture, handle, and release) the California tiger salamander (*Ambystoma californiense*) in conjunction with surveys and population monitoring activities throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–02351A

Applicant: Timothy Searl, Santee, California.

The applicant requests a permit to take (capture, handle, mark and release) the Stephens' kangaroo rat (*Dipodomys stephensi*) and San Bernardino kangaroo rat (*Dipodomys merriami parvus*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–02343A

Applicant: Lori R. Bono, Visalia, California.

The applicant requests a permit to take (survey, capture, handle, and release) the California tiger salamander (*Ambystoma californiense*) and to take (capture, collect, and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with surveys and population monitoring throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–039463

Applicant: John A. Gallo, Santa Cruz, California.

The applicant requests an amendment to an existing permit (March 28, 2001, 66 FR 16953) to take (harass by survey and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) and take (monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population monitoring throughout the range of each species in California, for the purpose of enhancing their survival.

Permit No. TE–02496A

Applicant: Kevin K. Ghalambor, Sacramento, California.

The applicant requests a permit to take (capture, collect, and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna),* the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–061625

Applicant: Stephanie M. Owens, Wheat Ridge, Colorado.

The applicant requests an amendment to an existing permit (October 7, 2002, 67 FR 62492) to take (harass by survey and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys and population monitoring throughout the range of this species in California, for the purpose of enhancing its survival.

Permit No. TE–795930

Applicant: Tansley Team, Lincoln, California.

The applicant requests an amendment to an existing permit (September 25, 2009, 74 FR 49008) to take (capture, collect, and kill) the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with genetic research and to remove/reduce to possession *Tuctoria mucronata* (Solano grass) and *Cordylanthus palmatus* (palmate-bracted bird's-beak) from Federal lands in conjunction with botanical surveys, voucher/seed bank collection, and restoration activities throughout the range of each species in California for the purpose of enhancing their survival.

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Michael Long,

Acting Regional Director, Region 8, Sacramento, California.

[FR Doc. 2010–9157 Filed 4–20–10; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS) Policy Committee; Notice and Agenda for Meeting

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of Meeting.

SUMMARY: The OCS Policy Committee will meet at the Department of the Interior in Washington, DC.

DATES: Thursday, May 6, 2010, 2 p.m. to 3:30 p.m.

ADDRESSES: The Department of the Interior, 1849 C Street, NW., Washington, DC 20240, telephone (202) 208–3530.

FOR FURTHER INFORMATION CONTACT: Ms. Jeryne Bryant at Minerals Management Service, 381 Elden Street, Mail Stop 4001, Herndon, Virginia 20170–4187. She can be reached by telephone at (703) 787–1211 or by electronic mail at *jeryne.bryant@mms.gov.*

SUPPLEMENTARY INFORMATION: The OCS Policy Committee represents the collective viewpoint of coastal States, local government, environmental community, industry and other parties involved with the OCS Program. It provides policy advice to the Secretary of the Interior through the Director of the MMS on all aspects of leasing, exploration, development, and protection of OCS resources.

The agenda will cover key national issues on offshore energy including the 5–Year OCS Oil and Gas Leasing Program for 2012–2017 and will include comments from the Secretary.

The meeting is open to the public. Approximately 50 visitors can be accommodated on a first-come-first-served basis. Please be aware that the Department of the Interior is a Federal Government facility and Government issued picture identification must be presented to enter the building.

Upon request, interested parties may submit written statements to the OCS Policy Committee. Such requests should be made no later than May 3, 2010, to Jeryne Bryant. Requests should be accompanied by a summary of the statement to be made. Please *see* **FOR FURTHER INFORMATION CONTACT** section for address and telephone number.

Minutes of the OCS Policy Committee meeting will be available for public inspection and copying at the MMS in Herndon, Virginia.

Authority: Federal Advisory Committee Act, Public Law 92–463, 5 U.S.C. Appendix 1, and the Office of Management and Budget's Circular No. A–63, Revised.

Dated: April 15, 2010.

Robert P. LaBelle,

Acting Associate Director for Offshore Energy and Minerals Management.

[FR Doc. 2010–9104 Filed 4–20–10; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Temporary Concession Contract for Blue Ridge Parkway, NC/VA

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Proposed Award of temporary concession contract for Blue Ridge Parkway.

SUMMARY: Pursuant to 36 CFR 51.24, public notice is hereby given that the National Park Service proposes to award a temporary concession contract for the conduct of certain visitor services within Blue Ridge Parkway, North Carolina and Virginia for a term not to exceed 3 years. The visitor services include the sales of authentic mountain crafts of high quality and other activities to interpret the culture of the people of the Southern Highlands. This action is necessary to avoid interruption of visitor services.

DATES: The term of the temporary concession contract will commence (if awarded) no earlier than March 1, 2010.

SUPPLEMENTARY INFORMATION: The temporary concession contract is proposed to be awarded to The Southern Highland Handicraft Guild, a qualified person (as defined in 36 CFR 51.3). The National Park Service has determined that a temporary concession contract is necessary in order to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid an interruption of visitor services.

This action is issued pursuant to 36 CFR 51.24(a). This is not a request for proposals.

Dated: February 5, 2010.

Daniel N. Wenk,

Director, National Park Service.

[FR Doc. 2010–9036 Filed 4–20–10; 8:45 am]

BILLING CODE M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Realty Action, Independence National Historical Park, Pennsylvania and Valley Forge National Historical Park, Pennsylvania

AGENCY: National Park Service, Department of the Interior.

ACTION: Announcement of land exchange.

SUMMARY: This notice announces a proposed exchange of a 0.87-acre parcel of Federal land in Philadelphia County, Pennsylvania, for a 78-acre parcel of privately owned land in Lower Providence Township, Montgomery County, Pennsylvania. The federally owned land is located within the boundary of Independence National Historical Park (INDE). The privately owned land is located within the boundary of Valley Forge National Historical Park (VAFO).

All current compliance documents for this exchange are available on the following National Park Service (NPS) PEPC Web site: *http://parkplanning.nps.gov/documentsList.cfm?parkId=245&projectId=28017.*

I. The federally owned land has been determined to be suitable for disposal by exchange. The authority for this exchange is 16 U.S.C. 460*l*–22(b). The Federal property to be exchanged is identified as INDE Tract 01–182. The United States, National Park Service, acquired this land during the 1950s from various owners. The conveyance deeds are recorded at the Recorder of

Deeds Office of Philadelphia County, Pennsylvania.

The United States will convey fee simple title to INDE Tract 01–182 by virtue of a Quitclaim Deed. The deed will impose permanent restrictions and reserve rights to the United States. A copy of the deed restrictions can also be found on the NPS PEPC Web site.

II. In exchange for the land described in paragraph I above, the United States will acquire fee simple title to the surface and mineral estates of VAFO Tract 101–60. This unimproved 78-acre parcel is owned by The National Center for the American Revolution. This parcel abuts the Walnut Hill complex of the Park, which contains significant encampment period buildings and ruins. The acquisition of this tract allows NPS to protect the resources in perpetuity and provides VAFO the ability to fully interpret the encampment of the Continental Army.

III. The values of the properties to be exchanged shall be determined by a current market value appraisal and if they are not approximately equal, the values shall be equalized by payment of cash as circumstances require.

For a period of 45 days from the date of this notice, interested parties may submit written comments to the Park Superintendents at the addresses listed below. Adverse comments will be evaluated and this action may be modified or vacated accordingly. In the absence of any action to modify or vacate, this realty action will become the final determination of the Department of the Interior. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that your personal identifying information be withheld from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT:

Superintendent Cynthia MacLeod, Independence National Historical Park, 143 S. Third Street, Philadelphia, Pennsylvania, Phone: 215–597–7120; or,

Superintendent Michael Caldwell, Valley Forge National Historical Park, 1400 North Outer Line Drive, King of Prussia, Pennsylvania 19406, Phone: 610–783–1037.

SUPPLEMENTARY INFORMATION: The Act of July 15, 1968, 82 Stat. 356, as amended, authorizes the Secretary of the Interior to acquire private property or interests within a unit of the National Park System in exchange for federally owned property or interests administered by the Department. The federally owned property must be (a) suitable for exchange, (b) located in the same State as the private property to be acquired, and (c) approximately equal in value or susceptible to being equalized with cash payments.

Dated: April 9, 2010.

Dennis Reidenbach,

Regional Director, Northeast Region.

[FR Doc. 2010–9119 Filed 4–20–10; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–713]

Certain Display Devices, Including Digital Televisions and Monitors; 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 March 18, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Sony Corporation of Japan. A letter supplementing the complaint was filed on April 14, 2010. 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 display devices, including digital televisions and monitors by reason of infringement of certain claims of U.S. Patent Nos. 5,434,626; 5,751,373; 6,111,614; 5,583,577; 5,684,542; 5,731,847; 6,661,472; 6,816,131; Re 38,055 and Re 40,468. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

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: Mareesa A. Frederick, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2055.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2010).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 14, 2010, *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 display devices, including digital televisions or monitors that infringe one or more of claims 41, 44, 45, 61, and 64 of U.S. Patent No. Re 38,055; claims 41–44 of U.S. Patent No. Re 40,468; claims 13, 15, 19, and 20 of U.S. Patent No. 5,583,577; claims 6 and 8 of U.S. Patent No. 5,684,542; claims 11, 12, 16, 27, 33–35, and 39–41 of U.S. Patent No. 5,731,847; claims 1–4, 8, and 11–15 of U.S. Patent No. 6,661,472; claims 1, 4, 20–22, 29, 30, 32, and 33 of U.S. Patent No. 5,434,626; claims 1 and 5 of U.S. Patent No. 5,751,373; claims 1–4 of U.S. Patent No. 6,111,614; and claims 9, 12, 17, 19, 25, 26, 28, and 35 of U.S. Patent No. 6,816,131, 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 complainant is:

Sony Corporation, 1–7–1, Konan, Minato-ku, Tokyo, Japan.

(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:

TPV Technology Limited, Suite 1023, 10th Floor, Ocean Centre, Harbour City, 5 Canton Road, Tsim Sha Tsui, Kowloon, Hong Kong.

Top Victory Electronics (Taiwan) Co., Ltd., 10F, No. 230, Liancheng Road, Zhounghe City, Taipei County, Taiwan.

TPV International (USA), Inc., 3737 Executive Center Drive, Suite 261, Austin, Texas 78731.

Envision Peripherals, Inc., 47490 Seabridge Drive, Fremont, California 94538.

Top Victory Investments Ltd., Suite 1023, 10th Floor, Ocean Centre, Harbour City, Tsim Sha Tsui, Kowloon, Hong Kong.

TPV Electronics (Fujian) Co., Ltd., Yuan Hong Road, Shang-zheng, Fuqing City, Fujian Province, China.

TPV Display Technology (Wuhan) Co., Ltd., Unique No. 11 of Zhuankou Development, District of Economic Technological, Development Zone, Wuhan City, China.

TPV Technology (Beijing) Co., Ltd., No. 10, Jiuxianqiao Road, Chaoyang District, Beijing, China 100016.

Chimei Innolux Corporation, No. 160 Kesyue Road, Jhunan Science Park, Miaoli County 350, Taiwan.

Innolux Corporation, 2525 Brockton Drive, Suite 300, Austin, Texas 78758.

ViewSonic Corporation, 381 Brea Canyon Road, Walnut, California 91789.

(c) The Commission investigative attorney, party to this investigation, is Mareesa A. Frederick, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., 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)–(e) 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 the respondent.

Issued: April 16, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–9201 Filed 4–20–10; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–712]

Certain Digital Set-Top Boxes 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 March 16, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Verizon Communications Inc. of New York, New York and Verizon Services Corp. of Arlington, Virginia. An amended complaint was filed on April 6, 2010. The complaint alleges violations of section 337 based upon the importation into the United States and the sale within the United States after importation of certain digital set-top boxes and components thereof that infringe certain claims of U.S. Patent Nos. 5,666,293; 5,635,979; 6,381,748; 6,367,078; and 7,561,214. 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 orders.

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: Kecia J. Reynolds, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2580.

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 (2010).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 14, 2010, *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 digital set-top boxes and components thereof that infringe one or more of claim 38 of U.S. Patent No. 5,666,293; claim 14 of U.S. Patent No. 5,635,979; claim 13 of U.S. Patent No. 6,381,748; claim 14 of U.S. Patent No. 6,367,078; and claim 5 of U.S. Patent No. 7,561,214 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—

Verizon Communications Inc., 140 West Street, New York, NY 10007. Verizon Services Corp. 1320 North Court House Road, Arlington, VA 22201.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Cablevision Systems Corp., 1111 Stewart Avenue, Bethpage, NY 11714.

(c) The Commission investigative attorney, party to this investigation, is Kecia J. Reynolds, 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 respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: April 16, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–9205 Filed 4–20–10; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1178 (Preliminary)]

Glyphosate From China

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigation.

DATES: *Effective Date:* April 16, 2010.

FOR FURTHER INFORMATION CONTACT: Amy Sherman (202–205–3289), 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 investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On March 31, 2010, the Commission established a schedule for the conduct of the subject investigation (75 FR 17768, April 7, 2010). Subsequently, the Department of Commerce extended the date for its initiation of the investigation from April 20, 2010 to May 10, 2010. The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

The Commission's new schedule for the investigation is as follows: The deadline for filing written briefs is May 4, 2010, the administrative deadline for transmitting the determination to Commerce is June 4, 2010, and the Commission's views are due to be transmitted to Commerce on June 11, 2010. For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: April 16, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–9206 Filed 4–20–10; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1059 (Review)]

Hand Trucks and Certain Parts Thereof From China

Determination

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty orders on hand trucks and certain parts thereof from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on November 2, 2009 (74 FR 56661) and determined on February 5, 2010 that it would conduct an expedited review (75 FR 8745, February 25, 2010).

The Commission transmitted its determination in this review to the Secretary of Commerce on April 15, 2010. The views of the Commission are contained in USITC Publication 4138 (April 2010), entitled *Hand Trucks and Certain Parts Thereof: Investigation No. 731–TA–1059 (Review).*

By order of the Commission.

Issued: April 15, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–9207 Filed 4–20–10; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on April 15, 2010, a proposed Consent Decree (the "Consent Decree") in *United States* v. *Wall Herald Corporation,* Civil Action No. 3:07–cv–04345 was lodged with the United States District Court for the District of New Jersey.

In this action, the United States sought the recovery of response costs pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Recovery Act, as amended ("CERCLA"), 42 U.S.C.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

9607(a), from Defendant Wall Herald Corporation ("Wall Herald") for response costs incurred and to be incurred by the United States in performing response actions at the Monitor Devices/Intercircuits, Inc. Superfund Site ("Site") located in Wall Township, Monmouth County, New Jersey. The proposed Consent Decree also resolves Wall Herald's counterclaims, pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. 9607 and 9613, against the Department of Defense, including but not limited to the United States Army and United States Air Force (collectively, "Settling Federal Agencies").

Pursuant to the proposed Consent Decree, Wall Herald will pay to the United States $19,761,812.93, plus interest, to resolve its liability for past and future response costs related to the Site. The United States will pay $225,000 to EPA on behalf of the Settling Federal Agencies. In exchange for the payments to be made, Wall Herald and the Settling Federal Agencies will receive contribution protection and a covenant not to sue under Sections 106 and 107 of CERCLA for remedial cleanup and response costs relating to the Site, subject to certain reservations of rights.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, United States Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Wall Herald Corporation,* D.J. Ref. 90–11–3–08985.

The Consent Decree may be examined at the Office of the United States Attorney, District of New Jersey, 970 Broad Street, 7th Floor, Newark, New Jersey 07102, and at United States Environmental Protection Agency, Region 2, Office of Regional Counsel, 290 Broadway, New York, New York 10007–1866. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, United States Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–9132 Filed 4–20–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on April 16, 2010, a proposed Consent Decree in *United States* v. *Mobil Oil Guam, Inc., and Mobil Oil Mariana Islands, Inc.,* Civil Action No. 10–00006, was lodged with the United States District Court for the District of Guam.

The proposed Consent Decree in this enforcement action against Defendants Mobil Oil Guam, Inc., and Mobil Oil Mariana Islands, Inc., resolves allegations by the U.S. Environmental Protection Agency in a complaint filed together with the Consent Decree that Defendants violated the Clean Air Act and regulations promulgated thereunder at their bulk gasoline terminals located in Guam and Saipan. The complaint sought injunctive relief and the assessment of civil penalties for violations of the New Source Performance Standards ("NSPS") for volatile organic liquid storage vessels and bulk gasoline terminals in 40 CFR part 60, subparts A, Kb, and X, and National Emission Standards for Hazardous Air Pollutants ("NESHSAP") for gasoline distribution facilities in 40 CFR part 63, Subparts A and R. Pursuant to the proposed Consent Decree, Defendants will reduce volatile organic compound and hazardous air pollutant emissions by bringing storage tanks and loading racks at their bulk gasoline terminals into compliance with the NSPS and NESHAP requirements by no later than December 31, 2011. The Consent Decree also requires Defendants to pay a $2,400,000 civil penalty.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Mobil Oil Guam, Inc., and Mobil Oil Mariana Islands, Inc.,* D.J. Ref. 90–5–2–1–09320.

The Consent Decree may be examined at the Office of the United States Attorney, Sirena Plaza, Suite 500, 108 Hernan Cortez Avenue, Hagatna, Guam, and at U.S. EPA Region 9, Office of Regional Counsel, 75 Hawthorne Street, San Francisco, California. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–9192 Filed 4–20–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement: Development of Two Documents—Inmate Behavior Management: A Guide to Meeting Inmates' Basic Needs and—Inmate Behavior Management: A Guide to Defining and Conveying Expectations for Inmates

AGENCY: National Institute of Corrections, Department of Justice.

ACTION: Solicitation for a Cooperative Agreement.

SUMMARY: The National Institute of Corrections, Jails Division, is seeking applications for the development of two documents that provide jail practitioners with a guide on (1) meeting inmates' basic needs and (2) defining and conveying expectations for inmates as part of an overall strategy to manage inmate behavior.

DATES: Applications must be received by 4 p.m. (EDT) on Thursday, May 6, 2010.

ADDRESSES: Mailed applications must be sent to: Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534. Applicants are encouraged to use Federal Express, UPS, or similar service to ensure delivery by the due date.

Hand delivered applications should be brought to 500 First Street, NW., Washington, DC 20534. At the front desk, dial 7–3106, ext. 0 for pickup.

Faxed or e-mailed applications will not be accepted.

Electronic applications can only be submitted via *http://www.grants.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this announcement and links to the required application forms can be found on NIC's Web page at *http://www.nicic.gov.*

All technical or programmatic questions concerning this announcement should be directed to Fran Zandi, Correctional Program Specialist, National Institute of Corrections, Jails Division. Ms. Zandi can be reached at 1–800–995–6423, ext. 71070 or by e-mail at *fzandi@bop.gov.*

SUPPLEMENTARY INFORMATION:

Background: The National Institute of Corrections (NIC) has identified six key elements in the effective management of inmate behavior in jails: (1) Assessing the risks and needs of each inmate at various points during his/her detention; (2) Assigning inmates to appropriate housing; (3) Meeting inmates' basic needs; (4) Defining and conveying expectations for inmate behavior; (5) Supervising inmates; and 6) Keeping inmates productively occupied.

If a jail fully and properly implements all six elements, it should experience a significant reduction in the unwanted and negative inmate behavior often experienced in jails, such as vandalism, violence, rule violations, and disrespectful behavior toward staff and other inmates.

Purpose: The NIC Jails Division offers training and technical assistance on inmate behavior management, but wishes to develop additional tools that will help jails implement the individual elements.

Scope of Work: The National Institute of Corrections wishes to produce two documents that provide jail practitioners specific guidance on, and tools for, implementing elements #3 and #4 in their own jurisdiction as part of the overall inmate behavior management strategy.

Document Length: The number of pages in the body is to be determined. The documents will include appendices and a bibliography.

Document Audience: Jail administrators and management staff. This guide is intended for use by jails of all sizes. In developing the document, the awardee must take into account the diversity of jails in terms of size and resources, and the sometimes severe resource limitations many jails face.

Use of Document: Jail practitioners will use these documents as guides on meeting inmates' basic needs, and defining and conveying expectations for inmates, as part of an overall strategy to manage inmate behavior. They will be companion documents as part of a set of materials NIC is developing on inmate behavior management.

Document Distribution: NIC expects to distribute the documents widely. They will be made available on the NIC Web site and through the NIC Information Center, upon request and free of charge.

Document Content: Document content will reflect and expand on the information in NIC's "Inmate Behavior Management: The Key to a Safe and Secure Jail". This document is available at *http://nicic.gov/library/023882.*

The documents will be clear and practical guides for jail practitioners. They will have a common format, which will be developed by the awardee in conjunction with NIC staff. Each document will include, at a minimum: An overview of the six key elements of inmate behavior management; An in-depth discussion of the individual element; What the document addresses, including why it is key to managing inmate behavior, its relationship to the other five elements, the benefits of implementing the element, and the potential consequences of failing to implement it (this discussion will also cite anecdotal evidence or research that demonstrates the usefulness of the element in managing inmate behavior); a discussion of processes and indicators that can be used to assess the degree to which a jail currently implements the element, with sample assessment tools; Specific strategies for fully implementing the element; a discussion of the associated policies and procedures, staff training, staff supervision strategies, and resource requirements to successfully implement the element (the document will include samples of policies, procedures, staff training tools, information for inmates, and other related documents); guidance on how to set realistic and measurable goals for element implementation; suggested processes for evaluating both the quality of the implementation and the success in achieving goals (For each type of evaluation, the document will describe evaluation timeframes, data that should be collected, data collection methods, and data collection analysis); a discussion of the importance of the administrator's commitment to implementing the element; and concrete examples of how the administrator can demonstrate this commitment.

Project Description: The awardee will produce two completed documents that have received initial editing from a professional editor. NIC will be responsible for the final editing process and document design, but the awardee will remain available during this time to answer questions and to make revisions to the documents.

Project Schedule: The list below shows the major activities required to complete the project. Document development will begin upon award of this agreement and must be complete 18 months after the award date. The schedule for completion of activities should include, at a minimum, the following activities. The awardee will: Meet with the NIC project manager for an overview of the project and initial planning; Review materials provided by NIC; complete the initial outline of document content and layout; Meet with the NIC project manager by WebEx to review, discuss, and agree on the content outline; research content topics and related resources; Submit draft sections of the document to NIC for review; revise draft sections for NIC's approval; submit document to the editor hired by the awardee for the first content edit; submit a draft of entire document to NIC for review; Revise the document for NIC's approval; and submit the document to NIC in hard copy and on disk in Microsoft Word format.

Throughout the project period, the awardee will make provisions for meetings with NIC staff, to be held in Washington DC or via WebEx, at critical planning and review points in document development.

Document Preparation: For all awards in which a document will be a deliverable, the awardee must follow the guidelines listed herein, as well as follow the Guidelines for Preparing and Submitting Manuscripts for Publication as found in the "General Guidelines for Cooperative Agreements," which will be included in the award package. All final publications submitted for posting on the NIC Web site must meet the Federal government's requirement for accessibility (508 PDF or HTML file).

The awardee must also provide descriptive text interpreting all graphics, photos, graphs and/or multimedia to be included with, or

distributed alongside, the documents. In addition, the awardee will provide transcripts for all audio/visual materials, if applicable.

An applicant conference will be held on Friday, April 30, 2010 from 1 p.m. to 3 p.m. (EDT) by WebEx. The conference will give applicants the opportunity to meet with NIC project staff and ask questions about the project and the application procedures. Attendance at the conference is optional. Provisions will be made using WebEx technology (telephone and computer-based conferencing). The WebEx session requires applicants to have access to a telephone and computer. Applicants who plan to attend via WebEx should e-mail Fran Zandi, NIC Jails Division, Correctional Program Specialist at *fzandi@bop.gov* by Tuesday, April 27, 2010 by 3 p.m. (EDT).

Application Requirements: An application package must include OMB Standard Form 424, Application for Federal Assistance; a cover letter that identifies the audit agency responsible for the applicant's financial accounts as well as the audit period or fiscal year that the applicant operates under (e.g., July 1 through June 30); and an outline of projected costs. The following forms must also be included: OMB Standard Form 424A, Budget Information—Non-Construction Programs; OMB Standard Form 424B, Assurances—Non-Construction Programs (both available at *http://www.grants.gov*) and DOJ/NIC Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and the Drug-Free Workplace Requirements (available at *http://www.nicic.gov/Downloads/PDF/certif-frm.pdf*).

Applications should be concisely written, typed double spaced and reference the NIC Opportunity Number and Title provided in this announcement.

Submit an original and three copies of your full proposal (program and budget narrative, application forms and assurances). The original should have the applicant's signature in blue ink. As previously stated, electronic submissions will only be accepted via *http://www.grants.gov.*

The narrative portion of the application should include, at a minimum: A brief paragraph indicating the applicant's understanding of the purpose of the document and the issues to be addressed; a brief paragraph that summarizes the project goals and objectives; a clear description of the methodology that will be used to complete the project and achieve its goals; a statement or chart of measurable project milestones and time lines for the completion of each milestone; a description of the qualifications of the applicant organization and a resume for the principal and each staff member assigned to the project that documents relevant knowledge, skills and ability to carry out the project; a minimum of three references for which the applicant has provided a similar service; a budget that details all costs for the project, shows consideration for all contingencies for this project, and notes a commitment to work within the proposed budget.

Authority: Public Law 93–415.

Funds Available: NIC is seeking the applicant's best ideas regarding accomplishment of the scope of work and the related costs for achieving the goals of this solicitation. Funds may only be used for the activities that are linked to the desired outcome of the project.

Eligibility of Applicants: Applications are solicited from any state or general unit of local government, private agency, educational institution, organization, individual or team with expertise in the described areas. Applicants must have a demonstrated ability to implement a project of this size and scope.

Review Considerations: Applications will be reviewed by a team of NIC staff. Among the criteria used to evaluate the applications are: Indication of a clear understanding of the project requirements; background, experience, and expertise of the proposed project staff, including any sub-contractors; effectiveness of the creative approach to the project; clear, concise description of all elements and tasks of the project, with sufficient and realistic time frames necessary to complete the tasks; technical soundness of project design and methodology; financial and administrative integrity of the proposal, including adherence to federal financial guidelines and processes; a sufficiently detailed budget that shows consideration of all contingencies for this project and commitment to work within the budget proposed; Indication of availability to meet with NIC staff.

Number of Awards: One.

NIC Opportunity Number: 10J74.

Catalog of Federal Domestic Assistance Number: 16.601.

Executive Order 12372: This project is not subject to the provisions of Executive Order 12372.

Morris Thigpen,

Director, National Institute of Corrections.

[FR Doc. 2010–9102 Filed 4–20–10; 8:45 am]

BILLING CODE 4410–36–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

April 16, 2010.

The Department of Labor (DOL) hereby announces the submission of the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: *DOL_PRA_PUBLIC@dol.gov.*

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—Employee Benefits Security Administration (EBSA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–5806 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (*see* below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: Employee Benefits Security Administration.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: Employee Benefit Plan Claims Procedure Under ERISA.

OMB Control Number: 1210–0053.

Affected Public: Private sector.

Estimated Number of Respondents: 6,646,164.

Total Estimated Annual Burden Hours: 506,808.

Total Estimated Annual Costs Burden (operation and maintenance): $509,877,037.

Description: The Employee Retirement Income Security Act of 1974 (ERISA) Section 503 and the Department's implementing regulations at 29 CFR 2560.503–1 require employee benefit plans to establish procedures for resolving benefit claims under the plan, including initial claims and appeal of denied claims. The regulation requires specific information to be disclosed at different stages of the claims process. It also requires claims denial notices to be provided within specific time frames and to include specific information. For additional information, see related notice published in the **Federal Register** on January 14, 2010 (Vol. 75 FR page 2161).

Agency: Employee Benefits Security Administration.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: PTE 80–83—Sale of Securities to Reduce Indebtedness of Party in Interest.

OMB Control Number: 1210–0064.

Affected Public: Private sector.

Estimated Number of Respondents: 25.

Total Estimated Annual Burden Hours: 15.

Total Estimated Annual Costs Burden (operation and maintenance): $0.

Description: This Class Exemption exempts from the prohibited transaction provisions of the Employee Retirement Income Security Act of 1974 certain transactions involving an employee benefit plan's purchase of securities that may aid the issuer of the securities, who is a party in interest to the plan, in reducing or retiring its indebtedness to a third party. For additional information, see related notice published in the **Federal Register** on December 30, 2009 (Vol. 74 FR page 69366).

Agency: Employee Benefits Security Administration.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: Prohibited Transaction Class Exemption 75–1 Security Transactions with Broker-Dealers, Reporting Dealers and Banks.

OMB Control Number: 1210–0092.

Affected Public: Private sector.

Estimated Number of Respondents: 8,376.

Total Estimated Annual Burden Hours: 1,396.

Total Estimated Annual Costs Burden (operation and maintenance): $0.

Description: This class exemption from the prohibited transaction provisions of the Employee Retirement Income Security Act of 1974 permits certain banks, registered broker-dealers, and reporting dealers in government securities who are parties in interest to employee benefit plans to engage in specified kinds of securities transactions with the plans. For additional information, see related notice published in the **Federal Register** on December 31, 2009 (Vol. 74 FR page 69366).

Agency: Employee Benefits Security Administration.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: PTE 88–59—Residential Mortgage Financing Arrangements Involving Employee Benefit Plans.

OMB Control Number: 1210–0095.

Affected Public: Private sector.

Estimated Number of Respondents: 2,237.

Total Estimated Annual Burden Hours: 932.

Total Estimated Annual Costs Burden (operation and maintenance): $0.

Description: This class exemption permits employee benefit plans to enter into specified transactions involving residential mortgage loans with parties in interest without violating the prohibited transaction provisions of the Employee Retirement Income Security Act of 1974, provided specified conditions are met. Among other conditions, the plan must maintain records pertaining to covered transactions for the duration of the loan and must make the records available upon request to plan trustees, investment managers, participants and beneficiaries, and agents of the Department or the Internal Revenue Service. For additional information, see related notice published at in the **Federal Register** on December 31, 2009 (Vol. 74 FR page 69363).

Agency: Employee Benefits Security Administration.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: Petition for Finding Under Section 3(40) of ERISA.

OMB Control Number: 1210–0119.

Affected Public: Private sector.

Estimated Number of Respondents: 45.

Total Estimated Annual Burden Hours: 225.

Total Estimated Annual Costs Burden (operation and maintenance): $163,268.

Description: The Department's regulations at 29 CFR 2570.150 *et seq.* provide procedures for an entity against whom State jurisdiction has been asserts to petition the Secretary to make a finding under section 3(40)(A)(i) of the Employee Retirement Income Security Act of 1974 (ERISA) that the entity is established or maintained under or pursuant to one or more collective bargaining agreements. The regulations establish procedures for initiating an administrative proceeding before the Office of Administrative Law Judges (ALJs) and establish that an ALJ's decision shall constitute a finding under section 3(40)(A)(i) of ERISA. The regulations also provide for an appeal of an ALJ decision to the Secretary. For additional information, see related notice published in the **Federal Register** on December 30, 2009 (Vol. 74 FR page 69148).

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. 2010–9182 Filed 4–20–10; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, May 4, 2010.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The one item is open to the public.

Agenda

MATTER TO BE CONSIDERED: 8082A Aircraft Accident Report—Loss of Thrust in Both Engines After Encountering a Flock of Birds and Subsequent Ditching on the Hudson River, US Airways Flight 1549, Airbus A320–214, N106US, Weehawken, New Jersey, January 15, 2009.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact

Rochelle Hall at (202) 314–6305 by Friday, April 30, 2010. The public may view the meeting via a live or archived Webcast by accessing a link under "News & Events" on the NTSB home page at *www.ntsb.gov.*

FOR MORE INFORMATION CONTACT: Candi Bing, (202) 314–6403.

Dated: Friday, April 16, 2010.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2010–9189 Filed 4–19–10; 11:15 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 050–16; NRC–2010–0159]

DTE Energy; Enrico Fermi Atomic Power Plant, Unit 1

Environmental Assessment and Finding of No Significant Impact for an Exemption From Certain Control and Tracking Requirements in 10 CFR Part 20 Appendix G Section III.E

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from certain control and tracking requirements in 10 CFR Part 20 Appendix G Section III.E for Facility Operating License No. DPR–9 issued to DTE Energy (DTE or the licensee), for the Enrico Fermi Atomic Power Plant Unit 1, (Fermi-1) located in Monroe County, Michigan.

Environmental Assessment

Identification of Proposed Action

The proposed action is in accordance with the licensee's application for an exemption dated November 13, 2009. The licensee has requested an exemption from certain control and tracking requirements in 10 CFR Part 20 Appendix G Section III.E, which require the licensee to investigate, and file a report with the NRC, if shipments of low-level radioactive waste are not acknowledged by the intended recipient within 20 days after transfer to the shipper.

The proposed action would grant an exemption to extend the time period that can elapse during shipments of low-level radioactive waste before the licensee is required to investigate and file a report with the NRC. Specifically, the exemption would extend the time period for the licensee to receive acknowledgment that the low-level radioactive waste shipment has been received by the intended recipient from 20 days to 35 days.

The Need for the Proposed Action

DTE is in the process of decommissioning Fermi-1. During the decommissioning process, large volumes of slightly contaminated debris are generated and require disposal. DTE transports low-level radioactive waste from Fermi-1 to distant locations such as a waste disposal facility operated by Energy Solutions in Clive, Utah.

The licensee's request to extend the 20-day investigation and reporting requirements for shipments of low-level radioactive waste to 35 days is based on historical data derived from recent shipments from Fermi-1. That experience indicates that rail or mixed mode truck/rail transportation times to waste disposal facilities consistently exceeded the 20-day reporting requirement. A review of the data indicates that transportation time for shipments by rail or truck/rail took over 20 days on average and, on occasion, took up to 34 days to receive the manifest confirming shipment. Shipping from Fermi-1 is expected to continue to be either by rail or a combination of truck/rail shipments, as larger and bulkier components are planned for shipment. The use of rail is expected to continue to result in shipping delays that exceed the 20 day reporting time for shipments from Fermi-1.

The licensee believes, and the staff agrees, that the need to investigate, trace, and report to the NRC on the shipment of low-level waste packages not reaching their destination within 20 days does not serve the underlying purpose of the rule. Therefore, the NRC staff finds that granting an exemption to extend the time period from 20 days to 35 days for mixed-mode or truck/rail or rail shipments of low-level radioactive waste will not result in an undue hazard to life or property.

Environmental Impacts of the Proposed Action

The NRC has reviewed the licensee's proposed exemption request and concluded that the proposed exemption is procedural and administrative in nature.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Agencies and Persons Contacted

In accordance with NRC policy, on March 23, 2010, NRC staff consulted with a representative from the Michigan Department of Natural Resources and the Environment, Radiological Protection and Medical Waste Section, regarding the environmental impact of the proposed action. The state official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

Dated at Rockville, Maryland, this 14th day of April 2010.

For the U.S. Nuclear Regulatory Commission.

Keith I. McConnell,

Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2010–9160 Filed 4–20–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–016; NRC–2008–0250]

Notice of Availability of the Draft Environmental Impact Statement for the Combined License for Calvert Cliffs Nuclear Power Plant Unit 3

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC)

and the U.S. Army Corps of Engineers, Baltimore District, have published NUREG–1936, "Environmental Impact Statement for the Combined License (COL) for Calvert Cliffs Nuclear Power Plant Unit 3: Draft Report for Comment." The site is located in Calvert County, Maryland, along the western shore of the Chesapeake Bay. Part 1 of the application for the COL was submitted by letter dated July 7, 2007, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52 and 10 CFR 2.101(a)(5). A notice of acceptance for docketing of Part 1 of the COL application was published in the **Federal Register** on January 31, 2008 (73 FR 5877). A notice of intent to prepare a draft environmental impact statement (DEIS) and to conduct the scoping process was published in the **Federal Register** on February 14, 2008 (73 FR 8719). Part 2 of the COL application was submitted by letter dated March 14, 2008, and a notice of acceptance for docketing for Part 2 was published in the **Federal Register** on June 9, 2008 (73 FR 32606). A COL is an authorization to construct and (with specified conditions) operate a nuclear power plant at a specific site, in accordance with established laws and regulations.

The purpose of this notice is to inform the public that NUREG–1936, "Environmental Impact Statement for the Combined License (COL) for Calvert Cliffs Nuclear Power Plant Unit 3: Draft Report for Comment," is available for public inspection. The DEIS can be accessed

(1) online at *http://www.nrc.gov/reactors/new-reactors/col/calvert-cliffs.html,* (2) in the U.S. NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Public File Area O1–F21, Rockville, Maryland 20852, or (3) from the NRC Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html.* The accession numbers for the DEIS are ML101000012 and ML101000013. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the PDR reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.* In addition, the Calvert Library Prince Frederick, located at 850 Costley Way, Prince Frederick, Maryland, and Calvert Library Southern Branch, located at 20 Appeal Lane, Lusby, Maryland, have agreed to make the DEIS available to the public.

Any interested party may submit comments on the DEIS for consideration by the NRC staff. Comments may be accompanied by additional relevant information or supporting data. This draft report is being issued with a 75-day comment period. The comment period begins on the date that the U.S. Environmental Protection Agency publishes a Notice of Filing in the **Federal Register** which is expected to be April 23, 2010. Such notices are published every Friday. The notice will identify the end date of the comment period. Members of the public may submit comments on the DEIS by (1) e-mail, (2) mail, or (3) during the public meeting on the DEIS. Comments submitted via e-mail should be sent to *CalvertCliffsCOLAEIS@nrc.gov.* Electronic submissions should be sent no later than the end date of the comment period. Written comments on the DEIS should be mailed to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax at 301–492–3446, and should cite the publication date and page number of this **Federal Register** Notice. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site Regulations.gov. The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed. To be considered, written comments should be postmarked by the end date of the comment period. Any comments of any Federal, State, and local agencies, Indian tribes or other interested persons will be made available for public inspection when received.

The NRC and Corps staff will hold two public meetings to present an overview of the DEIS and to accept public comments on the document on Tuesday, May 25, 2010, at the Holiday Inn Select, 155 Holiday Drive, Solomons, Maryland. The first meeting will convene at 1 p.m. and will continue until 4 p.m. as necessary. The second meeting will convene at 7 p.m., with a repeat of the overview portions of the first meeting, and will continue until 10 p.m. as necessary. The meetings will be transcribed and will include a presentation of the contents of the DEIS, and the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. To be considered, comments must be provided during the transcribed public meeting either orally or in writing. Additionally, the NRC and Corps staff will host informal discussions 1 hour before the start of each meeting during which members of the public may meet and talk with NRC and Corps staff members on an informal basis. No formal comments on the DEIS will be accepted during these informal discussions.

Persons may pre-register to attend or present oral comments at the meeting by contacting Ms. Laura Quinn by telephone at 1–800–368–5642, Extension 2220, or by e-mail at *CalvertCliffsCOLAEIS@nrc.gov* no later than May 19, 2010. Members of the public may also register to speak at the meeting within 15 minutes of the start of the meeting. Individual oral comments may be limited by the time available depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Ms. Laura Quinn will need to be contacted no later than May 19, 2010, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

FOR FURTHER INFORMATION CONTACT: Ms. Laura Quinn, Environmental Projects Branch 2, U.S. Nuclear Regulatory Commission, Mail Stop T7–E30, Washington, DC 20555–0001. Ms. Quinn may also be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 15 day of April 2010.

For the Nuclear Regulatory Commission.

Scott Flanders,

Director, Division of Site and Environmental Reviews, Office of New Reactors.

[FR Doc. 2010–9159 Filed 4–20–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0351]

Notice of Issuance of Regulatory Guide

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Regulatory Guide 1.68.2, Revision 2, "Initial Startup Test Program to Demonstrate Remote Shutdown

Capability for Water-Cooled Nuclear Power Plants."

FOR FURTHER INFORMATION CONTACT: Mark P. Orr, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6373 or e-mail *Mark.Orr@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing a revision to an existing guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

Revision 2 of Regulatory Guide 1.68.2, "Initial Startup Test Program to Demonstrate Remote Shutdown Capability for Water-Cooled Nuclear Power Plants," was issued with a temporary identification as Draft Regulatory Guide, DG–1236. This guide describes an initial startup test program acceptable to the staff of the U.S. Nuclear Regulatory Commission (NRC) for demonstrating hot shutdown capability and the potential for cold shutdown from outside the control room. This guide is applicable to water-cooled nuclear power plants.

II. Further Information

In August 2009, DG–1236 was published to allow public comments for a period of 60 days. Industry comments were received from the Nuclear Energy Institute (NEI), no other comments were received and the comment period was closed on October 9, 2009. The staff's responses to comments received on DG–1236 are located in the NRC's Agencywide Document Access and Management system under accession number ML100610057. Electronic copies of Regulatory Guide 1.68.2, Revision 2 are available through the NRC's public Web site under "Regulatory Guides" at *http://www.nrc.gov/reading-rm/doc-collections/.*

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852–2738. The PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4209, by fax at (301) 415–3548, and by e-mail to *pdr@nrc.gov.*

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

Dated at Rockville, Maryland, this 14th day of April 2010.

For the Nuclear Regulatory Commission.

Harriet Karagiannis,

Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2010–9161 Filed 4–20–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: NRC will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on May 24–25, 2010. A sample of agenda items to be discussed during the public session includes: (1) Updates on 10 Code of Federal Regulations (CFR) Parts 35 and 37 rulemakings; (2) information on the issue of patient release following administration of iodine 131; (3) updates on the medical isotope shortage; (4) updates on the prostate brachytherapy medical events that occurred at the Veteran's Affairs Medical Center in Philadelphia; (5) a subcommittee report on permanent implant brachytherapy; (6) a discussion on safety culture in medical practices; (7) an update on the status of the technical basis to support Part 35 rulemaking addressing the issues of grandfathering certified medical physicists; (8) information on the International Atomic Energy Agency's revision to Draft Safety Requirements DS379; (9) a subcommittee report on byproduct material events for fiscal year 2010; and (10) an issue regarding signatures for post-implant written directives for yttrium 90 microspheres procedures. A copy of the agenda will be available at *http://www.nrc.gov/reading-rm/doc-collections/acmui/agenda* or by e-mailing Ms. Ashley Cockerham at the contact information below.

Purpose: Discuss issues related to 10 CFR Part 35 Medical Use of Byproduct Material.

Date and Time for Closed Session: May 24, 2010, from 8 a.m. to 10 a.m. This session will be closed so that ACMUI members can enroll for new badges.

Date and Time for Open Sessions: May 24, 2010 from 10 a.m. to 4 p.m. and May 25, 2010, from 8 a.m. to 12:30 p.m.

Address for Public Meeting: U.S. Nuclear Regulatory Commission, Two White Flint North Building, Room T2–B3, 11545 Rockville Pike, Rockville, Maryland 20852.

Public Participation: Any member of the public who wishes to participate in the meeting in person or via phone should contact Ms. Cockerham using the information below.

Contact Information: Ashley M. Cockerham, e-mail: *ashley.cockerham@nrc.gov,* telephone: (240) 888–7129.

Conduct of the Meeting

Leon S. Malmud, M.D., will chair the meeting. Dr. Malmud will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Cockerham at the contact information listed above. All submittals must be received by May 14, 2010, and must pertain to the topic on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The draft transcript will be available on ACMUI's Web site (*http://www.nrc.gov/reading-rm/doc-collections/acmui/tr/)* on or about June 25, 2010. A meeting summary will be available on ACMUI's Web site (*http://www.nrc.gov/reading-rm/doc-collections/acmui/meeting-summaries/*) on or about July 8, 2010.

4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Cockerham of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations,* Part 7.

Dated: April 15, 2010.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2010–9158 Filed 4–20–10; 8:45 am]

BILLING CODE P

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 June 21, 2010.

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 Carol Fendler, Systems Accountant, Office of Investment, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Carol Fendler, Systems Accountant, Office of Investment, 202–205–7559 *carol.fendler@sba.gov* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: SBA Forms 1405 and 1405A are used by SBA examiners as part of their examinations of licensed small business investment companies (SBIC's). This information collection provides impendent third party confirmation of an SBIC's representations concerning its owners and helps SBA to evaluate the SBIC's compliance with applicable laws and regulations concerning capital requirements.

Title: "Stockholders Confirmation (Corporation); Ownership Confirmation (Partnership)."

Description of Respondents: Newly Licensed SBIC's.

Form Numbers: 1405, 1405A.

Annual Responses: 600.

Annual Burden: 600.

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 Janis Ackerman, Financial Analyst, Office of Microloan, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

For Further Information Contact: Janis Ackerman, Financial Analyst, Office of Microloan, 202–205–7798 *janis.ackerman@sba.gov* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: Information collection is needed to ensure that Microloan Program activity meets the statutory goals of assisting the statutorily mandated target market. The information is used by the reporting participants and the SBA to assist with portfolio management, risk management, loan servicing and collections and to enable SBA to ensure that targeted groups are being served, and understand trends over time. It also allows SBA to monitor use of funds, ensure compliance, and provide education.

Title: "Microloan Program Electronic Reporting System (MPERS) (MPERsystem)"

Description of Respondents: Microloan Program Intermediary Lenders.

Form Number: N/A,

Annual Responses: 2,500,

Annual Burden: 625

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 Gail Hepler, Chief 7(a) Program Branch, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

For Further Information Contact: Gail Hepler, Chief 7(a) Program Branch, Office of Financial Assistance, 202–205–7530 *gail.hepler@sba.gov* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: SBA requires the minimal information required on these forms from lenders and borrowers to carry out its loan monitoring portfolio risk management, and lender oversight activities associated with this loan pilot.

Title: "Loan Program business, Small Business, Reporting and recordkeeping requirements."

Description of Respondents: Application for an SBA Loan.

Form Numbers: 2276A, B, C, 2281.

Annual Responses: 180.

Annual Burden: 180.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 2010–9141 Filed 4–20–10; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[License No. 09/79–0428; License No. 09/79–0452]

Montreux Equity Partners II SBIC, L.P.; Montreux Equity Partners III SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Montreux Equity Partners II SBIC, L.P. and Montreux Equity Partners III SBIC, L.P., 3000 Sand Hill Road, Building 1, Suite 260, Menlo Park, CA 94025, Federal Licensees under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the sale of an asset to an Associate, has sought an exemption under section 312 of the Act and section 107.730, which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Montreux Equity Partners III SBIC, L.P. proposes to sell part of its equity interest in Renal CarePartners, Inc., 4000 Hollywood Blvd., Suite 300N, Hollywood, FL 33021 to Montreux Equity Partners II SBIC, L.P.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Montreux Equity Partners II SBIC, L.P. and Montreux Equity Partners III SBIC, L.P. are considered Associates by virtue of Common Control as defined at 13 CFR 107.50.

Therefore, this transaction is considered self-dealing requiring an exemption. Notice is hereby given that any interested person may submit written comments on the transaction within fifteen days of the date of this publication to the Acting Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: April 7, 2010.

Sean Greene,

Associate Administrator for Investment.

[FR Doc. 2010–9145 Filed 4–20–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for Improved Outer Tactical Vests and related accessories under Product Service Code (PSC) 8470 (Armor Personal) under North American Industry Classification

System (NAICS) code 339113 (Surgical Appliance and Supplies Manufacturing).

SUMMARY: The U.S. Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for Improved Outer Tactical Vests. According to a request, no small business manufacturers supply these products to the Federal government. If granted, the waiver would allow an otherwise qualified nonmanufacturer to supply the products of any manufacturer on a Federal contract set aside for small businesses, service-disabled veteran-owned small businesses, or Participants in the SBA's 8(a) Business Development (BD) Program.

DATES: Comments and source information must be submitted May 6, 2010.

ADDRESSES: You may submit comments and source information to Pamela M. McClam, Program Analyst, Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela M. McClam, by telephone at (202) 205–7408; by FAX at (202) 481–4783, or by e-mail at *Pamela.mcclam@sba.gov.*

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), and SBA's implementing regulations provide that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or Participants in the SBA's 8(a) BD Program must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b),125.15(c). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

In order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. 13 CFR 121.1202(1). The SBA defines "class of products" based on Office of Management and Budget's NAICS. In addition, SBA uses PSCs to identify particular products within the NAICS code to which a waiver would apply.

The SBA is currently processing a request to waive the Nonmanufacturer Rule for Improved Outer Tactical Vests and related accessories under NAICS code 339113, Surgical Appliance and Supplies Manufacturing, PSC 8470—Armor Personal.

The public is invited to comment or provide source information to SBA on the proposed waivers of the Nonmanufacturer Rule for this class of product within 15 days after date of publication in the **Federal Register.**

Dated: April 14, 2010.

Randall S. Johnston,

Deputy Director for Government Contracting.

[FR Doc. 2010–9142 Filed 4–20–10; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61905; File No. SR–Phlx–2010–55]

Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to a New Category of Fees for "Professionals"

April 14, 2010.

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 March 31, 2010, NASDAQ OMX PHLX, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt fees for a new type of participant called "professional."[3]

While changes to the Exchange's Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated this proposal to be operative on April 1, 2010.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqtrader.com/micro.aspx?id=PHLXfilings,* at the principal office of the Exchange, at the Commission's Public Reference Room, and on the Commission's Web site at *http://www.sec.gov.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to adopt a new category of fees, "professional." The Exchange believes that the proposed fees for professional orders will allow the Exchange to remain competitive with other options exchanges who apply fees to professional orders.

The Exchange defines a "professional" as any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s)[4] (hereinafter "Professional").

The Exchange proposes to add a "Professional" fee category to its transaction fees for equity options, index options and foreign currency options. The Exchange proposes to amend Categories II, III and IV of the Fee Schedule to assess a $0.20 transaction fee on Professional orders in all equity option classes, a $0.35 transaction fee on Professional orders in sector index options and a $0.30 transaction fee on Professional orders in U.S. dollar-settled foreign currency options.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 61802 (March 30, 2010), 75 FR 17193 (April 5, 2010) (SR–Phlx–2010–05).

[4] A Professional will be treated in the same manner as an off-floor broker-dealer for purposes of Rules 1014(g) (except with respect to all-or-none orders, which will be treated like customer orders), 1033(e), 1064.02 (except professional orders will be considered customer orders subject to facilitation), and 1080.08 as well as Options Floor Procedure Advices B–6, B–11 and F–5. Member organizations must indicate whether orders are for professionals.

The Exchange is also proposing that Payment For Order Flow Fees [5] not be assessed on Professional orders and is amending Category II of the Fee Schedule to reflect that. The Exchange would not assess a payment for order flow fee on professional orders, because the Exchange believes payment for order flow fees are not required to remain competitive with other options exchanges with respect to Professional orders.[6]

In Category V of the Fee Schedule, the Exchange is also proposing that Cancellation Fees [7] not be assessed on Professional orders. The Exchange is excluding professional orders from the computation of the Cancellation Fee, because the Exchange does not believe that these orders raise the types of issues that the Cancellation Fee is intended to address.[8]

The Exchange also proposes to add a notation to the Routing Fees in Category IX to indicate that Professional orders will be subject to the Routing Fees.

2. Statutory Basis

The Exchange believes that its proposal to amend its schedule of fees is consistent with Section 6(b) of the Act [9] in general, and furthers the objectives of Section 6(b)(4) of the Act [10] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members. The Exchange believes that adding Professional fees to the fees applicable to the other equity options, sector index options and foreign currency options transaction fees is fair and reasonable, because the proposed fees are similar to the transaction fees applicable to broker-dealers trading on Phlx [11] as well as fees assessed by other options exchanges. For example, CBOE assesses a $0.20 per contract fee for professional orders in equity options,[12] the same as the Exchange's proposed Category II fees.

With regard to the sector index options fees and foreign currency options fees proposed for Professionals, these charges are similar to the current transaction fees assessed on the Exchange's Registered Options Traders pursuant to Categories III and IV of the Exchange's Fee Schedule; and therefore, the Exchange believes the proposed fee is fair and reasonable.

The Exchange believes that excluding Professional orders from the computation of the Cancellation Fee will continue to fairly allocate costs among members according to system use, which is the purpose of cancellation fees. In addition, the Exchange will not assess specialists, SQTs, RSQTs and ROTs a payment for order flow fee on Professional orders, in order to compete with other options exchanges.

The Exchange also proposes to specify that Routing Fees apply to Professional orders for purposes of clarity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [13] and paragraph (f)(2) of Rule 19b–4 [14] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–Phlx–2010–55 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–Phlx–2010–55. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–Phlx–2010–55 and should be submitted on or before May 12, 2010.

[5] The Exchange currently assesses $.25 per contract for options that are executed in the penny pilot program and $.70 for remaining equity options. These fees are assessed for trades resulting from either Directed or non-Directed Orders that are delivered electronically and executed on the Exchange: Assessed on ROTs, specialists and Directed ROTs on those trades when the specialist unit or Directed ROT elects to participate in the payment for order flow program.

[6] *See* Securities Exchange Act Release No. 61693 (March 11, 2010), 75 FR 13175 (March 18, 2010) (SR–ISE–2010–16).

[7] The Exchange currently assesses $2.10 per order for each cancelled electronically delivered customer order in excess of the number of customer orders executed on the Exchange by a member organization in a given month. All customer orders from the same member organization that are executed in the same series on the same side of the market at the same price within a 300 second period will be aggregated and counted as one executed customer options order.

[8] *See* Securities Exchange Act Release No. 60188 (June 29, 2009), 74 FR 32986 (July 9, 2009) (SR–Phlx–2009–48).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] The options transaction charge for firms is $.25 per contract; *see* Category II of the Fee Schedule.

[12] *See* Securities Exchange Act Release No. 61329 (January 11, 2010), 75 FR 2901 (January 19, 2010) (SR–CBOE–2009–101).

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f)(2).

[15] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9115 Filed 4–20–10; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 6961]

60-Day Notice of Proposed Information Collection: DS–2020 Retail Price Schedule, Part 3 and Part 4, 1405–XXXX

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Retail Price Schedule.
- *OMB Control Number:* No OMB Control Number has yet been assigned.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Administration Office of Allowances (A/OPR/ALS).
- *Form Number:* DS–2020.
- *Respondents:* Respondents are managers of retail price outlets in the Washington, DC area and at 96 foreign locations.
- *Estimated Number of Respondents:* 3888 annually. The estimate represents the number of outlets visited annually worldwide.
- *Estimated Number of Responses:* 4032.
- *Average Hours Per Response:* It is estimated that the average in Washington, DC is one hour. The estimate for foreign locations is twenty minutes.
- *Total Estimated Burden:* 1,376 hours.
- *Frequency:* Biennially at foreign posts. Quarterly in Washington, D.C.
- *Obligation to Respond:* Responses from outlets is Voluntary. However, the collection and submission of the data by USG posts is required for Federal employees to obtain/retain a benefit.

DATES: The Department will accept comments from the public up to 60 days from April 21, 2010.

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

- *E-mail: AllowancesO@state.gov.*
- *Mail (paper, disk, or CD–ROM submissions)*: Office of Allowances (A/OPR/ALS), Room L314 SA–1, Department of State, Washington, DC 20522–0103
- *Fax:* (202) 261–8707 or (202) 261–8708
- *Hand Delivery or Courier:* Office of Allowances (A/OPR/ALS) Room L314, Department of State, 2401 E Street, NW., Washington, DC 20037

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to George W. Indyke, Director, Office of Allowances, Room L314 SA–1, Washington, DC 20522–0103, who may be reached on (202) 261–8700 or at *AllowancesO@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the *Department to:*

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of proposed collection: The collected data is used by the Department of State to carry out its responsibilities under 5 U.S.C. 5924(1), and Executive Orders 10903 and by the Department of Defense to carry out responsibilities under 37 USC 405. It is the primary source of information used to establish/justify post (cost of living) allowances for all Federal civilian employees assigned abroad and cost of living allowances for uniformed service members. The respondents are the store/department managers of approximately 40 retail outlets at each foreign post and approximately 48 retail outlets in the Washington, DC area.

Methodology: U.S.G. employees or contractors visit the retail outlets and gather prices personally. The estimated burden for respondents is based on the time the Price Collectors may spend with them to explain the purpose of the data collection and seek their cooperation with having the price collector gather prices. Once the price collector has completed the cost data collection, the information is entered in the eAllowances program for electronic submission to the Department of State's Office of Allowances.

Dated: April 16, 2010.

Steven J. Rodriguez,

Deputy Assistant Secretary for Operations, Bureau of dministration, Department of State.

[FR Doc. 2010–9183 Filed 4–20–10; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice 6960]

Culturally Significant Objects Imported for Exhibition Determinations: "The Glory of Ukraine: Golden Treasures and Lost Civilizations"

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition "The Glory of Ukraine: Golden Treasures and Lost Civilizations," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Museum of Russian Art, Minneapolis, MN, from on or about September 3, 2010, until on or about January 23, 2011; the Joslyn Museum of Art, Omaha, NE, from on or about January 2011 until on or about May 2011; the Houston Museum of Natural Science, Houston TX, from on or about May 27, 2011, to on or about September 5, 2011, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/632–6473). The address

is U.S Department of State, SA–5, L/PD, Fifth Floor, Washington, DC 20522–0505.

Dated: April 13, 2010.

Maura M. Pally,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–9184 Filed 4–20–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 281X)]

Union Pacific Railroad Company—Abandonment Exemption—in Orange County, CA

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.15-mile line of railroad, on the Brea Chemical Industrial Lead, from milepost 507.5 to milepost 508.65 near the City of Brea, in Orange County, CA. The line traverses United States Postal Service Zip Code 92821.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 USC 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on or after May 21, 2010, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by May 3, 2010. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 11, 2010, with: Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Suite 1920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

UP has filed a combined environmental and historic report which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 26, 2010. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by April 21, 2011, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines et al.,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,500. *See* 49 CFR 1002.2(f)(25).

Decided: April 15, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2010–9143 Filed 4–20–10; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Seeking OMB Approval

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) revision of a current information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 13, 2009, vol. 74, no. 218, page 58676–58677. This rulemaking established requirements for the FAA's authority to issue Experimental Permits for reusable suborbital rockets to authorize launches for the purpose of research and development, crew training and showing compliance with the regulations.

DATES: Please submit comments by May 21, 2010.

FOR FURTHER INFORMATION CONTACT: Carla Mauney at *Carla.Mauney@faa.gov.*

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Experimental Permits for Reusable Suborbital Rockets.

Type of Request: Extension without change of a currently approved collection.

OMB Control Number: 2120–0722.

Form(s): There are no FAA forms associated with this collection.

Affected Public: An estimated 10 respondents.

Frequency: This information is collected on occasion.

Estimated Average Burden per Response: Approximately 18.6 hours per response.

Estimated Annual Burden Hours: An estimated 2,567 hours annually.

Abstract: The FAA has imposed requirements for obtaining an Experimental Permit as required by the Commercial Space Launch Amendments Act of 2004. This rulemaking established requirements for the FAA's new authority to issue Experimental Permits for reusable

suborbital rockets to authorize launches for the purpose of research and development, crew training and showing compliance with the regulations.

ADDRESSES: Interested persons are invited to 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 attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

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 April 14, 2010.

Carla Mauney,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2010–9173 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2010–0033]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for approval for a new information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on September 18, 2009. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 21, 2010.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2010–0033.

FOR FURTHER INFORMATION CONTACT: Marshall Wainright, 202–366–4842, or Arnold Feldman, 202–366–2028, Office of Real Estate Services, U.S. Department of Transportation, Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: 2009 Business Relocation Assistance Retrospective Study.

Background: Among benefits included in relocation assistance under the Uniform Act is a payment, not to exceed $10,000, to assist displaced businesses in reestablishing at a new location. The Uniform Act also includes a fixed payment for moving expenses not to exceed $20,000 in lieu of the payments for actual reasonable moving and reestablishment related expenses. The Uniform Act benefit levels were last revised in 1989. Since that time, displaced business moves have become increasingly complex and costly. HEPR, the Government Accountability Office (GAO) and several States have done recent research into the costs born by businesses that are required to relocate as a result of federally funded projects and programs. The general conclusion is that the Uniform Act benefit levels are inadequate. For example the GAO recently reported on the need for an update of benefit levels in Eminent Domain, Information about its Uses and Effect on Communities and Property Owners Is Limited (GAO–07–28). The report communicates in several points, including discussions on pages 4 and 16, that Uniform Act benefits available to business are considered inadequate by interviewees.

The data collected utilizing the following interview document would identify the name, location and type of business; actual costs that a business incurs which would be reimbursable if not for the statutory maximum reestablishment expenses or the additional in-lieu eligibility that a business would be eligible to receive as well as the amount of the relocation assistance the business received as a reimbursement through the relocation program.

Interviews with selected participants will be conducted over a one-year period.

Respondents: Approximately 300 participants to be interviewed in one year.

Frequency: One collection from each participant.

Estimated Average Burden per Response: Approximately 4 hours per participant over a year.

Estimated Total Annual Burden Hours: Approximately 1200 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: April 16, 2010.

Juli Huynh,

Chief, Management Programs and Analysis Division.

[FR Doc. 2010–9106 Filed 4–20–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA 2010–0005–N–9]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and

its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than June 21, 2010.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 17, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number _____." Alternatively, comments may be transmitted via facsimile to (202) 493–6216 or (202) 493–6497, or via e-mail to Mr. Brogan at *Robert.Brogan@dot.gov,* or to Ms. Toone at *Kimberly.Toone@dot.gov.* Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(I)–(iv); 5 CFR 1320.8(d)(1)(I)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below are brief summaries of three currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Filing of Dedicated Cars.

OMB Control Number: 2130–0502.

Abstract: Title 49, Part 215 of the Code of Federal Regulations, prescribes certain conditions to be followed for the movement of freight cars that are not in compliance with this Part. Dedicated service means the exclusive assignment of railroad cars to the transportation of freight between specified points under the following conditions: (1) The cars are operated primarily on track that is inside an industrial or other non-railroad installation; and only occasionally over track of a railroad; (2) The cars are not operated at speeds of more than 15 miles per hour; and over track of a railroad—(A) for more than 30 miles in one direction; or (B) on a round trip for more than 60 miles; (3) The cars are not freely interchanged among railroads; (4) The words "Dedicated Service" are stenciled, or otherwise displayed, in clear legible letters on each side of the car body; and (5) The cars have been examined and found safe to operate in dedicated service. These cars must be identified in a written report to FRA before they are assigned to dedicated service, and these reports must be filed with FRA 30 days before the cars operate in dedicated service. FRA uses the information collected under § 215.5(d) to determine the number of railroads affected, the number and type of cars involved, the commodities being carried, and the territorial and speed limits within which the cars will be operated. FRA reviews these reports to determine if the equipment is safe to operate and if the operation qualifies for dedicated service. The information collected indicates to FRA inspectors that the particular or "dedicated" car is in special service and that certain exceptions have been provided for regarding the application of this regulation spelled out in § 215.3. Cars not in compliance with § 215.5(d) will be cited for violations by FRA inspectors. The information collected is also used by railroads to provide identification and control so that dedicated cars remain in the prescribed service.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 728 railroads.

Frequency of Submission: On occasion.

Total Estimated Responses: 4.

Total Estimated Annual Burden: 4 hours.

Status: Extension of a Currently Approved Collection.

Title: Hours of Service Regulations.

OMB Control Number: 2130–0005.

Abstract: The collection of information is due to the railroad hours of service regulations set forth in 49 CFR Part 228 which require railroads to collect the hours of duty for covered employees, and records of train movements. Railroads whose employees have exceeded maximum duty limitations must report the circumstances. Also, a railroad that has developed plans for construction or reconstruction of sleeping quarters (Subpart C of 49 CFR Part 228) must obtain approval of the Federal Railroad Administration (FRA) by filing a petition conforming to the requirements of Sections 228.101, 228.103, and 228.105.

Affected Public: Businesses.

Respondent Universe: 720 railroads.

Frequency of Submission: On occasion; monthly.

REPORTING BURDEN

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
228.11—Hours of Duty Records.	720 railroads	29,893,500 records	2 min./5 min./10 minutes	3,049,210
228.17—Dispatchers of Train Movements.	150 dispatch offices	200,750 records	3 hours	602,250
228.19—Monthly Reports of Excess Service.	300 railroads	2,640 reports	2 hours	5,280
228.103—Construction of Employee Sleeping Quarters.	50 railroads	1 petition	16 hours	16
228.203—Program Components. —Development of Electronic Recordkeeping System w/required Security and Search Capability.	9 railroads	5 adjusted programs + 1 newly developed program.	120 hours; 720 hours	1,320
228.205—Access to Electronic Records. —RR Procedures.	720 railroads	100 electronic records access procedures.	30 minutes	50
228.207—Training	720 railroads/signal contractors.	47,000 trained employees	1 hour	47,000
—Initial Training in Use of Electronic System. —Refresher Training in Use of Electronic System.	720 railroads/signal contractors.	2,200 trained employees	1 hour	2,200
49 U.S.C.21102—Hours of Service Act. —Exemptions from Laws Requirements.	10 railroads	2 petitions	10 hours	20

Total Responses: 30,145,699.

Estimated Total Annual Burden: 3,707,346 hours.

Status: Extension of a Currently Approved Collection.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on April 14, 2010.

Kimberly Coronel,

Director, Office of Financial Management, Federal Railroad Administration.

[FR Doc. 2010–9105 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before May 21, 2010.

ADDRESS COMMENTS TO: Record Center, Pipeline and Hazardous Materials, Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 14, 2010.

Delmer F. Billings,

Director, Office of Hazardous Materials Special Permits and Approvals.

NEW SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14985–N		Southern States, LLC, Atlanta, GA	49 CFR 173.304a	To authorize the transportation in commerce of non-DOT specification pressure vessels containing sulfur hexafluoride intended as components of electric utility circuit interrupter units. (modes 1, 2, 3, 4, 5)
14986–N		National Aeronautics and Space Administration (NASA) Kennedy Space Center, FL.	49 CFR 173.302a	To authorize the transportation in Nitrogen, compressed in alternative packaging (a Flex Hose Rotary Coupler Integrated assembly). (modes 1, 4)
14988–N		Luxfer Gas Cylinders, Riverside, CA	49 CFR 173.302a, 173.304a, and 180.205.	To authorize the manufacture, marking, sale and use of non-DOT specification fully wrapped carbon fiber composite cylinders with seamless aluminum liners for the transportation in commerce of certain Division 2.1 and 2.2 gases. (modes 1, 2, 3, 4, 5)
14989–N		Vinci-technologies	49 CFR 173.201, 173.302a, 173.304a and 173.301(f).	To authorize the transportation of certain hazardous materials in non-DOT specification cylinders which are not equipped with pressure relief devices. (modes 1, 2, 3, 4)
14990–N		Manufacturing Technologies Incorporated, Albuquerque, NM.	49 CFR 178.65	To authorize the manufacture, marking, sale and use of non-DOT specification cylinders conforming to the DOT Specification 39 except they are manufactured from stainless steel. (modes 1, 2, 3, 4, 5)
14991–N		Intex Recreation Corp., Long Beach, CA.	49 CFR 173.150 and 172.316.	To authorize the transportation in commerce of above ground swimming pool kits containing one .2 ounce tube of flammable adhesive each without being marked ORM–D and exceeding the 66 pound weight restriction. (mode 1)
14992–N		VIP Transport, Inc., Corona, CA	49 CFR 173.196 and 173.199.	To authorize the transportation in commerce of Division 6.2 infectious and Biological substance materials in alternative packaging (freezers). (mode 1)
14994–N		Auto-Chlor System, Memphis, TN	49 CFR 173.28(b)(4)(i)	To authorize the transportation in commerce of certain 1 gallon plastic drums that are reused without meeting the minimum thickness requirement on corners and undercut areas. (mode 1)

[FR Doc. 2010–9037 Filed 4–20–10; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Intent To Prepare a Supplemental Environmental Impact Statement: State Route 374 From State Route 149 West of River Road to State Route 76 in Clarksville, Montgomery County, TN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent to Prepare a Supplemental Environmental Impact Statement (EIS).

SUMMARY: The FHWA is issuing this notice to advise the public that a Supplemental EIS will be prepared for the extension of SR 374 from SR 149 west of River Road to SR 76 in Clarksville, Montgomery County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. Charles J. O'Neill, Planning and Program Management Team Leader, FHWA—Tennessee Division Office, 404 BNA Drive, Suite 508, Nashville, TN 37217. Phone: (615) 781–5770.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Tennessee Department of Transportation, will prepare a Supplemental EIS on a proposal to extend SR 374 in Clarksville, Montgomery County, Tennessee. A Draft EIS for the extension of SR 374 from SR 13 to SR 76 in Clarksville was approved in March 2000. On December 17, 2008, the FHWA issued a Notice to Rescind the original Notice of Intent to Prepare an EIS (published November 12, 1996) for the subject project. The original

Notice of Intent was rescinded due to the age of the Draft EIS and the desire to assess any potential changes in impacts to the human and natural environment. A Supplemental Draft EIS must be prepared to update the technical studies to be in full compliance with NEPA and other current environmental regulations, including SAFETEA–LU.

The Supplemental Draft EIS will evaluate the extension of SR 374 from SR 149 west of River Road to SR 76, a distance of approximately 7 miles. The proposed roadway will provide two traffic lanes in each direction, separated by either a median or a turn lane. The project will involve construction on new location, as well as improvements to existing facilities. Once constructed, it is expected that the facility will help divert traffic away from congested roadways leading to and from downtown Clarksville.

The Supplemental EIS will evaluate a range of reasonable alternatives, which will include: (1) No Build; (2) Transit; (3) Transportation Systems Management; and (4) one or more Build Alternatives.

Early coordination letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and entities that have previously expressed or are known to have an interest in this proposal. A Coordination Plan will be developed to include the public in the project development process. This plan will utilize the following outreach efforts to provide information and solicit input: Newsletters, project Web site, e-mail and direct mail, informational meetings and briefings, a public hearing, and other efforts as necessary and appropriate. A public hearing will be held upon completion of the Supplemental Draft EIS, and public notice will be given of the time and place of the public hearing. The Supplemental Draft EIS will be available for public and agency review and comment prior to the 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 the proposed action and the EIS should be directed to the FHWA contact person identified above at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed program.)

Charles J. O'Neill,

Planning and Program Management Team Leader, Nashville, TN.

[FR Doc. 2010–8721 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Eagle County Regional Airport, Eagle, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Request to Release Airport Property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Eagle County Regional Airport under the provisions of section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before May 21, 2010.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. John P. Bauer, Manager, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Denver Airports District Office, 26805 E. 68th Ave., Suite 224, Denver, Colorado 80249.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bryan Treu, Eagle County Attorney, P.O. Box 850, Eagle, Colorado 81631.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Schaffer, Project Manager, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Denver Airports District Office, 26805 E. 68th Ave., Suite 224, Denver, Colorado 80249.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Eagle County Regional Airport under the provisions of the AIR 21.

On March 3, 2010, the FAA determined that the request to release property at the Eagle County Regional Airport submitted by the County of Eagle, Colorado met the procedural requirements of the Federal Aviation Regulations, Part 155. The FAA may approve the request, in whole or in part, no later than May 21, 2010.

The following is a brief overview of the request:

The County of Eagle, Colorado requests the release of 4.91 acres of non-aeronautical airport property of the Eagle County Regional Airport. The purpose of this release is to allow non-aviation-related development of the parcel. The sale of this parcel will provide funds for airport improvements.

Any person may inspect the request by appointment at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may inspect the application, notice and other documents germane to the application in person at the Eagle County Courthouse, 500 Broadway, Eagle, Colorado 81631.

Issued in Denver, Colorado on March 30, 2010.

John P. Bauer,

Denver Airports District Office.

[FR Doc. 2010–8841 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2010–0047; Notice 1]

Tireco, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Tireco, Inc., (Tireco), has determined that approximately 6,170 of its "GEO–Trac" brand P235/75R15 passenger car tires, manufactured between June 12, 2009 and August 20, 2009 by the fabricating manufacturer, the Shandong Linglong Tyre Co., Ltd., and imported into the United States by Tireco, do not comply with paragraph S5.5(c) of Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New pneumatic radial tires for light vehicles.* Tireco has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Tireco has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Tireco's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of

judgment concerning the merits of the petition.

Affected are approximately 6,170 tires imported into the United States by Tireco who identified the tires as "Geo-Trac" brand P235/75R15 passenger car replacement tires.

In consultation with the fabricating manufacturer, the Shandong Linglong Tyre Co., Ltd., Tireco has determined that all of the noncompliant tires were manufactured between June 12, 2009 (Serial Week 24) and August 20, 2009 (Serial Week 34). Tireco stated that it has already retrieved almost half of the 6,170 noncompliant tires from its distributors and dealers and estimates that there are only 3,370 noncompliant tires in the field that would be covered by the requested exemption.[1]

Paragraph S5.5(c) (and paragraph S5.5.4 as incorporated by reference) of FMVSS No. 139 requires in pertinent part:

S5.5 Tire markings. Except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, those markings must appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inches. * * *

(c) The maximum permissible inflation pressure, subject to the limitations of S5.5.4 through S5.5.6 of this standard; * * *

S5.5.4 For passenger car tires, if the maximum inflation pressure of a tire is 240, 280, 300, 340, or 350 kPa, then:

(a) Each marking of that inflation pressure pursuant to S5.5(c) must be followed in parenthesis by the equivalent psi, rounded to the next higher whole number; * * *

Tireco indicated that the noncompliance is that the markings on the non-compliant tires specifying the maximum inflation pressure in kPa and in psi are reversed from the order required by paragraph S5.5.5(c). The Company said that the maximum inflation pressure should have been marked as "300 kPa (44 psi)" but were "inadvertently" marked on both sidewalls with a maximum inflation pressure of "44 kPa (300 psi)." Tireco reported that this noncompliance was brought to their attention on August 19, 2009 by one of the company's distributor customers.

Tireco argues that no vehicle operator would ever inflate the tires to the incorrect pressures that appear on the sidewalls of the subject tires, and specifically stated that "it would be virtually impossible to do so." Tireco supports this conclusion with the following statements:

- With respect to the erroneous psi marking, no commercially available air compressor used in tire retail stores, at gas stations, or for home use has the capacity to inflate tires to 300 psi, and consumers would immediately be aware from their past experience that a pressure of 300 psi could not be correct.
- With respect to the erroneous kPa marking, it [is] extremely unlikely that a consumer would attempt to inflate the tires to 44 kPa, since (1) drivers in the United States almost always utilize the psi parameter rather than kPa value when they inflate their tires; and (2) any driver who used the kPa parameter would know that the 44 kPa value was not correct, since all passenger car tires have a maximum inflation pressure of at least 240 kPa. Moreover, even if a consumer were to attempt to inflate the tires to 44 kPa (which is equivalent to approximately 7 psi), he or she would immediately be aware that the tires were drastically underinflated, and would not be in a drivable state.

Tireco concludes that the subject non-compliance "cannot result in the tires being overloaded, or any other adverse safety consequence to the tires or to the vehicles on which they are mounted." Additionally, Tireco cites three cases which it believes support its conclusion that NHTSA has previously granted tires companies inconsequentiality exemptions relating to errors in the marking of maximum inflation pressure. (See *Michelin North America, Inc.,* 70 FR 10161 (March 2, 2005); *Kumho Tire Co., Inc.,* 71 FR 6129 (February 6, 2006); and *Michelin North America, Inc.,* 74 FR 10805 (March 12, 2009)).

Furthermore, Tireco points out three other substantive factors that support its petition:

- The subject tires meet or exceed all of the substantive performance requirements of FMVSS No. 139.
- There have been no complaints regarding this issue from vehicle owners (the incorrect markings were brought to Tireco's attention by one of its distributors).
- The manufacturer of these tires, Shandong Linglong Tyre Co., Ltd., has corrected the molds at its factory, so that this noncompliance will not be repeated in current or future production.

Supported by all of the above stated reasons, Tireco believes that the described noncompliance of its tires to meet the requirements of FMVSS No. 139 is inconsequential to motor vehicle safety, and that its petition, to exempt it from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://*

[1] Tireco's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt Tireco as importer from the notification and recall responsibilities of 49 CFR Part 573 for 3,370 of the 6,170 affected tires. However, the agency cannot relieve Tireco's distributors of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after Tireco recognized that the subject noncompliance existed. Those tires must be brought into conformance, exported, or destroyed.

www.regulations.gov, including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 21, 2010.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at CFR 1.50 and 501.8

Issued on: April 15, 2010.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2010–9162 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2010–17]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before May 11, 2010.

ADDRESSES: You may send comments identified by Docket Number FAA–2010–0215 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brenda Sexton, (202–267–3664), Office of Rulemaking (ARM–204), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on April 16, 2010.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2010–0215.

Petitioner: Gulf Aviation Doing Business as United Aviation.

Section of 14 CFR Affected: 129.109, 129.111, 129.117.

Description of Relief Sought: The petitioner seeks relief from part 129 §§ 129.109, 129.111, 129.117. If granted, this exemption will allow Gulf Aviation Services to operate their fleet of Embraer EMB–135BJ aircraft outside of the United States without implementing the instructions for continued airworthiness into Gulf Aviation Service's maintenance program.

[FR Doc. 2010–9135 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6480; FMCSA–2001–11426; FMCSA–2003–16241; FMCSA–2003–16564; FMCSA–2005–21711; FMCSA–2005–22194; MCSA–2005–22727; FMCSA–2005–23099; FMCSA–2007–0017; FMCSA–2007–0071]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew 17 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective April 23, 2010. Comments must be received on or before May 21, 2010.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–1999–6480; FMCSA–2001–11426; FMCSA–2003–16241; FMCSA–2003–16564; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2005–23099; FMCSA–2007–0017; FMCSA–2007–0071, using any of the following methods.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 17 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 17 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Roy L. Allen
Lyle H. Banser
Lloyd J. Botsford
Walter M. Brown
Charley J. Davis
Derek T. Ford
Paul D. Gaither
Taras G. Hamilton
Thomas R. Hedden
Laurent G. Jacques
Lucio Leal
Earl R. Mark
Douglas A. Mendoza
Michael R. Moore
Richard W. Neyens
John P. Rodrigues
Charles W. Towner, Jr.

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provides a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 17 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 68195; 65 FR 20251; 67 FR 17102; 69 FR 17267; 71 FR 16410; 67 FR 10471; 67 FR 19798; 69 FR 19611; 71 FR 19604; 73 FR 15254; 68 FR 61857; 68 FR 75715; 71 FR 646; 72 FR 71998; 68 FR 74699; 69 FR 10503; 71 FR 6829; 70 FR 48797; 70 FR 61493; 70 FR 57353; 70 FR 72689; 70 FR 71884; 71 FR 4632; 73 FR 9158; 71 FR 4194; 71 FR 13450; 72 FR 67340; 73 FR 1395; 73 FR 6242; 73 FR 16950). Each of these 17 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by May 21, 2010.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 17 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and made only after careful consideration of the comments received to its Notices of applications. The Notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would

otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: April 15, 2010.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. 2010–9117 Filed 4–20–10; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 12, 2010.

The Department of the Treasury will submit the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. A copy of the submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury PRA Clearance Officer, Department of the Treasury, 1750 Pennsylvania Avenue, NW., Suite 11010, Washington, DC 20220.

Dates: Written comments should be received on or before May 21, 2010 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1817.

Type of Review: Extension without change of a currently approved collection.

Title: Application for United States Residency Certification.

Form Number: 8802.

Abstract: All requests for U.S. residency certification must be received on Form 8802, Application for United States Residency Certification. This application must be sent to the Philadelphia Service Center. As proof of residency in the United States and of entitlement to the benefits of a tax treaty, U.S. treaty partner countries require a U.S. Government certification that you are a U.S. citizen, U.S. Corporation, U.S. partnership, or resident of the United States for purposes of taxation.

Respondents: Individuals or Households.

Estimated Total Burden Hours: 421,000 hours.

OMB Number: 1545–1534.

Type of Review: Extension without change of a currently approved collection.

Title: REG–252936–96 (TD 8780—Final) Rewards for Information Relating to Violations of Internal Revenue Laws.

Abstract: The regulations relate to rewards for information that results in the detection and punishment of violations of the Internal Revenue Laws.

Respondents: Private sector: Businesses or other for-profits.

Estimated Total Burden Hours: 30,000 hours.

OMB Number: 1545–1583.

Type of Review: Extension without change of a currently approved collection.

Title: REG–209322–82 (TD 8841—Final), Return of Partnership Income.

Abstract: Information is required to enable the IRS to verify that a taxpayer is reporting the correct amount of income or gain or claiming the correct amount of losses, deductions, or credits from that taxpayer's interest in the partnership.

Respondents: Private sector: Businesses or other for-profits.

Estimated Total Burden Hours: 1 hour.

OMB Number: 1545–1562.

Type of Review: Extension without change of a currently approved collection.

Title: Revenue Procedure 97–48, Automatic Relief for Late S Corporation Elections.

Abstract: The Small Business Job Protection Act of 1996 provides the IRS with the authority to grant relief for late S corporation elections. This revenue procedure provides that, in certain situations, taxpayers whose S corporation election was filed late can obtain relief by filing Form 2553 and attaching a statement explaining that the requirements of the revenue procedure have been met.

Respondents: Private sector: Businesses or other for-profits.

Estimated Total Burden Hours: 100 hours.

OMB Number: 1545–1448.

Type of Review: Extension without change of a currently approved collection.

Title: EE–81–88 (TD 8599—Final) Deductions for Transfers of Property.

Abstract: These regulations concern the Secretary's authority to require the filing of an information return under Code section 6041 and expand the requirement to furnish forms to certain corporate service providers.

Respondents: Private sector: Businesses or other for-profits.

Estimated Total Burden Hours: 1 hour.

Bureau Clearance Officer: R. Joseph Durbala, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 6129, Washington, DC 20224; (202) 622–3634.

OMB Reviewer: Shagufta Ahmed, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; (202) 395–7873.

Celina Elphage,

Treasury PRA Clearance Officer.

[FR Doc. 2010–9120 Filed 4–20–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning an extension of OMB approval of the information collection titled, "Real Estate Lending and Appraisals (12 CFR 34)."

DATES: Comments must be submitted on or before June 21, 2010.

ADDRESSES: Communications Division, Office of the Comptroller of the Currency, Mailstop 2–3, Attention: 1557–0190, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–5274, or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid

government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, please send a copy of your comments to OCC Desk Officer, 1557–0190, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: You may request additional information or a copy of the collection and supporting documentation submitted to OMB by contacting: Mary H. Gottlieb, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Title: Real Estate Lending and Appraisals (12 CFR 34).

OMB Control No.: 1557–0190.

Type of Review: Extension, without revision, of a currently approved collection.

Description: Twelve CFR Part 34 contains a number of reporting and recordkeeping requirements. Subpart B (Adjustable-Rate Mortgages (ARM)) and Subpart E (Other Real Estate Owned) contain reporting requirements. Subpart C (Appraisal Requirements) and Subpart D (Real Estate Lending Standards) contain recordkeeping requirements.

Subpart B, § 34.22(a) requires that for ARM loans, the loan documentation must specify an index or combination of indices to which changes in the interest rate will be linked. Section 34.22(b) provides notice procedures to be used when a national bank seeks to use an index other than that described in paragraph (a).

Subpart C, § 34.44 provides minimum standards for the performance of real estate appraisals, including the requirement that they be written and contain sufficient information and analysis to support the institution's decision to engage in the transaction.

Subpart D, § 34.62 requires each national bank to adopt and maintain written policies that establish appropriate limits and standards for extensions of credit that are secured by liens on or interests in real estate, or that are made for the purpose of financing permanent improvements to real estate. Real estate lending policies must also be reviewed and approved by the bank's board of directors at least annually.

Subpart E, § 34.83(b) provides that national banks must maintain documentation adequate to reflect their efforts to dispose of OREO. Section 34.84 requires that after holding OREO for one year, a national bank must state, by resolution or other official action, definite plans for the use of the property and make the resolution or other action available for inspection by bank examiners. Section 34.85 requires banks to develop a prudent real estate collateral evaluation policy to monitor the value of each parcel of OREO. Section 34.86(b) requires banks to notify the appropriate supervisory office at least 30 days before implementing a development or improvement plan for OREO under certain circumstances.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents: 1,650.

Estimated Number of Responses: 1,650.

Estimated Annual Burden: 94,095 hours.

Frequency of Response: On occasion.

Comments: Comments submitted in response to this notice will be summarized and 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 OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

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

(d) Ways to minimize the burden of the collection 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: April 13, 2010.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

[FR Doc. 2010–8825 Filed 4–20–10; 8:45 am]

BILLING CODE 4810–33–P

Federal Register

Wednesday,
April 21, 2010

Part II

The President

Proclamation 8498—National Park Week, 2010

Proclamation 8499—National Crime Victims' Rights Week, 2010

Proclamation 8500—National Volunteer Week, 2010

Proclamation 8501—National Day of Service and Remembrance for Victims and Survivors of Terrorism, 2010

Federal Register
Vol. 75, No. 76
Wednesday, April 21, 2010

Presidential Documents

Title 3—

The President

Proclamation 8498 of April 16, 2010

National Park Week, 2010

By the President of the United States of America

A Proclamation

As a Nation, we have a responsibility to protect America's natural resources and noteworthy landmarks. During National Park Week, we celebrate the diversity, beauty, and history found in our National Park System.

For nearly 100 years, the American people have entrusted the National Park Service (NPS) to care for the places that fuel our spirit and define our character. By safeguarding our Nation's historical parks, sites, and monuments, NPS in turn preserves our rich culture and heritage. From the first glimpses of hope at the Statue of Liberty to the harrowing Battle of Gettysburg and the quest for freedom on the Underground Railroad, countless American stories are enshrined in these sites. By visiting them, we can reflect on our shared history and vision for the future.

Our National Park System also includes millions of acres that support educational and recreational opportunities for all Americans. Every day, NPS employees and volunteers dedicate their time and energy to upholding the beauty and integrity of these lands for future generations. Only by conserving our natural treasures—from the verdant forests of the Great Smoky Mountains to the geysers of Yellowstone and the granite walls of Yosemite—can we share their wonder with our children and grandchildren.

Our national parks provide safe and affordable opportunities for families and communities to reconnect with nature and have fun together. Our Nation's historical parks, sites, and monuments also enhance quality of life and bolster community vitality in many of America's urban areas. In the spirit of *Let's Move*, the First Lady's nationwide campaign to tackle childhood obesity, I encourage all Americans to visit our national parks and take part in outdoor activities.

While most national parks are free throughout the year, none will charge admission during National Park Week, ensuring these treasures are open and accessible to all. As we acknowledge the wealth of our National Park System, let us also recommit to responsible stewardship that will sustain our parks for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 17 through April 25, 2010, as National Park Week. I encourage all Americans to visit their national parks and be reminded of these unique blessings that we share as a Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of April, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fourth.

[FR Doc. 2010–9413
Filed 4–20–10; 11:15 am]
Billing code 3195–W0–P

Presidential Documents

Proclamation 8499 of April 16, 2010

National Crime Victims' Rights Week, 2010

By the President of the United States of America

A Proclamation

Millions of Americans fall prey to criminal behavior every year, and still more suffer the physical, emotional, and psychological pain of past offenses. This week, we renew our commitment to supporting crime victims and preventing crimes that threaten our families and our communities.

Our Nation's prosperity depends on the safety and security of all Americans. Though crime rates have declined in recent years, crime and its devastating effects still require our constant vigilance and attention. To help protect our citizens and make our neighborhoods safer, last year's landmark American Recovery and Reinvestment Act included funding for crime prevention programs, criminal justice initiatives, and services for victims. Dedicated individuals, organizations, and agencies across our Nation are also aiding this effort, caring for the survivors of crime by providing shelter, counseling, and other types of assistance.

While any person or community may experience crime, some groups are disproportionately affected. Nearly half of all murder victims are African Americans, and Native American women suffer one of the highest rates of sexual assault of any ethnic group. These disparities are an affront to all Americans, and we must address them with innovative policing strategies and greater community involvement.

Beyond violent crime and property crime, we must also fight white-collar crime and protect its victims, including those recovering from financial fraud. Through my Administration's Financial Fraud Enforcement Task Force and other initiatives, we are cracking down on mortgage fraud and predatory lending practices. Programs for victims of these crimes can help restore economic security after a family loses its life savings or home due to cruel deception.

During National Crime Victims' Rights Week, we reaffirm our support for victims and survivors of crime, and we recommit to strengthening the Federal, State, and local partnerships that are reducing criminal activity. Together, we will build a safer, more secure America.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 18 through April 24, 2010, as National Crime Victims' Rights Week. I call upon all Americans to observe this week with events and activities that raise awareness of victims' rights, and by volunteering to serve their fellow citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of April, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fourth.

[FR Doc. 2010–9414
Filed 4–20–10; 11:15 am]
Billing code 3195–W0–P

Presidential Documents

Proclamation 8500 of April 16, 2010

National Volunteer Week, 2010

By the President of the United States of America

A Proclamation

Since the founding of our Nation, we have met our greatest challenges through the dedication of countless Americans who have given generously of themselves, asking for nothing in return. The American story is a story of volunteers—of patriots who fought for our founding ideals, of people who marched for justice, of firefighters who rushed into burning towers, and of ordinary citizens who lifted up struggling communities. All were volunteers, and their work changed our country. This week, we recognize their enduring contributions and encourage more Americans, especially our youth, to join their ranks.

Today's vast challenges require a renewed commitment to service, and Americans are answering that call. From mentoring a student and feeding the homeless, to rebuilding after a natural disaster, volunteers are touching lives every day. Social entrepreneurs are pioneering innovative approaches to community service, and technology is providing us with new ways to connect with one another. Public-private partnerships are also expanding the scope and effectiveness of volunteerism.

My Administration is committed to ushering in a new era of service and responsibility. We launched United We Serve, a nationwide initiative to encourage all Americans to make service a part of their daily lives. The Edward M. Kennedy Serve America Act, which I signed last year, has expanded and updated programs at the Corporation for National and Community Service, harnessing the energy of millions to meet our most pressing national challenges. We are also investing in social innovation and volunteer management to give community groups the capacity to tackle local concerns.

During National Volunteer Week, we honor the ordinary people who give of themselves to accomplish extraordinary things, and we encourage more Americans to strengthen our country by volunteering. Visit Serve.gov to find volunteer opportunities across America and resources to start your own project. This website highlights volunteer opportunities for Americans of all ages, and I especially hope our young people will be inspired to chart a course of service.

Whether through the workplace or a house of worship, in our own neighborhoods or in another state or country, service binds us together as Americans in a way nothing else can. It defines us as a people, and it is essential to achieving our national priorities. Together, let us answer the call, take hold of our shared future, and meet the challenges of our new century.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 18 through April 24, 2010, as National Volunteer Week. I call upon all Americans to observe this week by volunteering in service projects across our country and pledging to make service a part of their daily lives.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of April, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fourth.

[FR Doc. 2010–9415
Filed 4–20–10; 11:15 am]
Billing code 3195–W0–P

Presidential Documents

Proclamation 8501 of April 16, 2010

National Day of Service and Remembrance for Victims and Survivors of Terrorism, 2010

By the President of the United States of America

A Proclamation

There is no greater evil than willful violence against innocents. On this National Day of Service and Remembrance for Victims and Survivors of Terrorism, we pause to remember victims of terrorism at home and abroad, we honor the heroes who have supported them, and we redouble our efforts to build the kind of world that is worthy of their legacy.

Fifteen years ago, terrorists bombed the Alfred P. Murrah Federal Building in Oklahoma City, killing over 160 men, women, and children, and injuring hundreds more. Even before the dust settled, heroes had emerged. First responders, medical professionals, clergy, relief organizations, local leaders, and everyday citizens stepped forward to help victims and their families. Again, when terrorists struck on September 11, 2001, and thousands of Americans—and scores of foreign nationals—perished in New York City, at the Pentagon, and in Shanksville, Pennsylvania, Americans made a historic effort to assist all those affected. The dignity of those who were attacked—and the courage of those who came to their aid—reaffirmed the strength of our Nation, and the human spirit.

Terrorists prey on the innocent and vulnerable, and have nothing to offer except hatred and destruction. No cause justifies their actions, yet they have claimed many victims around the world. Wherever they kidnap or kill, they reveal only their own bankrupt vision, and disrupt or destroy lives. Their actions impact not only their victims, but the families, friends, and fellow citizens of those who are targeted.

Survivors of terrorism and their families, though bound at first by anguish and loss, are united by extraordinary acts of courage, love, faith, and commitment. They have risen against terrorism in the aftermath of the Oklahoma City bombing, the September 11 attacks, and other incidents of violence around the world. They are giving a voice to victims, speaking out against violent and extremist ideologies, easing the suffering of survivors, and helping them heal and hope once more.

Today, let us honor the good works of this inspiring movement that shows us that hope is more powerful than fear, and recognize the sacrifice of extraordinary citizens worldwide who have shown fortitude in the face of unspeakable tragedy.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 19, 2010, as National Day of Service and Remembrance for Victims and Survivors of Terrorism. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on this day in honor of the individuals who lost their lives as a result of terrorism. I invite the Governors of the United States and the Commonwealth of Puerto Rico and interested organizations and individuals to join in this observance. I encourage all Americans to observe this solemn day

of remembrance with appropriate ceremonies, activities, and acts of community service in memory of the victims and survivors of terrorism worldwide.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of April, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fourth.

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