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The President

Presidential Determination No. 2008–28 of September 15, 2008

Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2009

Memorandum for the Secretary of State

Pursuant to section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) (FRAA), I hereby identify the following countries as major drug transit or major illicit drug producing countries: Afghanistan, The Bahamas, Bolivia, Brazil, Burma, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, and Venezuela.

A country's presence on the Majors List is not necessarily an adverse reflection of its government's counternarcotics efforts or level of cooperation with the United States. Consistent with the statutory definition of a major drug transit or drug producing country set forth in section 481(e)(2) and (5) of the Foreign Assistance Act of 1961, as amended (FAA), one of the reasons that major drug transit or illicit drug producing countries are placed on the list is the combination of geographic, commercial, and economic factors that allow drugs to transit or be produced despite the concerned government's most assiduous enforcement measures.

Pursuant to section 706(2)(A) of the FRAA, I hereby designate Bolivia, Burma, and Venezuela as countries that have failed demonstrably during the previous 12 months to adhere to their obligations under international counternarcotics agreements and take the measures set forth in section 489(a)(1) of the FAA. Attached to this report are justifications for the determinations on Bolivia, Burma, and Venezuela, as required by section 706(2)(B). I have also determined, in accordance with provisions of section 706(3)(A) of the FRAA, that support for programs to aid Venezuela's democratic institutions and continued support for bilateral programs in Bolivia are vital to the national interests of the United States.

Under the leadership of President Karzai, the Government of Afghanistan has made some progress in combating narcotics. However, drug trafficking remains a serious threat to the future of Afghanistan, contributing to widespread public corruption, damaging legitimate economic growth, and fueling violence and insurgency.

A successful counternarcotics strategy in Afghanistan hinges on maintaining security, building public capacity, attaining local support, and actively pursuing our joint counternarcotics strategy.

Poppy cultivation continues to be marked by the divide between the increasingly poppy-free northern provinces and the insurgency-dominated regions in the south. Through political will, and by using a mixture of incentives and disincentives, governors in key northern provinces like Badakshan and Nangarhar have significantly reduced poppy cultivation.

Inspired by the Nangarhar model, the newly appointed governor of the southern province of Helmand has taken bold steps to implement the first truly serious counternarcotics campaign in the province. It is clear that progress in Helmand Province will not come easily. Drug control efforts in this area of pronounced poppy cultivation are thwarted by heavily entrenched Taliban centers of power. In 2007 Helmand Province cultivated more than half of Afghanistan's illegal poppy crop.

Difficult security conditions greatly impede counternarcotics operations, particularly in the south and southwest provinces, areas in which the insurgency and organized crime groups predominate and where over 85 percent of Afghan poppy is cultivated.

Drug-related corruption in Afghanistan—one of the most intransigent problems in the country—must be confronted, particularly at provincial and district government levels. Corruption and illegal drugs in Afghanistan threaten to undermine all aspects of the country's efforts to build a sustainable economic infrastructure and functioning democracy.

The United States enjoys close cooperation with Canada across a broad range of law enforcement issues. Both of our nations face a serious challenge from the 2-way flow of drugs across our long border. While Canada is primarily a drug consuming country, it is also a significant producer of highly potent marijuana and has become the primary source country for MDMA (ecstasy) available in the United States. Additionally, Canada serves as a transit or diversion point for precursor chemicals and over-the-counter pharmaceuticals used to produce illicit synthetic drugs, most notably MDMA. While methamphetamine use has decreased in the United States, due in large part to past efforts to reduce precursor chemical diversion by Canadian authorities, production of finished methamphetamine is increasing in Canada and could lead to greater supplies in the United States. Canada is pursuing a new National Anti-Drug Strategy that focuses on proven approaches to reduce drug use and deter drug trafficking. The United States and Canada continue to work productively in joint law enforcement operations that disrupt drug and currency smuggling operations along the border.

The growing expansion of drug trafficking in Central America poses serious challenges to the region's limited capability to combat both the narcotics trade and organized crime. We are particularly concerned about the increasing presence of drug trafficking organizations in Central America that are fleeing more robust counternarcotics regimes elsewhere, especially in Mexico and Colombia. Often unimpeded, traffickers use long Central American coastlines for illegal maritime drug shipments. Even though there have been noteworthy seizures, a high proportion of drugs transiting Central America are not detected or seized.

The March 2008 gun battle between drug organizations in Guatemala demonstrates that criminal organizations such as the Sinaloa cartel are trying to reinforce their trafficking strongholds in Central America. In 2008, Guatemala passed new anti-organized crime and extradition laws. While such actions are encouraging, Guatemala must work aggressively to implement these measures, just as neighboring countries must redouble their practical efforts to implement adopted reforms aimed at thwarting criminal activity.

The United States is encouraged by the commitment of the Regional Integration System to a regional response, such as sharing counternarcotics intelligence. Support for cohesive regional institution-building and practical law enforcement enhancements in Central America are critical components to a successful regional counternarcotics strategy. We look forward to working with Guatemala and other Central American nations to support counternarcotics programs and the rule of law under the new Merida Initiative.

The Government of Ecuador is committed to protecting its borders and territory against drug trafficking and other transnational crimes. The increased presence of Ecuadorian security forces in its counternarcotics efforts provided a more effective deterrent to drug production and trafficking. The identification of new trafficking trends and increased staffing and inspection at all air, land, and sea ports are also helping to hinder drug trafficking. With a system for tracking vessels already in place, Ecuador is expanding this capability and more effectively utilizing it as a tool for working with partner nations. The country's ability to identify the nationality of ships is of special concern as considerable cocaine destined for the United States has been detected on Ecuadorian-flagged vessels.

The countries of West Africa have emerged as key transit hubs for Andean cocaine trafficked through Venezuela and Brazil and destined for European markets. This trafficking is undermining many of the already fragile institutions of countries in the region. Narcotics traffickers have focused their illegal activities in Guinea-Bissau, but have recently extended their operations south to Guinea. The presence of Latin American drug traffickers and the large quantities of cocaine trafficked openly suggest that drug criminals may exercise the prerogatives of sovereign nation-states in these two countries. West Africa has long been a hub for illicit criminal networks. West African states lack resources to sufficiently counter efforts by drug trafficking organizations whose activity threatens the stability of these countries and the well-being of their people.

International donors and organizations are working to assist governments in their counternarcotic efforts. We support these efforts to preserve and protect stability and positive growth in this region.

Nigeria, a major transit country for illicit drugs destined for the United States, continues to make some progress on counternarcotics and has cooperated effectively with the United States on drug-related money laundering cases. Since it began operations in 2005, the Nigerian Financial Intelligence Unit has investigated numerous suspicious transaction reports that have resulted in high-profile convictions recorded by the Economic and Financial Crimes Commission (EFCC). However, recent developments in Nigeria raise questions about whether the EFCC will remain an effective anticorruption agency. The United States Government has had extradition requests pending in Nigeria for years and is concerned that Nigeria's extradition practices and procedures remain obstacles to the effectiveness of this essential counternarcotics law enforcement tool. We are encouraged that Nigeria's use of U.S.-donated body scanners at its four major international airports has resulted in the arrest of numerous drug traffickers. Moreover, we fully support the National Drug Law Enforcement Agency's recent cooperation in regional search and seizure operations.

The Government of India maintains a strong track record of regulating, monitoring, and curbing its licit opium production and distribution process. India has introduced robust, high-tech methods to control cultivation by licensed opium farmers. In this sense, India must continue to refine its control measures to guard against the continuing problem of diversion of licit opium crops, grown for the production of pharmaceutical products, to illegal markets. The United States continues to be concerned about illicit opium poppy production in certain areas of the country, such as West Bengal and the state of Uttaranchal along the India-China Border, previously thought to be free of such cultivation. Nevertheless, during the past year the country has destroyed substantial areas of illicit poppy cultivation. The Indian Government must also continue to investigate cases of large, illicit poppy production and accordingly bring perpetrators to trial. The United States, along with other foreign governments and international organizations, has a good working relationship with India to interdict the flow of narcotics being smuggled across India's borders.

You are hereby authorized and directed to submit this report under section 706 of the FRAA, transmit it to the Congress, and publish it in the **Federal Register**.

THE WHITE HOUSE,
Washington, September 15, 2008.

[FR Doc. E8–22590
Filed 9–23–08; 8:45 am]
Billing code 4710–10–P

Rules and Regulations

Federal Register

Vol. 73, No. 186

Wednesday, September 24, 2008

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2008–0263; PRM–50–91]

RIN 3150–AI41

Technical Specifications—Restoring the Original Paragraph Designations

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to resolve an administrative issue raised in a petition for rulemaking (PRM) submitted by the Strategic Teaming and Resource Sharing (STARS) Integrated Regulatory Affairs Group (PRM–50–91). In this final rule, the NRC is restoring the original paragraph designations as existed in 10 CFR 50.36 before the 2007 Part 52 final rulemaking. This final rule eliminates the need for licensees to expend resources on administrative redesignations that have no safety benefit.

DATES: *Effective Date:* October 24, 2008.

ADDRESSES: You can access publicly available documents related to this document using the following methods:

Federal e-Rulemaking Portal: Go to *http://www.regulations.gov* and search for documents filed under Docket ID [NRC–2008–0263]. Address questions about NRC dockets to Carol Gallagher 301–415–5905; e-mail *Carol.Gallagher@nrc.gov.*

NRC's Public Document Room (PDR): The public may examine and have copied for a fee, publicly available documents at the NRC's PDR, Public File Area O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: A. Jason Lising, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; Telephone 301–415–3220; e-mail *jason.lising@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission is amending the regulations in 10 CFR Part 50 to revise 10 CFR 50.36, ''Technical Specifications,'' and thereby resolve administrative issues raised in PRM–50–91 submitted by the STARS Integrated Regulatory Affairs Group.

On August 28, 2007, (72 FR 49351) the final rule for Part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' redesignated § 50.36(c), (d), and (e) as paragraphs (d), (e), and (f), respectively, and added a new paragraph (c) to 10 CFR 50.36. The insertion of this new paragraph caused the paragraph for the technical specification criteria to be redesignated from 10 CFR 50.36(c) to 10 CFR 50.36(d). The redesignation of these paragraphs requires many licensees of operating nuclear power plants to modify their technical specifications, final safety analysis reports, and plant plans and procedures to correctly reference the redesignated § 50.36(d). This would require substantial expenditures of licensee resources with no corresponding benefit to public health and safety, common defense and security, or protection of property from radiological events. By restoring the original paragraph designation, the final rule benefits all operating nuclear power plants by obviating the need for licensees to expend their resources on administrative corrections.

Petition for Rulemaking

On April 11, 2008, Mr. T. Moser, Chairman, STARS Integrated Regulatory Affairs Group, submitted a petition for rulemaking, docketed PRM–50–91. Mr. Moser requested that the NRC correct a paragraph numbering conflict introduced by a final rule ''Licenses, Certifications, and Approvals for Nuclear Power Plants'' (August 28, 2007; 72 FR 49351). The petitioner asserts that by granting the petition, potential error will be prevented by eliminating the need to identify and process conforming changes which reflect the redesignated paragraphs. There are many licensee and NRC documents affected such as Technical Specification Bases, implementing operation procedures, training programs, Technical Specification Task Force Travelers, NUREGs, Regulatory Guides, NRC office instructions, NRC Management Directives, and SECY papers. The petitioner asserts that significant industry and NRC effort to update documents to correct references to 10 CFR 50.36(c) is burdensome with no safety benefit.

Rule Change

The NRC has determined that the issue raised by PRM–50–91 can be resolved through an administrative rulemaking which restores the original paragraph designations. In this final rule, the NRC is restoring the original paragraph designations as existed in § 50.36 before the 2007 Part 52 rulemaking. In addition, the NRC is redesignating the new paragraph (c) which was adopted in the 2007 Part 52 final rulemaking as a new paragraph (a)(2). The existing text of paragraph (a) is being redesignated as paragraph (a)(1). The NRC believes that this redesignation of paragraph (a) will not result in any cross-referencing issues, inasmuch as any reference to § 50.36(a) will continue to be valid with the redesignation. The NRC also believes it is unlikely that any technical specifications, final safety analysis reports, or plant procedures actually reference paragraph (a) given the subject matter of that paragraph. This final rule closes the docket on PRM–50–91.

Rulemaking Procedure

Because this amendment constitutes a minor administrative correction to the regulations, the notice and comment

provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(B).

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion under 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

The final rule does not contain information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information of an information collection requirement unless the requesting document displays a currently valid OMB control number.

Congressional Review Act

In accordance with the Congressional Review Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects for 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); sec. 651(e), Pub. L. 109–58, 119 Stat. 806–810 (42 U.S.C. 2014, 2021, 2021b, 2111).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5841). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

§ 50.36 [Amended]

■ 2. Section 50.36 is amended by redesignating paragraph (a) as paragraph (a)(1), redesignating paragraph (c) as paragraph (a)(2), and redesignating paragraphs (d), (e), and (f) as paragraphs (c), (d), and (e), respectively.

Dated at Rockville, Maryland, this 5th day of September, 2008.

For the Nuclear Regulatory Commission.

Bruce S. Mallett,

Acting Executive Director for Operations.

[FR Doc. E8–22355 Filed 9–23–08; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 300

[Docket No. 080310411–8949–02]

RIN 0648–AU14

Pacific Halibut Fisheries; Subsistence Fishing

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to amend the subsistence fishery rules for Pacific halibut in waters in and off Alaska. These regulations are necessary to address subsistence halibut management concerns, particularly in densely populated areas. This action is intended to support the conservation and management provisions of the Northern Pacific Halibut Act of 1982.

DATES: Effective October 24, 2008.

ADDRESSES: Copies of the Categorical Exclusion (CE), Regulatory Impact Review (RIR), and Final Regulatory Flexibility Analysis (FRFA) prepared for this action, as well as the environmental assessment (EA) prepared for the original subsistence halibut action (68 FR 18145; April 15, 2003) are available by mail from NMFS, Alaska Region, P. O. Box 21668, Juneau, AK 99802–1668, Attn: Ellen Sebastian, Records Officer; in person at NMFS, Alaska Region, 709 West 9th Street, Room 420A, Juneau, Alaska; or via the Internet at the NMFS Alaska Region website at *http://www.alaskafisheries.noaa.gov*.

Written comments regarding the burden-hour estimates or other aspects of the collection–of–information requirements contained in this final rule may be submitted to NMFS at the above address and by e–mail to *David_Rostker@omb.eop.gov*, or fax to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Becky Carls, 907–586–7228.

SUPPLEMENTARY INFORMATION: Management of the Pacific halibut (hereafter halibut) fishery in and off Alaska is based on an international agreement between Canada and the United States. This agreement, entitled the ''Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea'' (Convention), was signed at Ottawa, Canada, on March 2, 1953, and amended by the ''Protocol Amending the Convention,'' signed at Washington, D.C., March 29, 1979. The Convention, administered by the International Pacific Halibut Commission (IPHC), is given effect in the United States by the Northern Pacific Halibut Act of 1982 (Halibut Act).

The IPHC promulgates regulations pursuant to the Convention. The IPHC's regulations are subject to approval by the Secretary of State with concurrence from the Secretary of Commerce (Secretary). After approval by the Secretary of State and the Secretary, the IPHC regulations are published in the **Federal Register** as annual management measures pursuant to 50 CFR 300.62. NMFS published the IPHC's current annual management measures on March 7, 2008 (73 FR 12280).

The Halibut Act authorizes the North Pacific Fishery Management Council (Council) to develop halibut fishery regulations, including limited access regulations, in its geographic area of concern that would apply to nationals

or vessels of the United States (Halibut Act, section 773c (c)). Such an action by the Council is limited to only those regulations that are in addition to, and not in conflict with, IPHC regulations. Council–developed regulations must be approved and implemented by the Secretary. Any allocation of halibut fishing privileges must be fair and equitable and consistent with other applicable Federal law.

The Council used its authority under the Halibut Act to recommend a subsistence halibut program in October 2000 to recognize and manage the subsistence fishery for halibut. The Secretary approved the Council's recommended subsistence halibut program and published implementing regulations on April 15, 2003 (68 FR 18145), and codified the program in 50 CFR part 300–subpart E, authorizing a subsistence fishery for halibut in Convention waters off Alaska. Like the original subsistence halibut program and subsequent amendments to it, this action was developed by the Council under the authority of the Halibut Act.

The Halibut Act at sections 773c (a) and (b) provides the Secretary with the general responsibility to carry out the Convention with the authority to, in consultation with the Secretary of the department in which the U.S. Coast Guard is operating (currently the Secretary of Homeland Security), adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary has delegated authority to NMFS to implement the Halibut Act.

Background and Need for Action

The background and need for this action were described in detail in the preamble to the proposed rule for this action (73 FR 20008; April 14, 2008). The proposed rule is available via the Internet and from NMFS (see **ADDRESSES**). None of the actions are intended to change the amount of halibut harvested for subsistence. Information on alternatives considered and rejected may be found in the RIR and FRFA prepared for this action (see **ADDRESSES**). The following provides a list and brief review of the regulatory amendments to the management of the subsistence halibut fishery and are the regulatory changes made by this final rule.

This action implements regulations that will make six changes to the subsistence halibut program that will:

- Revise the subsistence gear restrictions in Chiniak Bay off Kodiak Island and add seasonal gear and vessel limits in Sitka Sound;
- Add the village of Naukati to the list of eligible subsistence halibut communities;
- Implement a possession limit to enhance enforcement;
- Revise the definition of charter vessel;
- Revise regulations to allow cash reimbursement for expenses related to the harvest of subsistence resources; and
- Allow the use of special permits within non–subsistence use areas by tribes eligible for the permits.

Additional administrative revisions to regulations include converting the gear and harvest restrictions from text to table format to further clarify any ambiguity and revising language to consistently refer to Sitka Sound, rather than Sitka Local Area Management Plan (LAMP), and its defined area.

Subsistence Halibut Gear Restrictions

This action increases subsistence halibut gear restrictions in Chiniak Bay off Kodiak Island and in Sitka Sound to address localized depletion concerns. This action reduces the allowable hook limit in Chiniak Bay to no more than two times the per person limit of 30, except that when fishing under a Ceremonial, Educational, or Community Harvest Permit the limit will be 90 hooks per vessel. Under this action, NMFS defines Chiniak Bay based on the State of Alaska's definition of the Kodiak Road Zone. In Sitka Sound, this action reduces the allowable gear from 30 hooks to 15 hooks per vessel and prohibits power hauling during the summer months from June 1 through August 31. From September 1 through May 31 gear restrictions will remain at 30 hooks per vessel and power hauling will be allowed.

The gear restrictions in this rule apply only to gear in use by eligible subsistence fishermen. By applying the gear restrictions to gear ''set or retrieved'' from a vessel, the gear restrictions apply only to gear actively engaged in subsistence fishing for halibut. A subsistence fisherman may possess any amount of gear onboard the vessel as long as that amount of gear actively being used does not exceed the prescribed limits.

Eligible Subsistence Halibut Communities

Persons eligible to conduct subsistence halibut fishing include (1) residents of rural places with customary and traditional uses of halibut, and (2) all identified members of federally recognized Alaska Native tribes with a finding of customary and traditional uses of halibut. The Council and Secretary retain exclusive authority to recommend changes to the list of rural places at § 300.65(g)(1). In December 2004, the Council affirmed the Alaska State Board of Fisheries' determination that Naukati is a rural community with customary and traditional use of halibut and recommended adding Naukati to the list of rural communities for subsistence halibut purposes. NMFS agrees with this determination and, therefore, adopts the recommendation of the Council and adds Naukati to the list of eligible communities found at § 300.65(g)(1).

Subsistence Halibut Harvest Restrictions

Prior to this rule, enforcement officers had no means to verify the amount of time spent on the water for subsistence halibut fishermen who possess more than one daily bag limit, thereby hampering accurate accounting of halibut removals. This rule implements a possession limit to restrict potential abuses of the daily bag limit and enhance enforcement of daily harvest limits. Because of increased fishing effort due to higher population density, this action implements a possession limit of one daily bag limit for Areas 3A, 3B, and 2C. The possession limit within Sitka Sound, part of Area 2C, is 10 halibut per day per vessel from September 1 to May 31 and 5 halibut per day per vessel from June 1 through August 31. No possession limit is necessary for Areas 4A and 4B because those areas are not experiencing corresponding increases in fishing effort and population density. This action has no effect in Areas 4C, 4D, or 4E because no daily bag limits exist in those areas.

Charter Vessel Prohibition

Regulations in effect prior to this rule prohibited the retention of subsistence halibut harvested using a charter vessel. The NOAA Office for Law Enforcement expressed difficulty enforcing the prohibition under the previous charter vessel definition, which was ''a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator,'' because of problems associated with determining whether a vessel operator is ''for hire.'' The Council subsequently clarified that the prohibition was meant only to prohibit subsistence fishers from hiring someone to take them subsistence fishing, but not to prohibit the use of vessels registered as charter vessels from being used for subsistence fishing.

This action uses the term ''sport fishing guide vessel'' in the regulatory definition for a charter vessel to match the term used in State of Alaska regulations at 05 AAC 75.077. This

action also allows a charter vessel to be used for subsistence halibut fishing, but restricts such use to the owner of record on the State of Alaska vessel registration, provided the owner is eligible to fish for subsistence halibut, and the owner's immediate family. This action prohibits the use of a charter vessel for subsistence halibut fishing while charter clients are onboard the vessel and prohibits the transfer of subsistence halibut to charter clients at all times. This precludes the use of any gear not classified as sport fishing gear or retaining any halibut in excess of the sport limits while charter clients are onboard any vessel.

Cash Reimbursement for Expenses

The previous regulations at § 300.66(j) specified that it is unlawful for any person to retain or possess subsistence halibut for commercial purposes; cause subsistence halibut to be sold, bartered, or otherwise entered into commerce; or solicit the exchange of subsistence halibut for commercial purposes, except that a qualified subsistence fisherman may engage in the customary trade of subsistence halibut through monetary exchange of no more than $400 per year.

In June 2003, the Council's Enforcement Committee reviewed issues related to customary trade and determined that (1) despite the Council's intent to avoid creation of a new commercial fishery, current regulations essentially allow the sale of subsistence halibut up to the $400 annual limit; (2) the $400 annual limit lacks enforceability because enforcement officers cannot easily distinguish between sale and customary and traditional exchange for cash; and (3) current regulations do not clearly prohibit advertising and solicitation for commercial sale.

This action eliminates the $400 monetary exchange limit and restricts any monetary exchange for subsistence halibut specifically to reimbursement of actual trip expenses directly related to the harvest of subsistence halibut. Actual trip expenses are limited to ice, bait, food, or fuel only. Under this action, persons qualified as rural residents under § 300.65(g)(1) and holding a subsistence halibut registration certificate (SHARC) in their name under § 300.65(i), may be reimbursed only by residents of the same rural community listed on their SHARC. However, under this action, persons qualified as Alaska Native tribal members under § 300.65(g)(2) and holding a SHARC in their name under § 300.65(i), are eligible for reimbursement only from an Alaska Native tribe, or its members, or members of the same rural community. Therefore, if the tribal member lives in a non–rural Alaska community, they can participate in compensated exchanges only with a member of an Alaska native tribe.

Special Permits in Non–subsistence Areas

Generally, eligible persons may harvest subsistence halibut in all Convention waters in and off Alaska except in non–subsistence marine waters areas. This action allows the use of Ceremonial Permits and Educational Permits in non–subsistence marine waters areas by the 12 tribes whose traditional fishing grounds are located within Areas 2C and 3A. Use of Ceremonial Permits and Educational Permits within non–subsistence marine waters areas will remain subject to gear and harvest restrictions for those permits consistent with the IPHC regulatory area in which they are used. The use of Community Harvest Permits (CHPs) will not be allowed in non–subsistence marine waters areas.

The twelve tribes include five in Area 2C and seven in Area 3A. The tribes in Area 2C are as follows: Central Council of Tlingit/Haida Indians, Douglas Indian Association, Aukquan Traditional Council, Ketchikan Indian Corporation, and Organized Village of Saxman. In Area 3A the tribes are as follows: Native Village of Tatitlek, Kenaitze Indian Tribe, Seldovia Village Tribe, Ninilchik Village, Native Village of Port Graham, Native Village of Nanwalek, and Village of Salamatoff. The RIR/FRFA mentions 13 tribes several times, because the table it used lists the tribes by the four areas that currently are closed to subsistence halibut fishing. However, one tribe has traditional fishing grounds in both the Juneau and Ketchikan areas, so the correct total number of tribes is 12.

Response to Comments

The proposed rule published in the **Federal Register** on April 14, 2008 (73 FR 20008). The 30-day comment period on the proposed rule ended May 14, 2008. NMFS received a total of five letters on the proposed rule that contained 15 unique comments. One letter was received from a tribal organization, one letter was received from two private individuals, and three letters were received from the fishing industry. A summary of these comments and NMFS's responses follows.

Comment 1: The proposed changes regarding customary trade, and its definition, effectively eliminates it from subsistence uses. Although the Alaska National Interest Lands Conservation Act (ANILCA) did not define this term, the need to narrow the definition of ''customary trade'' by NMFS is not justified in light of the economic hardship and needs of Alaska Native villages. Leave customary trade as an option for those who have no alternative and do not place any monetary restrictions on the trade amount.

Response: The original subsistence halibut fishing regulations at § 300.61 defined customary trade as ''the non–commercial exchange of subsistence halibut for anything other than items of significant value'' and this definition remains unchanged by this rule. NMFS disagrees that the proposed changes eliminate customary trade for subsistence purposes. The new regulations specifically allow subsistence fishers to conduct limited trade of subsistence halibut. The regulations continue to prohibit subsistence halibut from being sold or otherwise entered into commerce; however, an exception provides for limited monetary exchange to reimburse qualified subsistence fishers for the actual expenses for ice, bait, food, and fuel directly related to subsistence fishing for halibut.

In recognizing the subsistence halibut fishery in regulations in 2003, NMFS did not intend to create an alternative commercial fishery. The former regulation, however, allowed ''sales'' of subsistence halibut of up to $400 per year as nominal reimbursement for harvesting costs when subsistence halibut was shared. Previous regulations at § 300.66(j) allowed a ''customary trade of subsistence halibut through monetary exchange of no more than $400 per year.'' Some subsistence fishers regarded the monetary limit of $400 per year as a monetary target that allowed the commercial sale of subsistence halibut up to $400 per year per subsistence fisher. Thus, some subsistence halibut were illegally entering the commercial market for halibut. The new regulation clarifies that while the sale of subsistence halibut is prohibited, subsistence halibut fishers may be reimbursed for certain subsistence fishing expenses. This is consistent with customary trade practices.

The previous customary trade allowance of $400 was never intended to be used for commercial revenue producing purposes. The objective of the customary trade allowance was to prevent commercial sale while allowing reimbursement of subsistence halibut harvesting expenses by those with whom the halibut was shared. In a careful review of the subsistence halibut program, the Council and NMFS determined the regulatory language implementing the objectives could be

confusing. Also, the NOAA Office for Law Enforcement found enforcement of the $400 customary trade limit difficult because no reporting and recordkeeping was required for customary trade transactions.

This rule continues to prohibit the commercial sale of subsistence halibut. It does not prohibit customary trade, in terms of the economy of rural communities and Alaska Native tribes.

Comment 2: Defraying expenses is not the same as customary trade.

Response: Subsistence halibut fishing was the original fishery for halibut. Early Alaska Native fishers likely used the halibut resource not only as a food source for themselves, but also in trade with other Alaska and Canadian Natives living further inland. Over time, the commercial and sport fisheries for halibut developed as more non–natives populated the area. The Council and NMFS have been attempting to balance these three uses of the halibut resource. Prohibiting the sale of subsistence halibut protects commercial interests in the resource. This rule does not purport to define the term ''customary trade.'' Instead, it prohibits the commercial sale of subsistence halibut while providing for the sharing of subsistence halibut with an opportunity to reimburse the subsistence fisher for certain actual subsistence fishing costs.

Comment 3: The rule does not provide for the subsistence needs of tribal members and is detrimental to subsistence uses.

Response: NMFS disagrees. Nothing in this rule prevents subsistence halibut fishing by qualified Alaska Natives. Moreover, the rule provides for expanded Alaska Native subsistence halibut fishing inside four non–subsistence areas currently closed to all subsistence fishing. This rule implements a more liberal policy of allowing subsistence halibut fishing under ceremonial permits and educational permits inside the current non–subsistence areas by Alaska Native tribes whose traditional fishing grounds fall within these areas.

Comment 4: Only enforcement problems are considered in the changes to customary trade. There is no concern about the dire economic needs of rural Alaska.

Response: NMFS disagrees. As explained above, the purpose of this regulatory change is to make a clear distinction between the subsistence and commercial fisheries and to continue to prohibit halibut caught in the subsistence fishery from entering commercial markets. The NOAA Office for Law Enforcement staff suggested that a regulatory change that identified the specific expenses (i.e., ice, bait, foot, and fuel) for which a cash exchange would be permitted, would enhance public understanding of permissible compensation and provide an enforcement tool for a cash limit.

Providing regulatory language that can be effectively enforced is a concern in the development of all regulations by NMFS. The principal concern in this case, however, is to ensure the regulatory language clearly implements the policy that no subsistence halibut shall be sold or entered into commerce. The Council and NMFS have not changed the policy.

The potential benefits from revising the regulations include (1) increased clarity within the regulations to better reflect the intent of the Council, thus reducing (or eliminating) confusion among subsistence users as to the bounds of authorized cash reimbursement; (2) reduced competition for commercial users from subsistence–caught halibut that would have entered the commercial marketplace; and (3) continuation of social and cultural benefits by allowing subsistence trade. The alternative that became the Council's preferred alternative was selected because it balanced enforcement with customary practices. This rule recognizes the social, cultural, educational, and community benefits that derive from participating in the customary and traditional practices of sharing subsistence halibut, and seeks to accommodate these practices while attempting to provide additional tools for enforcing the prohibition on the sale of subsistence halibut.

Comment 5: Rural residents should have a meaningful role in the management of fisheries.

Response: The Council has authority under the Halibut Act to develop halibut fishery regulations to achieve allocation goals. Under the fishery management council process set forth in the Magnuson–Stevens Act, everyone has the opportunity to have a meaningful role and may participate in the decision–making process leading to new fishery management policies and regulations. All members of the public are invited to participate in the public process of the Council. Several weeks before each meeting, a notice is published in the **Federal Register** that announces when and where the meetings for the Council and its advisory committees will be held and the agenda items that may be discussed at the meeting. These meetings are open to the public. The Council's proposed revisions to the subsistence program were discussed at Council meetings held in October 2003, October 2004, and December 2004, and a discussion paper was reviewed in June 2004. The public is specifically invited to speak at the Council and its advisory committee meetings. Writing letters or e–mails to the Council expressing concerns or joining or forming an association are other ways to become involved in the fisheries management process.

In response to one of the management objectives in the Final Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement (August 26, 2004), the Council reviewed a discussion paper in February 2008 that proposed several approaches for increasing Alaska Native and community participation and consultation in the fishery management process. In June 2008, the Council reviewed a revised discussion paper and initiated a small committee of Council members and community and Alaska Native representatives to review the discussion paper and recommend to the Council ways to create a policy to improve outreach and participation. Further information on this issue and other fisheries management issues is available at the Council website *http://www.alaskafisheries.noaa.gov/npfmc* and information is available through the mail by writing to the Council at 605 W. 4th, Suite 306, Anchorage, AK 99501.

Comment 6: The analysis expresses concern that any exchange for cash of subsistence harvested food may establish an ''undesirable precedent,'' but states that ''[a] regulation restricting customary trade to Alaska Native tribal members might prevent the development of new subsistence harvest patterns for customary trade.'' Congress needs to fulfill the policies and purposes of the Alaska Native Claims Settlement Act (ANCSA) and must invoke its constitutional authority over Native affairs under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses. This distinguishes Alaska Natives from rural residents.

Response: NMFS cannot amend ANCSA with a regulatory amendment. It is the role of Congress to amend ANCSA. This comment should, therefore, be directed to Congress.

Comment 7: The Federal government should look to the tribes for a solution to enforcement of customary trade and authorize the tribes to enforce regulations on tribal members.

Response: NMFS is responsible for enforcing the regulations it develops and promulgates. Changing the role of the tribes to include enforcement of NMFS's subsistence regulations is beyond the scope of this rule.

Comment 8: Where does it say in ANILCA that customary trade shall not constitute a significant commercial enterprise? By what authority is this further restriction of subsistence use being undertaken when it is for enforcement and not conservation? If the subsistence use called customary trade must be further restricted, what commensurate restriction is applied to commercial and sport fishing? Where is the priority or preference?

Response: According to the 9th Circuit Court, as stated in its decision of United States v. Alexander, 938 F.2d 942, 948 (9th Cr. 1991) concerning customary and traditional trade, ''...trade must be conducted in a manner consistent with a subsistence lifestyle; ANILCA does not permit the establishment of significant commercial enterprises under the guise of subsistence uses.'' Commercial fishing for halibut is strictly regulated within an overall catch limit set by the IPHC and with individual fishing quotas for each person. Sport fishing for halibut is limited by prohibitions on the sale of halibut and by daily catch limits. Subsistence fishing for halibut is afforded some preference in that no annual catch limits, area catch limits, or allocations apply to the subsistence harvest.

Comment 9: We support the recommendation to implement a possession limit of one daily bag limit. We agree this will help enforcement efforts regarding subsistence halibut and address IPHC's concerns about accounting.

Response: Comment noted.

Comment 10: We support the recommended definition of a charter vessel. Subsistence caught halibut cannot be given, transferred, or fed to charter clients. We also support not allowing charter vessels with clients on board to set or retrieve gear, and we support not giving halibut that was caught on subsistence gear to charter clients. This section with the recommended clarifications will significantly help with the NOAA Office for Law Enforcement's ability to determine whether they are in violation or not.

Response: Comment noted.

Comment 11: We believe the recommended changes to the monetary exchange regulations are critical to prevent abuses of the Council's intent from occurring. We believe that the recommendation is a good balance of meeting NPFMC original intent while tightening up the regulations to preventing abuse from occurring.

Response: Comment noted.

Comment 12: We support the change in the format of the regulations by using tables where appropriate.

Response: Comment noted.

Comment 13: We urge approval and implementation of the proposed regulatory amendments to further restrict gear and harvest of subsistence halibut in Sitka Sound. Sitka residents discovered that existing subsistence regulations for Sitka Sound allow an over–harvest of halibut for subsistence purposes, resulting in localized depletion and reduced subsistence opportunities for local residents. These amendments are the result of a collaborative process by stakeholders in Sitka. The proposed amendments will encourage larger and higher capacity vessels to harvest subsistence halibut outside Sitka Sound while allowing residents with small boats to subsistence fish effectively in the protected waters of Sitka Sound. Reducing pressure on locally depleted halibut will also relieve pressure on sensitive rockfish and lingcod stocks.

Response: Comment noted.

Comment 14: We support increasing gear restrictions in Chiniak Bay and Sitka Sound. We appreciate the clarification that the allowable gear is what is being ''set and retrieved'' and having spare gear on board, such as a box of hooks, is not a violation.

Response: Comment noted.

Comment 15: We would like an additional consideration implemented regarding the length of time that gear may remain in the water unattended. We have received reports from fishermen who have witnessed gear being set in Sitka Sound and left unattended for weeks at a time.

Response: This action is not intended to address the length of time that gear may remain in the water. Concerns about the length of time that subsistence halibut gear may remain in the water would need to be addressed in a separate regulatory action developed through the Council process.

Changes from the Proposed Rule

Eight changes were made in regulatory language from the proposed rule to this final rule. The first change was to the charter vessel definition. Concern was expressed by the NOAA Office for Law Enforcement about the ability to prosecute a person who violates Federal regulations but who was also in violation of State of Alaska regulations by not registering a vessel used for charter fishing. Therefore, to enable enforcement of Federal regulations, the definition was revised to include vessels that should have been registered with the State of Alaska as charter vessels. Additionally, the definition is intended to apply only to Alaska halibut regulatory areas 2C through 4E, so the phrase ''for purposes of § 300.65'' was added to the definition.

The second regulatory change revises the table at § 300.65(h) to add the limitations concerning the use of Ceremonial and Educational Permits in the non–subsistence marine waters areas of 2C and 3A.

The third regulatory change revises regulatory language at § 300.65(j)(3)(i)(B). It was the intent of the Council to allow the use of only Ceremonial Permits and Educational Permits and to not allow the use of CHPs in non–subsistence marine waters areas. This restriction was discussed in the RIR and in the preamble to the proposed rule but not clearly reflected in the proposed regulatory text. This change corrects that oversight and adds the Valdez and Anchorage–Matsu–Kenai non–subsistence marine waters areas to the existing list of non–subsistence marine waters areas in which the use of CHPs is prohibited.

The fourth regulatory change revises regulatory language at § 300.65(k)(3) to specify the tribes that are qualified to use a Ceremonial or Educational Permit in each non–subsistence marine waters area in areas 3A and 2C.

The fifth regulatory change clarifies proposed language at § 300.66(i) but does not change the substance of the regulatory language. Rather than requiring that a person ''abides by'' certain gear and harvest restrictions, the revised regulations require that a person ''complies with'' those same restrictions.

The sixth regulatory change revises § 300.66(j)(1) to indicate that the person's rural community is listed on the application for a SHARC. It is not listed on the SHARC itself.

The seventh regulatory change modifies the prohibitions at § 300.66(j)(2) regarding who may reimburse an Alaska Native tribal member for the expense of fishing for subsistence halibut. The proposed rule would have prevented an Alaska Native tribal member from being reimbursed by a non–native resident if they both lived within the same rural community. However, on further consideration, NMFS realized that proposal failed to recognize the dynamics within a rural Alaska community that consists of native and non–native individuals wherein subsistence halibut may be shared among them. Therefore, under the Secretary's authority in the Halibut Act at 773c (a) and (b), the regulations have been changed to allow Alaska Native tribal members holding a SHARC

to be reimbursed for certain actual expenses by any Alaska Native tribe, or its members, or residents of the same rural community listed on the person's SHARC application.

The eighth regulatory change revises the sentence structure in § 300.66(j)(1) and (2), by more clearly stating the limitation on what actual expenses may be reimbursed, but the substance of the regulations is not changed.

Changes also were made in the instructions for the proposed amendments to § 300.66. A court order filed June 20, 2008, that concerned § 300.66(m), reversed a charter halibut final rule published May 28, 2008 (73 FR 30504). The proposed redesignation of paragraph (m) under this subsistence halibut rule could add confusion to the court order. Therefore, paragraphs (j) through (m) will not be redesignated. Rather than revising a newly redesignated paragraph (k) as stated in the proposed rule, paragraph (j) will be revised, and rather than adding a new paragraph (j), the new paragraph is designated as (n).

Classification

Regulations governing the U.S. fisheries for Pacific halibut are developed by the IPHC, the Pacific Fishery Management Council, the Council, and the Secretary. Section 5 of the Halibut Act (16 U.S.C. 773c) allows the Regional Council having authority for a particular geographical area to develop regulations governing the allocation and catch of halibut in U.S. Convention waters as long as those regulations do not conflict with IPHC regulations. The proposed action is consistent with the Council's authority and the Secretary's authority to allocate halibut catches among fishery participants in the waters in and off Alaska.

This final rule has been determined to be not significant for purposes of Executive Order 12866. This final rule also complies with the Secretary's authority under the Halibut Act to implement management measures for the halibut fisheries, and with the Secretary's other responsibilities under the Convention and the Halibut Act.

A final regulatory flexibility analysis (FRFA) was prepared. The FRFA incorporates the initial regulatory flexibility analysis (IRFA), a summary of the significant issues raised by the public comments in response to the IRFA, NMFS's responses to those comments, and a summary of the analyses completed to support the action. A copy of this analysis is available from NMFS (see **ADDRESSES**). A description of this action, why it is being considered, and the legal basis for this action are presented above in the preamble to this rule. A summary of the FRFA follows.

This rule implements six actions to amend the subsistence halibut regulations: (1) revise the subsistence gear restrictions in Chiniak Bay off Kodiak Island and add seasonal gear and vessel limits in the Sitka Sound area; (2) add the village of Naukati to the list of eligible subsistence halibut communities; (3) implement a possession limit equal to one daily bag limit to enhance enforcement; (4) revise the definition of charter vessel; (5) revise regulations to allow cash reimbursement for expenses related to the harvest of subsistence resources; and (6) allow the use of special permits within non–subsistence use areas by tribes eligible for the permits. Only actions 1 and 6 directly regulate ''small entities,'' as defined by the Regulatory Flexibility Act (RFA). The remaining four actions are not addressed because they affect individuals, rather than ''entities,'' as defined by the RFA. All attributable impacts on directly regulated small entities, accruing from either action, appear to be beneficial.

Actions 1 and 6 aim to enhance management of the subsistence halibut fishery as it pertains to use by Alaska Native tribes for the purpose of recognizing and appropriately accommodating subsistence practices. These actions are taken under the authority of the Halibut Act.

The principal decisions in the preferred alternatives for actions 1 and 6 address changes to gear limits and the use of CHPs by Alaska Native tribes in Kodiak and Chiniak Bay, and seasonal gear and vessel limits in Sitka Sound; and fishing in non–subsistence use areas. The preferred alternatives to implement CHPs for Alaska Native tribes in Kodiak and Chiniak Bay (CHPs are not allowed in Sitka Sound) under action 1, and to allow Ceremonial and Educational Permits to be used by Alaska Native tribes in non–subsistence use areas under action 6, directly regulate small entities.

Significant Issues Raised by Public Comments on the IRFA

The proposed rule for the subsistence halibut amendments was published in the **Federal Register** on April 14, 2008 (73 FR 20008). An IRFA was prepared for the proposed rule, and described in the classification section of the preamble to the rule. The public comment period ended on May 14, 2008. NMFS received five letters of comment on the proposed rule, including one with a comment on the IRFA. The comment concerned the lack of information in the IRFA regarding action 5. Action 5 revises regulations regarding cash reimbursement for expenses related to the harvest of subsistence resources. However, action 5 applies only to individuals and not to small entities as defined by the RFA, therefore, no changes were made to the FRFA based on that comment. A detailed discussion of the effects of action 5 is provided in section 6.0 of the RIR. Four additional comments were received related to the possible economic effects of the proposed regulations to allow cash reimbursement for certain subsistence harvest related expenses, however these comments were not directed to the IRFA. For a summary of the comments received, including those on action 5, refer to the section of this final rule titled ''Response to Comments.''

Description and Estimate of Number of Small Entities to Which the Rule Will Apply

Action 1 directly regulates nine Alaska Native tribes, or governmental entities in the absence of a tribe, that are eligible to participate in the subsistence halibut program off Kodiak and Chiniak Bay. Action 6 affects twelve Alaska Native tribes, but no governmental entities.

Description of Recordkeeping, Reporting, and Other Compliance Requirements

No additional recordkeeping, reporting requirements, or other compliance requirements are anticipated as a result of either action 1 or 6.

Description of Significant Alternatives and Steps Taken to Minimize the Significant Economic Impact on Small Entities

Multiple alternatives were addressed for each action under the RFA. Under action 1, three alternatives were analyzed: (1) no action; (2) change gear restrictions and annual limits in Kodiak, Prince William Sound, Cook Inlet, and the Sitka LAMP; and (3) change gear restrictions and annual limits only in Kodiak and the Sitka LAMP. Alternative 3 was selected as the preferred alternative for action 1. For action 6, three alternatives were analyzed: (1) no action; (2) allow the use of CHPs, educational permits, and ceremonial permits in non–subsistence use areas by tribes whose traditional fishing grounds are located within IPHC Areas 2C and 3A, with the associated daily bag limit; and (3) allow the use of educational permits and ceremonial permits, but not

CHPs, in non–subsistence use areas by tribes whose traditional fishing grounds are located within IPHC Areas 2C and 3A, with the associated daily bag limit. Alternative 3 was selected as the preferred alternative for action 6.

Alternative 1 for action 1 was rejected because it did not address the localized depletion concerns in the areas under consideration. Alternative 2 for action 1 was rejected because it includes restrictions in the Prince William Sound and Cook Inlet areas. Measures for Prince William Sound and Cook Inlet were found to be unwarranted, therefore, Alternative 2 would be more restrictive than the preferred alternative.

Alternative 1 for action 6 was rejected because it would have continued the prohibition on subsistence halibut fishing under all circumstances in designated non–subsistence fishing areas and would not provide social, cultural, educational, and ''communal'' benefits to the 12 affected tribes. Alternative 2 for action 6 was rejected because it allows the use of CHPs in non–subsistence fishing areas, but the preferred alternative prohibits such use. CHP use was rejected in non–subsistence fishing areas because of potential unintended negative consequences for groundfish stocks.

Based on the best available scientific data and information, the FRFA (including the RIR) reveals that none of the significant alternatives, other than the preferred alternatives, have the potential to accomplish the objectives of the actions consistent with the Halibut Act, the RFA, and other applicable statutes, and minimize the adverse economic impacts of the rule on directly regulated small entities. That is, in both actions considered here, the preferred alternative was the least burdensome among all available alternatives, consistent with the objectives of each respective action.

RFA Conclusion

''Small entities,'' as defined by the Regulatory Flexibility Act, would be directly regulated only by action 1 and by action 6. All attributable impacts on directly regulated small entities, accruing from either action, appear to be ''beneficial.''

It is NMFS's policy to consider only ''adverse'' impacts, when preparing a FRFA, consistent with Congress' direction to ''minimize effects on small entities.'' Based upon the foregoing analysis, no such adverse impacts appear to be associated with the proposed actions. Nonetheless, detailed information and empirical data about the operational structures, strategies, and fiscal conditions of the various tribes, which are likely to be directly regulated by the proposed actions, are not presently available to the analysts to support preparation of a ''factual basis'' upon which to ''certify,'' under RFA provisions. Therefore, the FRFA was prepared to fulfill the requirements of the RFA, despite the high probability that the actions will not have a significant adverse effect on a substantial number of small entities.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' In that guide, the agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. NMFS will post a small entity compliance guide on the Internet at *http://alaskafisheries.noaa.gov/ram/subsistence/halibut.htm*. The guide and this final rule will be available upon request (see **ADDRESSES**).

This final rule contains collection–of–information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by OMB. These collections are listed by control number.

OMB Control Number 0648–0460

Public reporting burden is estimated to average ten minutes for a subsistence halibut registration certificate (SHARC) for rural or individual use and ten minutes for a SHARC for tribal use per response.

OMB Control Number 0648–0512

Public reporting burden for a Subsistence Halibut Special Permit Application for ceremonial harvest, educational harvest, or community harvest is estimated to average ten minutes per response.

These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates, or any other aspect of these data collections, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by e–mail to *David_Rostker@omb.eop.gov*, or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

NMFS is not aware of any other Federal rules that would duplicate, overlap, or conflict with these actions.

Executive Order 13175 of November 6, 2000 (25 U.S.C. 450 note), the Executive Memorandum of April 29, 1994 (25 U.S.C. 450 note), and the American Indian and Alaska Native Policy of the U.S. Department of Commerce (March 30, 1995) outline the responsibilities of the National Marine Fisheries Service in matters affecting tribal interests. Section 161 of Public Law 108–199 (118 Stat 452), as amended by section 518 of Public Law 108–447 (118 Stat 3267), extends the consultation requirements of Executive Order 13175 to Alaska Native corporations.

Consultations with the Alaska Native Subsistence Halibut Working Group, under Executive Order 13175, resulted in recommendations to allow the use of special permits in non–subsistence use areas. NMFS contacted tribal governments and Alaska Native corporations which may be affected by the action, provided them with a copy of the proposed rule, and offered them an opportunity to consult. One request for a tribal consultation was received. NMFS staff spoke via telephone with members of the tribal organization and their associates to listen to and address their specific questions and their specific needs. Many of their specific questions also were raised in comments received during the public comment period and are responded to in the Response to Comments section of this final rule, except for two comments listed below. NMFS staff clarified points in the proposed regulations, described the role of the Alaska Native Subsistence Halibut Working Group, and provided contact information for the working group.

Two comments raised during the tribal consultation were not included in the Response to Comments section. The first comment is that the specific items allowed for reimbursement do not encompass all costs associated with harvest and trade of subsistence halibut and that only enforcement concerns were considered. NMFS notes that not all costs were expected to be encompassed in the amount that could be reimbursed. As stated in the RIR:

> Examples of costs that would not be allowed to be compensated are the cost of the boat, repairs, or hydraulic gear that would be

used for a duration longer than the fishing trip that produced the halibut that is being shared. Enforcement staff advised the Council that this approach still would be extremely difficult to enforce. Enforcement may occur through investigations, whereby receipts could be examined to verify expenses. Staff reported that, while this preferred alternative does not facilitate enforcement directly, it facilitates public understanding of Council intent and may enhance enforcement of egregious violations.

The Council determined that its preferred alternative best recognized the social, cultural, educational, and communal benefits that derive from sharing halibut, while providing additional tools for enforcing the prohibition on commercial sale of subsistence halibut. Therefore, the Council rejected the most readily enforceable alternative, which would have prohibited any cash exchange, in favor of the preferred alternative based on the extensive administrative record.

The second comment is that the 30 hooks per vessel limit is a hardship and should be increased to the 30 hooks per person and 90 hooks per vessel limit allowed in other areas; the limit of 20 fish per vessel per day should be a sufficient limit. This change was initiated in specific regulatory areas for the halibut fishery because of increased fishing effort due to higher population density. NMFS suggests that if a tribal organization wants its local area within the larger halibut regulatory area to be exempt from this limit, the idea could be further developed by the tribal organization. The tribal organization could then bring the idea to the attention of the Alaska Native Subsistence Halibut Working Group.

List of Subjects

15 CFR Part 902

Recordkeeping and reporting requirements.

50 CFR Part 300

Alaska, Alaska Natives, Fisheries, Pacific halibut fisheries, Recordkeeping and reporting requirements.

Dated: September 18, 2008.

Samuel D. Rauch III

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, NMFS amends 15 CFR chapter IX and 50 CFR chapter III as follows:

TITLE 15—COMMERCE AND FOREIGN TRADE

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

■ 1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

■ 2. In § 902.1, in the table in paragraph (b), under the entry ''50 CFR'', add entries for ''300.65 introductory text; (h)(1)(ii) and (iii); and (i)'', ''300.65(h)(1)(i)'', and ''300.65(j), (k), and (l)'' in alphanumeric order to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

3. Table 2a to part 679 is revised to read as follows:

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
* * * * * * *	
50 CFR	
* * * * * * *	
300.65 introductory text; (h)(1)(ii) and (iii); and (i)	-0460
300.65(h)(1)(i)	-0460 and -0512
300.65(j), (k), and (l)	-0512
* * * * * * *	

TITLE 50—Wildlife and Fisheries

CHAPTER III—INTERNATIONAL FISHING AND RELATED ACTIVITIES

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart E—Pacific Halibut Fisheries

■ 3. The authority citation for subpart E of part 300 continues to read as follows:

Authority: 16 U.S.C. 773–773k.

■ 4. In § 300.61, add definitions of ''Chiniak Bay'' and ''Power hauling'' in alphabetical order and revise the definition of ''Charter vessel'' to read as follows:

§ 300.61 Definitions.

* * * * *

Charter vessel, for purposes of § 300.65, means a vessel that is registered, or that should be registered, as a sport fishing guide vessel with the Alaska Department of Fish and Game.

Chiniak Bay means all waters bounded by the shoreline and straight lines connecting the coordinates in the order listed:

(1) North from Cape Chiniak (57°37.22′ N. lat., 152°9.36′ W. long.);

(2) To Buoy #1 at Williams Reef (57°50.36′ N. lat., 152°8.82′ W. long.);

(3) To East Cape on Spruce Island (57°54.89′ N. lat., 152°19.45′ W. long.);

(4) To Termination Point on Kodiak Island (57°51.31′ N. lat., 152°24.01′ W. long.); and

(5) Connecting to a line running counterclockwise along the shoreline of Kodiak Island to Cape Chiniak (57°37.22′ N. lat., 152°9.36′ W. long.).

* * * * *

Power hauling means using electrically, hydraulically, or mechanically powered devices or attachments or other assisting devises or attachments to deploy and retrieve fishing gear. Power hauling does not include the use of hand power, a hand powered crank, a fishing rod, a downrigger, or a hand troll gurdy.

* * * * *

■ 5. In § 300.65:

A. Revise paragraphs (e)(1)(ii) introductory text, (h)(1)(i), (h)(2), (j) introductory text, (j)(1)(ii), (j)(1)(iii), (j)(3)(i) introductory text, (j)(3)(i)(A), (j)(3)(i)(B), (k)(3)(i), and (k)(3)(ii).

B. Add paragraph (e)(5).

C. In paragraph (g)(1) in the table entitled ''Halibut Regulatory Area 2C'' an entry for ''Naukati'' is added in alphabetical order.

The additions and revisions read as follows:

§ 300.65 Catch sharing plan and domestic management measures in waters in and off Alaska.

* * * * *

(e) * * *

(1) * * *

(ii) With respect to paragraphs (e)(3), (e)(4), and (e)(5) of this section, that part of the Commission Regulatory Area 2C that is enclosed on the north and east:

* * * * *

(5) Setline gear may not be used in a 4 nm radius extending south from Low Island at 57°00.70′ N. lat., 135°36.57′ W. long. within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31.

* * * * *

(g) * * *

(1) * * *

HALIBUT REGULATORY AREA 2C

Rural Community	Organized Entity
* * * * * * *	
Naukati	Municipality
* * * * * * *	

* * * * *

(h) * * *

(1) * * *

(i) Subsistence fishing gear set or retrieved from a vessel while engaged in subsistence fishing for halibut must not have more than the allowable number of hooks per vessel, or per person registered in accordance with paragraph (i) of this section and aboard the vessel, whichever is less, according to the regulatory area and permit type indicated in the following table:

Regulatory Area	Permit Type	Retention Limits
2C--Except Sitka Sound, and Ketchikan and Juneau non-subsistence marine waters areas	SHARC	30 hooks per vessel
	Ceremonial Permit	30 hooks per vessel
	Educational Permit	30 hooks per vessel
	Community Harvest Permit	30 hooks per person onboard up to 90 hooks per vessel
2C--Sitka Sound	SHARC	September 1 through May 31: 30 hooks per vessel
		June 1 through August 31: 15 hooks per vessel; no power hauling
	Ceremonial Permit	September 1 through May 31: 30 hooks per vessel
		June 1 through August 31: fishing under Ceremonial Permit not allowed
	Educational Permit	30 hooks per vessel
	Community Harvest Permit	fishing under Community Harvest Permit not allowed
2C--Ketchikan and Juneau non-subsistence marine waters areas	SHARC	general subsistence halibut fishing not allowed
	Ceremonial Permit	30 hooks per vessel
	Educational Permit	30 hooks per vessel
	Community Harvest Permit	fishing under Community Harvest Permit not allowed
3A--Except Chiniak Bay, and Anchorage-Matsu-Kenai and Valdez non-subsistence marine waters areas	SHARC	30 hooks per person onboard up to 90 hooks per vessel
	Ceremonial Permit	30 hooks per person onboard up to 90 hooks per vessel
	Educational Permit	30 hooks per person onboard up to 90 hooks per vessel
	Community Harvest Permit	30 hooks per person onboard up to 90 hooks per vessel
3A--Chiniak Bay	SHARC	30 hooks per person onboard up to 60 hooks per vessel
	Ceremonial Permit	30 hooks per person onboard up to 90 hooks per vessel
	Educational Permit	30 hooks per person onboard up to 90 hooks per vessel
	Community Harvest Permit	30 hooks per person onboard up to 90 hooks per vessel
3A--Anchorage-Matsu-Kenai and Valdez non-subsistence marine waters areas	SHARC	general subsistence halibut fishing not allowed

Regulatory Area	Permit Type	Retention Limits
	Ceremonial Permit	30 hooks per person onboard up to 90 hooks per vessel
	Educational Permit	30 hooks per person onboard up to 90 hooks per vessel
	Community Harvest Permit	fishing under Community Harvest Permit not allowed
3B	SHARC	30 hooks per person onboard up to 90 hooks per vessel
4A and 4B	SHARC	30 hooks per person onboard up to 90 hooks per vessel
4C, 4D, and 4E	SHARC	no hook limit

* * * * *

(2) The retention of subsistence halibut is limited per person eligible to conduct subsistence fishing for halibut and onboard the vessel according to the following table:

Regulatory Area	Permit Type	Gear Restrictions
2C--Except Sitka Sound, and Ketchikan and Juneau non-subsistence marine waters areas	SHARC	20 halibut per day per vessel and in possession
	Ceremonial Permit	25 halibut per permit
	Educational Permit	25 halibut per permit
	Community Harvest Permit	no daily or possession limit
2C--Sitka Sound	SHARC	September 1 through May 31: 10 halibut per day per vessel and in possession
		June 1 through August 31: 5 halibut per day per vessel and in possession
	Ceremonial Permit	September 1 through May 31: 25 halibut per permit
		June 1 through August 31: fishing under Ceremonial Permit not allowed
	Educational Permit	25 halibut per permit
	Community Harvest Permit	fishing under Community Harvest Permit not allowed
2C--Ketchikan and Juneau non-subsistence marine waters areas	SHARC	general subsistence halibut fishing not allowed
	Ceremonial Permit	25 halibut per permit
	Educational Permit	25 halibut per permit
	Community Harvest Permit	fishing under Community Harvest Permit not allowed
3A--Including Chiniak Bay, but excluding Anchorage-Matsu-Kenai and Valdez non-subsistence marine waters areas	SHARC	20 halibut per person per day and in possession
	Ceremonial Permit	25 halibut per permit
	Educational Permit	25 halibut per permit
	Community Harvest Permit	no daily or possession limit
3A--Anchorage-Matsu-Kenai and Valdez non-subsistence marine waters areas	SHARC	general subsistence halibut fishing not allowed

Regulatory Area	Permit Type	Gear Restrictions
	Ceremonial Permit	25 halibut per permit
	Educational Permit	25 halibut per permit
	Community Harvest Permit	fishing under Community Harvest Permit not allowed
3B	SHARC	20 halibut per person per day and in possession
4A and 4B	SHARC	20 halibut per person per day; no possession limit
4C, 4D, and 4E	SHARC	no daily or possession limit

* * * * *

(j) *Community Harvest Permit (CHP).* An Area 2C or Area 3A community or Alaska Native tribe listed in paragraphs (g)(1) or (g)(2) of this section may apply for a CHP, which allows a community or Alaska Native tribe to appoint one or more individuals from its respective community or Alaska Native tribe to harvest subsistence halibut from a single vessel under reduced gear and harvest restrictions. The CHP consists of a harvest log and up to five laminated permit cards. A CHP is a permit subject to regulation under § 679.4(a) of this title.

(1) * * *

(ii) NMFS will issue a CHP to a community in Area 2C or Area 3A only if:

(A) The applying community is listed as eligible in Area 2C or Area 3A according to paragraph (g)(1) of this section; and

(B) No Alaska Native tribe listed in paragraph (g)(2) of this section exists in that community.

(iii) NMFS will issue a CHP to an Alaska Native tribe in Area 2C or Area 3A only if the applying tribe is listed as eligible in Area 2C or Area 3A according to paragraph (g)(2) of this section.

* * * * *

(3) * * *

(i) In Area 2C or Area 3A, except that a CHP may not be used:

(A) Within Sitka Sound as defined in paragraph (e)(1)(ii) of this section (see Figure 1 to this subpart E); or

(B) Within the Ketchikan, Juneau, Anchorage–Matsu–Kenai, and Valdez non–subsistence marine waters areas as defined in paragraph (h)(3) of this section (see Figures 2, 3, 4, and 5 to this subpart E).

* * * * *

(k) * * *

(3) * * *

(i) In Area 3A, except:

(A) In the Anchorage–Matsu–Kenai non–subsistence marine waters area defined in paragraph (h)(3) of this section (see figure 4 to this subpart E), only the following tribes may use a Ceremonial or Educational permit:

(*1*) Kenaitze Indian Tribe;

(*2*) Seldovia Village Tribe;

(*3*) Ninilchik Village;

(*4*) Native Village of Port Graham;

(*5*) Native Village of Nanwalek; and

(*6*) Village of Salamatoff.

(B) In the Valdez non–subsistence marine waters area defined in paragraph (h)(3) of this section (see figure 5 to this subpart E), only the Native Village of Tatitlek may use a Ceremonial or Educational permit.

(ii) In Area 2C, except:

(A) In the Ketchikan non–subsistence marine waters area defined in paragraph (h)(3) of this section (see figure 2 to this subpart E), only the following tribes may use a Ceremonial or Educational permit:

(*1*) Central Council of Tlingit/Haida Indians;

(*2*) Ketchikan Indian Corporation; and

(*3*) Organized Village of Saxman;

(B) In the Juneau non–subsistence marine waters area defined in paragraph (h)(3) of this section (see figure 3 to this subpart E), only the following tribes may use a Ceremonial or Educational permit:

(*1*) Central Council of Tlingit/Haida Indians;

(*2*) Douglas Indian Association; and

(*3*) Aukquan Traditional Council.

(C) A Ceremonial Permit may not be used within Sitka Sound from June 1 through August 31;

* * * * *

■ 6. In § 300.66, revise paragraphs (i) and (j), and add paragraph (n) to read as follows:

§ 300.66 Prohibitions.

* * * * *

(i) Fish for subsistence halibut from a charter vessel or retain subsistence halibut onboard a charter vessel if anyone other than the owner of record, as indicated on the State of Alaska vessel registration, or the owner's immediate family is aboard the charter vessel and unless each person engaging in subsistence fishing onboard the charter vessel holds a subsistence halibut registration certificate in the person's name pursuant to § 300.65(i) and complies with the gear and harvest restrictions found at § 300.65(h).

(j) Retain or possess subsistence halibut for commercial purposes; cause subsistence halibut to be sold, bartered, or otherwise entered into commerce; or solicit exchange of subsistence halibut for commercial purposes, except that a person who qualified to conduct subsistence fishing for halibut under § 300.65(g), and who holds a subsistence halibut registration certificate in the person's name under § 300.65(i), may be reimbursed for the expense of fishing for subsistence halibut under the following conditions:

(1) Persons who qualify as rural residents under § 300.65(g)(1) and hold a subsistence halibut registration certificate in the persons's name under § 300.65(i) may be reimbursed for actual expenses for ice, bait, food, and fuel directly related to subsistence fishing for halibut, by residents of the same rural community listed on the person's subsistence halibut registration application; or

(2) Persons who qualify as Alaska Native tribal members under § 300.65(g)(2) and hold a subsistence halibut registration certificate in the person's name under § 300.65(i) may be reimbursed for ice, bait, food, and fuel directly related to subsistence fishing for halibut, by any Alaska Native tribe, or its members, or residents of the same rural community listed on the person's subsistence halibut registration application.

* * * * *

(n) Transfer subsistence halibut to charter vessel anglers.

[FR Doc. E8–22411 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–22–S

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–8956; 34–58584; 39–2458; IC–28381]

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (the Commission) is adopting revisions to the Electronic Data Gathering, Analysis, and Retrieval System (EDGAR) Filer Manual to reflect updates to the EDGAR system. The revisions are being made primarily to support the rule amendments made to mandate the electronic filing of information required by Securities Act of 1933 Form D with the implementation of a new Form D online application.

In addition, the revisions also include updates to submission types PREM14A, DEFM14A, PREM14C and DEFM14C to correctly process series and class identifiers; updates to the EDGAR company name conformance rules; updates to the EDGARLite Form TA–2 (Annual Report of Transfer Agent activities filed pursuant to the Securities Exchange Act of 1934) to correct the OMB expiration date displayed on the printed blank form, to correct the order that the response fields for Question 1(h) (Full Name of Registrant as stated in Question 3 of Form TA–1) and Question 3(a) (Registrants Appropriate Regulatory Agency) are displayed on the printed blank form, to make a response to Question 11(a)(i) (Date of Database Search) optional and to prevent the submission of invalid ASCII characters; updates to the EDGAR processing of series and classes co-registrant filings; and the incorporation of the final U.S. GAAP Taxonomies 1.0 into EDGAR.

The revisions to the Filer Manual reflect changes within Volume I entitled EDGAR Filer Manual, Volume I: ''General Information,'' Version 5 (September 2008) and Volume II entitled EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 9 (September 2008). The updated manual will be incorporated by reference into the Code of Federal Regulations.

DATES: *Effective Date:* September 24, 2008. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of September 24, 2008.

FOR FURTHER INFORMATION CONTACT: In the Office of Information Technology, Rick Heroux, Assistant Director of the EDGAR Program Office, at (202) 551–8800; in the Division of Corporation Finance for questions regarding the electronic filing and revision of Form D, contact Gerald J. Laporte, Chief, or Corey A. Jennings, Attorney-Advisor, Office of Small Business Policy at (202) 551–3460; in the Division of Trading and Markets for questions concerning updates to Form TA–2, contact Catherine Moore, Special Counsel, Office of Clearance and Settlement, at (202) 551–5710; in the Division of Investment Management for questions regarding co-registrant filing of series and classes (contracts), contact Ruth Armfield Sanders, Senior Special Counsel, Office of Legal and Disclosure, at (202) 551–6989; and in the Office of Interactive Disclosure, for questions concerning XBRL filings contact Jeffrey W. Naumann, Assistant Director of the Office of Interactive Disclosure, at (202) 551–5352.

SUPPLEMENTARY INFORMATION: Today we are adopting an updated EDGAR Filer Manual, Volume I and Volume II. The Filer Manual describes the technical formatting requirements for the preparation and submission of electronic filings through the EDGAR system.[1] It also describes the requirements for filing using EDGARLink[2] and the Online Forms/XML Web site.

The Filer Manual contains all the technical specifications for filers to submit filings using the EDGAR system. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.[3] Filers should consult the Filer Manual in conjunction with our rules governing mandated electronic filing when preparing documents for electronic submission.[4]

In support of the adopted rule amendments mandating the electronic filing of information required by Securities Act of 1933 Form D[5] through the Internet, EDGAR Release 9.13 will be implemented on September 15, 2008. EDGAR Release 9.13 will implement a new Form D online application that will allow filers to create and submit Form D and Form D amendment filings electronically to the Commission. The Form D online application can be accessed from the EDGAR OnlineForms/XML Web site (*https://www.onlineforms.edgarfiling.sec.gov*) by logging in and selecting the ''File Form D'' link. Filers can also log in by clicking the ''Would you like to File a Form D?'' link from the EDGAR Portal Web site (*http://www.portal.edgarfiling.sec.gov*).

Use of the new Form D online application requires EDGAR access codes (e.g., CIK (filer ID number), CCC (filer ID number confirmation code) and password). Filers that have a CIK, but have previously filed with the Commission in paper only must use the ''Convert Paper Only Filer to Electronic Filer'' function on the EDGAR Filer Management Web site (*https://www.filermanagement.edgarfiling.sec.gov*) to be converted to an

[1] We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33–6986 (April 1, 1993) [58 FR 18638]. We implemented the most recent update to the Filer Manual on June 12, 2008. *See* Release No. 33–8926 (June 4, 2008) [73 FR 33298].

[2] This is the filer assistance software we provide filers filing on the EDGAR system.

[3] *See* Rule 301 of Regulation S–T (17 CFR 232.301).

[4] *See* Release Nos. 33–6977 (February 23, 1993) [58 FR 14628], IC–19284 (February 23, 1993) [58 FR 14848], 35–25746 (February 23, 1993) [58 FR 14999], and 33–6980 (February 23, 1993) [58 FR 15009] in which we comprehensively discuss the rules we adopted to govern mandated electronic filing. *See also* Release No. 33–7122 (December 19, 1994) [59 FR 67752], in which we made the EDGAR rules final and applicable to all domestic registrants; Release No. 33–7427 (July 1, 1997) [62 FR 36450], in which we adopted minor amendments to the EDGAR rules; Release No. 33–7472 (October 24, 1997) [62 FR 58647], in which we announced that, as of January 1, 1998, we would not accept in paper filings that we require filers to submit electronically; Release No. 34–40934 (January 12, 1999) [64 FR 2843], in which we made mandatory the electronic filing of Form 13F; Release No. 33–7684 (May 17, 1999) [64 FR 27888], in which we adopted amendments to implement the first stage of EDGAR modernization; Release No. 33–7855 (April 24, 2000) [65 FR 24788], in which we implemented EDGAR Release 7.0; Release No. 33–7999 (August 7, 2001) [66 FR 42941], in which we implemented EDGAR Release 7.5; Release No. 33–8007 (September 24, 2001) [66 FR 49829], in which we implemented EDGAR Release 8.0; Release No. 33–8224 (April 30, 2003) [68 FR 24345], in which we implemented EDGAR Release 8.5; Release Nos. 33–8255 (July 22, 2003) [68 FR 44876] and 33–8255A (September 4, 2003) [68 FR 53289] in which we implemented EDGAR Release 8.6; Release No. 33–8409 (April 19, 2004) [69 FR 21954] in which we implemented EDGAR Release 8.7; Release No. 33–8454 (August 6, 2004) [69 FR 49803] in which we implemented EDGAR Release 8.8; Release No. 33–8528 (February 3, 2005) [70 FR 6573] in which we implemented EDGAR Release 8.10; Release No. 33–8573 (May 19, 2005) [70 FR 30899] in which we implemented EDGAR Release 9.0; Release No. 33–8612 (September 21, 2005) [70 FR 57130] in which the Commission granted the authorization to publish the release adopting the reorganized EDGAR Filer Manual; Release No. 33–8633 (November 1, 2005) [70 FR 67350] in which we implemented EDGAR Release 9.2; Release No. 33–8656 (January 27, 2006) [71 FR 5596] in which we implemented EDGAR Release 9.3; Release No. 33–8834 (August 15, 2007) [72 FR 46559] in which we implemented EDGAR Release 9.7; Release No. 33–8922 (May 30, 2008) [73 FR 33002] in which we implemented EDGAR Release 9.8 and Release 9.9; and Release No. 33–8926 (June 4, 2008) [73 FR 33298] in which we implemented EDGAR Release 9.10.

[5] See Release No. 33-8891 (February 6, 2008) [73 FR 10592].

electronic filer prior to using the Form D application (See EDGAR Filer Manual—Volume I, section 3.3.1 for details). For those filers that have never been assigned a CIK, they must apply for EDGAR access codes via the EDGAR Filer Management Web site (See EDGAR Filer Manual—Volume I, section 3.2 for details) prior to using the new Form D online application.

EDGAR Release 9.13 will include updates to submission types PREM14A, DEFM14A, PREM14C and DEFM14C to correctly process series and class identifiers. Target funds that are series and class investment companies must use these submission types for those proxy mergers for which the acquiring fund does not file a registration statement on Form N–14; PREM14A, DEFM14A, PREM14C and DEFM14C must include the relevant series and class identifiers for both the target and the acquiring fund (if in existence). Filers must download the updated EDGARLink Submission Template 2 to ensure PREM14A, DEFM14A, PREM14C and DEFM14C submissions are processed successfully.

The EDGAR conformed name values applied to the following words have been updated (See EDGAR Filer Manual—Volume I, Appendix C, section C.5 for details).

Original value	Conformed value as of EDGAR release 9.13
Company	Co.
Corporation	Corp.
Incorporated	Inc.
Incorporation	Inc.
Limited	Ltd.

The EDGARLite Form TA–2 (Annual Report of Transfer Agent activities filed pursuant to the Securities Exchange Act of 1934) is being updated to correct two errors that occur when the ''Check to show blank form for printing'' option is checked on the form: (1) The OMB expiration date displayed will be corrected to be ''September 30, 2009'' and (2) the response fields for Question 1(h) (Full Name of Registrant as stated in Question 3 of Form TA–1) and Question 3(a) (Registrants Appropriate Regulatory Agency) will be correctly displayed under the appropriate question. Note that the OMB expiration date and Questions 3(a) and 1(h) display correctly on the EDGARLite TA–2 submission template if the ''Check to show blank form for printing'' option is not selected. Form TA–2 will also be updated to make Question 11(a)(i) (Date of Database Search) optional. Data fields on Form TA–2 that allow the entry of text were updated to accept only valid ASCII characters (See EDGAR Filer Manual—Volume II, sections 5.2.1.1 and 5.2.1.2 for details). Filers must download the updated EDGARLite TA–2 Submission Template from the EDGAR OnlineForms Web site to ensure that TA–2 submissions will be processed successfully. Previous versions of the templates will not work properly.

EDGAR Release 9.12, implemented on June 23, 2008, updated EDGAR processing for all submission types that require series and class (contract) identifiers to suspend co-registrant filings unless at least one series and one class (contract) identifier associated with the respective co-registrant CIK is included in the submission for each respective co-registrant (i.e., the filing must include at least one series and class (contract) identifier for the primary co-registrant and at least one series and class (contract) identifier for each of the other co-registrants); increased the maximum number of co-registrants acceptable per submission to 999; and incorporated the final US GAAP Taxonomies version 1.0 into EDGAR.

Notice of the updates has previously been provided on the EDGAR Filing and OnlineForms/XML Filing Web site and on the Commission's public Web sites. The discrete updates are reflected on the EDGAR OnlineForms/XML Filing Web site and in the updated Filer Manual, Volume I and Volume II.

Along with adoption of the Filer Manual, we are amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of today's revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

You may obtain paper copies of the updated Filer Manual at the following address: Public Reference Room, Securities and Exchange Commission, 100 F Street, NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. We will post electronic format copies on the Commission's Web site; the address for the Filer Manual is *http://www.sec.gov/info/edgar.shtml*. You may also obtain copies from Thomson Financial, the paper document contractor for the Commission, at (800) 638–8241.

Since the Filer Manual relates solely to agency procedures or practice, publication for notice and comment is not required under the Administrative Procedure Act (APA).[6] It follows that the requirements of the Regulatory Flexibility Act[7] do not apply.

The effective date for the updated Filer Manual and the rule amendments is September 24, 2008. In accordance with the APA,[8] we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The EDGAR system upgrade to Release 9.13 is scheduled to become available on September 15, 2008. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the system upgrade.

Statutory Basis

We are adopting the amendments to Regulation S–T under sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,[9] sections 3, 12, 13, 14, 15, 23, and 35A of the Exchange Act,[10] section 319 of the Trust Indenture Act of 1939,[11] and sections 8, 30, 31, and 38 of the Investment Company Act of 1940.[12]

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendment

■ In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for Part 232 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*, 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, and 7201 *et seq.*; and 18 U.S.C. 1350.

* * * * *

■ 2. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR

[6] 5 U.S.C. 553(b).

[7] 5 U.S.C. 601–612.

[8] 5 U.S.C. 553(d)(3).

[9] 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

[10] 15 U.S.C. 78c, 78*l*, 78m, 78n, 78o, 78w, and 78*ll*.

[11] 15 U.S.C. 77sss.

[12] 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

Filer and updating company data are set forth in the updated EDGAR Filer Manual, Volume I: ''General Information,'' Version 5 (September 2008). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 9 (September 2008). Additional provisions applicable to Form N–SAR filers are set forth in the EDGAR Filer Manual, Volume III: ''N–SAR Supplement,'' Version 1 (September 2005). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, Securities and Exchange Commission, 100 F Street, NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10 am and 3 p.m., or by calling Thomson Financial at (800) 638–8241. Electronic copies are available on the Commission's Web site. The address for the Filer Manual is *http://www.sec.gov/info/edgar.shtml*. You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Dated: September 18, 2008.
By the Commission.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E8–22391 Filed 9–23–08; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9321]

RIN 1545–BE79

Application of Section 409A to Nonqualified Deferred Compensation Plans; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9321) which were published in the **Federal Register** on April 17, 2007 (72 FR 19323). The final regulations relate to section 409A and nonqualified deferred compensation plans.

DATES: This correction is effective September 24, 2008, and applicable on April 17, 2007.

FOR FURTHER INFORMATION: Guy R. Traynor, (202) 622–3693 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are subject to this document are under section 409A of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9321) contain errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment.

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.409A–6, paragraph (a)(3)(i) is revised to read as follows:

§ 1.409A–6 Application of section 409A and effective dates.

* * * * *

(a) * * *

(3) * * *

(i) *Nonaccount balance plans.* The amount of compensation deferred before January 1, 2005, under a nonqualified deferred compensation plan that is a nonaccount balance plan (as defined in § 1.409A–1(c)(2)(i)(C)), equals the present value of the amount to which the service provider would have been entitled under the plan if the service provider voluntarily terminated services without cause on December 31, 2004, and received a payment of the benefits available from the plan on the earliest possible date allowed under the plan to receive a payment of benefits following the termination of services, and received the benefits in the form with the maximum value.

Notwithstanding the foregoing, for any subsequent taxable year of the service provider, the grandfathered amount may increase to equal the present value of the benefit the service provider actually becomes entitled to, in the form and at the time actually paid, determined under the terms of the plan (including applicable limits under the Internal Revenue Code), as in effect on October 3, 2004, without regard to any further services rendered by the service provider after December 31, 2004, or any other events affecting the amount of or the entitlement to benefits (other than a participant election with respect to the time or form of an available benefit). For purposes of calculation the present value of a benefit under this paragraph (c)(3)(i), reasonable actuarial assumptions and methods must be used. Whether assumptions and methods are reasonable for this purpose is determined as of each date the benefit is valued for purposes of determining the grandfathered benefit, provided that any reasonable actuarial assumptions and methods that were used by the service recipient with respect to such benefit as of December 31, 2004, will continue to be treated as reasonable assumptions and methods for purposes of calculating the grandfathered benefit.

Actuarial assumptions and methods will be presumed reasonable if they are the same as those used to value benefits under a qualified plan sponsored by the service recipient the benefits under which are part of the benefit formula under, or otherwise impact the amount of benefits under, the nonaccount balance nonqualified deferred compensation plan.

* * * * *

Guy R. Traynor,

Federal Register Liaison, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E8–22383 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9422]

RIN 1545–BE95

S Corporation Guidance Under AJCA of 2004 and GOZA of 2005; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations (TD 9422) that were published in the **Federal Register** on Thursday, August 14, 2008 (73 FR 47526) providing guidance

regarding certain changes made to the rules governing S corporations under the American Jobs Creation Act of 2004 and the Gulf Opportunity Zone Act of 2005. The final regulations replace obsolete references in the current regulations and allow taxpayers to make proper use of the provisions that made changes to prior law. The final regulations include guidance on the S corporation family shareholder rules, the definitions of ''powers of appointment'' and ''potential current beneficiaries'' (PCBs) with regard to electing small business trusts (ESBTs), the allowance of suspended losses to the spouse or former spouse of an S corporation shareholder, and relief for inadvertently terminated or invalid qualified subchapter S subsidiary (QSub) elections. The final regulations affect S corporations and their shareholders.

DATES: The correction is effective September 24, 2008, and is applicable on August 14, 2008.

FOR FURTHER INFORMATION CONTACT: Charles J. Langley, Jr., (202) 622–3060, (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9422) that are the subject of this correction are under sections 1361, 1362, and 1366 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9422) contain an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 9422), which was the subject of FR Doc. E8–18782, is corrected as follows:

On page 47527, column 3, in the preamble, under the paragraph heading ''Drafting Information'', line 2, the language ''proposed regulations is Charles J.'' is corrected to read ''regulations is Charles J.''.

LaNita Van Dyke,

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

[FR Doc. E8-22381 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Docket No. ENRD 100; AG Order No. 3001–2008]

Authority To Compromise Civil Claims Under the Comprehensive Environmental Response, Compensation and Liability Act and To Make an Administrative Change to the Code of Federal Regulations

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends our regulations to reflect the name of the Environment and Natural Resources Division, which was formerly known as the Land and Natural Resources Division. The Department of Justice officially changed the name of the Division in the early 1990s, but all of the pertinent parts of part 0 were not amended accordingly.

This order further amends our regulations to authorize the Assistant Attorney General for the Environment and Natural Resources Division to approve certain settlements under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

DATES: *Effective Date:* September 24, 2008.

FOR FURTHER INFORMATION CONTACT: Bruce S. Gelber, Chief, Environmental Enforcement Section, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044–7611 (202–514–4624).

SUPPLEMENTARY INFORMATION: In subpart Y of 28 CFR part 0, the Attorney General has delegated to the various Assistant Attorneys General certain of his authority to compromise and close civil claims. Section 0.160(a)(1) authorizes the various Assistant Attorneys General to ''[a]ccept offers in compromise of claims asserted by the United States in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed $2,000,000 or 15 percent of the original claim, whichever is greater.''

Administrative Changes

In the early 1990s, the name of the Land and Natural Resources Division was changed to the Environment and Natural Resources Division to better reflect the broader responsibilities of the Division since its inception in 1909. The administrative change in this rule corrects the name of the Division throughout part 0, where the former name remains.

Changes to Section 0.160

CERCLA was enacted in 1980 in response to the discovery of significant human health hazards at a number of sites where hazardous wastes had been dumped or buried. Public Law 96–510 (42 U.S.C. 9601, *et seq.*). The law created a ''Superfund'' to help pay the costs of investigating and cleaning up these sites, 26 U.S.C. 9507, and also imposed liability for the costs of cleanup on the parties who were responsible for creating these sites, 42 U.S.C. 9607(a). These parties (referred to collectively as ''potentially responsible parties'') include: The current owners and operators of a facility from which there is a release or threatened release of a hazardous substance into the environment; those who owned or operated the facility at the time hazardous substances were disposed of at that facility; those who generated the hazardous substances and arranged for their treatment or disposal by a third party; and those who transported the hazardous substances for treatment or disposal, if they selected the site. 42 U.S.C. 9607(a).

While the courts have agreed uniformly that liability under CERCLA is joint and several when the harm at the site is indivisible, 42 U.S.C. 9613(f) provides for the equitable allocation of response costs among the jointly and severally liable parties. A single case under CERCLA can involve numerous (sometimes hundreds of) separate responsible parties whose liability can be equitably allocated or determined to be *de minimis* for purposes of reaching a settlement of their liability. Indeed, Congress encourages the Environmental Protection Agency to reach expedited settlements with *de minimis* parties. 42 U.S.C. 9622(g). However, based on the total claim at the site, some of these settlements will result in differences between the original claim and the proposed settlement that are greater than $2 million (or 15 percent of the original claim). Many settlements are made with parties who do not have the financial ability to pay the equitable allocated amount. Some non-*de minimis* settlements result in compromises of our original claim as a result of the responsible party's ability to pay. These types of settlements with individual parties are common in multi-party CERCLA litigation and seldom raise issues significant enough to warrant Associate Attorney General review. In order to increase efficiency in the approval process, this rule amends Section 0.160 of Subpart Y to authorize the Assistant Attorney General, Environment and Natural Resources

Division, to approve these kinds of partial CERCLA settlements.

Administrative Procedure Act

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

Regulatory Flexibility Act

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

Executive Order 12866—Regulatory Planning and Review

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

Executive Order 12988—Civil Justice Reform

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

Executive Order 13132—Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act of 1995

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

Congressional Review Act

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

List of Subjects in 28 CFR Part 0

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

■ For the reasons set forth in the preamble, Part 0 of Title 28, Code of Federal Regulations is amended to read as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

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

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

■ 2. In 28 CFR part 0, remove the words ''Land and Natural Resources Division'' and add, in their place, the words ''Environment and Natural Resources Division'' in the following places:

■ a. Section 0.45(a), (b) and (g);

■ b. Subpart L, consisting of §§ 0.65 through 0.69c.

■ c. Section 0.175(b); and

■ d. Subpart Y, consisting of § 0.160 through the Appendix to Subpart Y of Part 0.

■ 3. Section 0.160 is amended by revising paragraphs (a) introductory text and (b), redesignating paragraph (c) as paragraph (d), and adding new paragraph (c) to read as follows:

§ 0.160 Offers that may be accepted by Assistant Attorneys General.

(a) Subject to the limitations set forth in paragraph (d) of this section, Assistant Attorneys General are authorized, with respect to matters assigned to their respective divisions, to:

* * * * *

(b) Subject to the limitations set forth in paragraph (d) of this section, the Assistant Attorney General, Tax Division, is further authorized to accept offers in compromise of, or settle administratively, claims against the United States, regardless of the amount of the proposed settlement, in all cases in which the Joint Committee on Taxation has indicated that it has no adverse criticism of the proposed settlement.

(c) Subject to the limitations set forth in paragraph (d) of this section, the Assistant Attorney General, Environment and Natural Resources Division, is further authorized to approve settlements under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*, regardless of the amount of the proposed settlement, with:

(1) Parties whose contribution to contamination at a hazardous waste site is *de minimis* within the meaning of 42 U.S.C. 9622(g); or

(2) Parties whose responsibility can be equitably allocated and are:

(A) Paying at least the allocated amount; or

(B) Unable to pay the allocated amount as confirmed by a qualified financial expert.

* * * * *

Dated: September 16, 2008.

Michael B. Mukasey,

Attorney General.

[FR Doc. E8–22354 Filed 9–23–08; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2008–0761]

RIN 1625–AA08

Special Local Regulations for Marine Events; St. Leonard Creek, Patuxent River, Calvert County, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations during the ''War of 1812 North American Grand Tactical'', a marine event to be held September 21, 2008 on the waters of St. Leonard Creek and Patuxent River, Calvert County, MD. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily

restrict vessel traffic in a portion of St. Leonard Creek and the Patuxent River during the event.

DATES: This rule is effective from 7 a.m. to 3:30 p.m. on September 21, 2008.

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–2008–0761 and are available online at *www.regulations.gov*. This material is also available for inspection or copying at two locations: 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 and the Fifth Coast Guard District, Prevention Division, Room 416, 431 Crawford Street, Portsmouth, VA 23704 between 10 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call Dennis Sens, Project Manager, Fifth Coast Guard District, Inspections and Investigations Branch, at (757) 398–6204. 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 August 7, 2008, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations for Marine Events; St. Leonard Creek, Patuxent River, Calvert County, MD in the **Federal Register** (73 FR 45919). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard received notice of the event on July 18, 2008. The NPRM published on August 7, 2008, and the comment period expired on September 8, 2008. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of the event participants, support vessels, spectator craft and other vessels transiting the event area. However advance notifications will be made to users of the Patuxent River and St. Leonard Creek via marine information broadcast, local notice to mariners, commercial radio stations and area newspapers.

Background and Purpose

On September 21, 2008, the Jefferson Patterson Park and Museum will sponsor ''War of 1812 North American Grand Tactical'' on the waters of St. Leonard Creek and the Patuxent River, Calvert County, MD. The event will consist of four tall ships and several small boats that will re-enact sea battles in Maryland during the War of 1812. The regulated area originates along the northern shore of St. Leonard Creek, thence west to Petersons Point thence northwest along the shoreline of the Patuxent River adjacent to Jefferson Patterson Park and Museum and extends outward over the water within an approximately 500 yard arc. Due to the need for vessel control during the event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, spectators and other transiting vessels.

Discussion of Comments and Changes

The Coast Guard did not receive comments in response to the notice of proposed rulemaking (NPRM) published in the **Federal Register**. Accordingly, the Coast Guard is establishing temporary special local regulations on specified waters of the Patuxent River, and St. Leonard Creek, Calvert County, MD.

Regulatory Analyses

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

Regulatory Planning and Review

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

Although this regulation will prevent traffic from transiting a portion of St. Leonard Creek and Patuxent River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic may be able to transit the regulated area at slow speed when event activity is halted, when the Coast Guard Patrol Commander deems it is safe to do so.

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 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 effected portion of St. Leonard Creek and Patuxent River during the event.

Although this regulation prevents traffic from transiting a small segment of St. Leonard Creek and the Patuxent River during the event, this rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This rule would be in effect for only a limited period. Vessel traffic may be able to transit the regulated area when event activity is halted, when the Coast Guard Patrol Commander deems it is safe to do so. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call

1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 5100.1 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 under the Instruction that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation.

Under figure 2–1, paragraph (34)(h), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 100

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—REGATTAS AND MARINE PARADES

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35–T05–0761 to read as follows:

§ 100.35–T05–0761 St. Leonard Creek, Patuxent River, Calvert County, MD.

(a) *Definitions:* The following definitions apply to this section: (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Baltimore to act on his behalf.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all vessels participating in the War of 1812 Grand Tactical re-enactment under the auspices of a Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Baltimore.

(b) *Regulated area* includes the waters of the Patuxent River and St. Leonard Creek, Calvert County, MD, within the general vicinity of Petersons Point. The area is bounded on the east by a line drawn along longitude 076°30′00″ West, bounded on the south by a line drawn along latitude 38°23′00″ North, bounded on the west by a line drawn along longitude 076°31′20″ West and bounded on the north by the Patuxent River shoreline. All coordinates reference Datum NAD 1983.

(c) *Special local regulations:* (1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall: (i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the event area.

(d) *Effective period.* This section will be enforced from 7 a.m. to 3:30 p.m. on September 21, 2008.

Dated: September 15, 2008.

Fred M. Rosa, Jr.,

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

[FR Doc. E8–22429 Filed 9–23–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2007–0075]

RIN 1625–AA00

Safety Zone: Port of Ponce, Puerto Rico

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard has established both moving and fixed safety zones around all vessels carrying Liquefied Natural Gas (LNG) cargo in the waters of the Caribbean Sea and Bahia de Ponce, Puerto Rico. This rule is necessary to protect the public by minimizing the chance of collisions of vessels carrying this inherently dangerous and highly volatile material. This rule requires vessel traffic to maintain a safe distance from LNG vessels operating near or moored in Ponce, Puerto Rico.

DATES: This rule is effective October 24, 2008.

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–2007–0075 and are available online at *http://www.regulations.gov.* This material is also available for inspection or copying at two locations: 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 and the Sector San Juan, Prevention Operations Department, Waterways & Facilities Division, 5 La Puntilla, San Juan, PR 00901 between 7:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call Ensign Rachael Love of Sector San Juan, Prevention Operations Department at (787)–289–2071. 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:

Regulatory Information

On May 28, 2008, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Port of Ponce, Puerto Rico in the **Federal Register** (73 FR 30555). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

This rule is necessary to provide for the safety of life at sea by excluding vessel traffic from the waters immediately adjacent to LNG carriers. LNG in any quantity poses a risk of fire or explosion due to its highly volatile nature. LNG carried by tank ships in bulk quantities can be hazardous to a port if sufficient precaution is not taken to reduce this risk. The proposed rule would require vessel traffic to maintain a 100-yard separation from LNG vessels transiting the harbor and 150-foot separation from LNG vessels moored pierside. The purpose of this rule is to minimize the risk of vessel collision or allision with an LNG carrier, thereby reducing the risk of fire or explosion.

Discussion of Comments and Changes

No comments were received as a result of publishing the NPRM; therefore no changes have been made to the regulatory text.

Regulatory Analyses

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

Regulatory Planning and Review

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary due to the infrequent arrival of LNG carriers and the small amount of commercial vessel traffic in Bahia de Ponce.

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 transit a portion of Bahia de Ponce when an LNG vessel is transiting the harbor or moored at the Puerto de Ponce waterfront facility. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The Port of Ponce receives only a few commercial vessel arrivals per week, and recreational boating traffic can easily transit around the regulated area.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 5100.1 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 under the Instruction that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. 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, Safety measures, and 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; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.771 to read as follows:

§ 165.771 Safety Zone; Bahia de Ponce, Puerto Rico

(a) *Location.* The following area is established as a safety zone during the specified conditions:

(1) A 100 yard radius around any vessel carrying Liquefied Natural Gas (LNG) cargo while transiting north of Latitude 17°54′00″ N in the waters of the Caribbean Sea and the Bahia de Ponce, on approach to or departure from the Puerto de Ponce waterfront facility in Bahia de Ponce.

(2) The waters within 150 feet of any vessel carrying LNG cargo while moored at the Puerto de Ponce waterfront facility in Bahia de Ponce, between berths 4 and 7 at approximate position 17°58′12″N, 066°37′08″ W.

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

Designated Representative means Coast Guard Patrol Commander including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels and federal, state, and local officers designated by or assisting the COTP San Juan in the enforcement of the safety zone.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port or a designated representative. Persons and vessels desiring to transit the Regulated Area may contact the U.S. Coast Guard Captain of the Port San Juan at telephone number 787–289–2041 or on VHF channel 16 (156.9 MHz).

(d) *Enforcement periods.* The Coast Guard will notify the maritime community of effective periods via a broadcast notice to mariners on VHF Marine Band Radio, Channel 22A (156.8 MHz).

Dated: August 29, 2008.

E. Pino,

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

[FR Doc. E8–22410 Filed 9–23–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–0844]

RIN 1625–AA00

Safety Zone: Robert Moses Causeway Bridge State Boat Channel, Captree, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the State Boat Channel surrounding the Robert Moses Causeway located in Captree, New York. This safety zone is necessary to protect vessels transiting the area from hazards imposed by construction barges and equipment. Entry into this zone is prohibited unless authorized by the Captain of the Port Long Island Sound, New Haven, CT.

DATES: This rule will be effective from 12:01 a.m. on September 8, 2008 until 11:59 p.m on May 24, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–0844 and are available online at *http://www.regulations.gov*. They are also available for inspection or copying two locations: 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, and at Coast Guard Sector Long Island Sound, 120 Woodward Ave., New Haven, CT 06512 between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call LT Douglas Miller, Chief of Waterways Management, Coast Guard Sector Long Island Sound at 203–468–4569. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate work is needed to ensure the continued safe operation of the Robert Moses Causeway Bridge which in turn makes the publication of a notice of proposed rulemaking and associated comment period impractical as it would delay the needed repair and replacement work on the bridge.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. A delay or cancellation of this ongoing construction project is not in the public interest. In addition, this safety zone is necessary to ensure the safety of the maritime public and construction workers through the completion of this bridge construction project.

Background and Purpose

Currently, the New York Department of Transportation is repairing the existing bascule and associated machinery of the Robert Moses Causeway Bridge located over the State Boat Channel in Captree, NY; these modifications are needed to ensure the continued safe operation of the bridge. To complete the modifications on the bridge, barges will need to block the waterway during the course of the project. To ensure the continued safety of the boating community, the Coast Guard is establishing a safety zone in all navigable waters of State Boat Channel within 100-yards of the Robert Moses Causeway Bridge. This safety zone is necessary to protect the safety of the boating community who wish to utilize the State Boat channel. Vessels may utilize the Great South Bay or Jones Inlet as an alternative route to using the State Boat Channel, adding minimal additional transit time. Marine traffic may also transit safely outside of the safety zone during the effective dates thus allowing navigation in all other areas of the State Boat Channel, except the portion delineated by this rule.

Discussion of Rule

This regulation establishes a temporary safety zone on the State Boat Channel within 100-yards to either side of the Robert Moses Causeway Bridge. This action is intended to prohibit vessel traffic in a portion of the State Boat Channel within 100 yards of the Robert Moses Causeway Bridge in Captree, NY and to provide for the safety of the boating community due to the hazards posed by construction equipment located in the waterway during the repair of the existing span.

The effective period of this safety zone will be from 12:01 a.m. September 8, 2008 until 11:59 p.m. on May 24, 2009. Entry into this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

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 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.

This regulation may have some impact on the public, but the potential impact will be minimized for the following reasons: Vessels may transit in all areas of the State Boat Channel other than the area of the safety zone, and may utilize other routes with minimal increased transit time.

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 may be small entities: The owners or operators of vessels intending to transit in those portions of the State Boat Channel that are covered by the safety zone. For the reasons outlined in the Regulatory Evaluation section above, this rule will not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121], the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If this rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call LT Douglas Miller, Chief of Waterways Management, Sector Long Island Sound, at (203) 468–4596.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 5100.1 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 under the Instruction that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation as it establishes a safety zone. A final environmental analysis checklist and a final categorical exclusion determination will be 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, and 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 and 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.T01–0844 to read as follows:

§ 165.T01–0844 Safety Zone: Robert Mosses Causeway Bridge State Boat Channel, Captree, New York.

(a) *Location.* The following area is a safety zone: All navigable waters of the federal channel on the State Boat Channel in Captree, NY, from surface to bottom, within 100 yards to either side of the Robert Mosses Causeway Bridge.

(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) The general regulations contained in 33 CFR 165.23 apply.

(2) 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.

(3) All persons and vessels must comply with the Coast Guard Captain of the Port or the designated on-scene patrol personnel.

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

(5) Persons and vessels may request permission to enter the zone on VHF–16 or via phone at (203) 468–4401.

(d) *Effective Period.* This rule is effective from 12:01 a.m. on September 8, 2008 until 11:59 p.m on May 24, 2009.

Dated: September 5, 2008.

Daniel A. Ronan,

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

[FR Doc. E8–22416 Filed 9–23–08; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2008–0232; FRL–8382–2]

Aldicarb, Ametryn, 2,4-DB, Dicamba, Dimethipin, Disulfoton, Diuron, et al.; Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revoking certain tolerances for the insecticides/nematicides aldicarb, ethoprop, and oxamyl; the insecticides disulfoton, malathion, and methyl parathion; the miticide/acaricide propargite; the fungicides o-phenylphenol and its sodium salt, triadimefon, triadimenol, and ziram; the herbicides ametryn, dicamba, diuron, oxyfluorfen, and paraquat; the growth regulator/herbicide dimethipin; and the antimicrobial/insecticidal fumigant propylene oxide. Also, EPA is modifying certain tolerances for the insecticide/nematicide oxamyl; the insecticide fenitrothion; the miticide/acaricide propargite; the molluscicide metaldehyde; the fungicides triadimefon and tridemorph; the herbicides ametryn, 2,4-DB, dicamba, and diuron; and the antimicrobial/insecticidal fumigant propylene oxide. In addition, EPA is establishing tolerances for the insecticide/nematicide oxamyl; the molluscicide metaldehyde; the fungicides etridiazole and streptomycin; the herbicides 2,4-DB, dicamba, and diuron; and the antimicrobial/insecticidal fumigant propylene oxide and propylene chlorohydrin (a reaction product formed during the propylene oxide sterilization process). Finally, because tolerances expired in 2005, EPA is removing 40 CFR 180.167 for nicotine-containing compounds. The regulatory actions finalized in this document are in follow-up to the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and tolerance reassessment program under the Federal Food, Drug, and Cosmetic Act (FFDCA), section 408(q).

DATES: This regulation is effective September 24, 2008. Objections and requests for hearings must be received on or before November 24, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2008–0232. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Joseph Nevola, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8037; e-mail address: *nevola.joseph@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, 21 U.S.C. 436a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2008–0232 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before [*November 24, 2008*

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit your copies, identified by docket ID number EPA–HQ–OPP–2008–0232, by one of the following methods.

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Background

A. What Action is the Agency Taking?

In the **Federal Register** of June 4, 2008 (73 FR 31788) (FRL–8363–9), EPA issued a proposal to revoke, modify, and establish certain specific tolerances for residues of the insecticides/nematicides aldicarb, ethoprop, and oxamyl; the insecticides disulfoton, fenitrothion, malathion, and methyl parathion; the miticide/acaricide propargite; the molluscicide metaldehyde; the fungicides etridiazole, o-phenylphenol and its sodium salt, streptomycin, triadimefon, triadimenol, tridemorph, and ziram; the herbicides ametryn, 2,4-DB, dicamba, diuron, oxyfluorfen, and paraquat; the growth regulator/herbicide dimethipin; and the antimicrobial/insecticidal fumigant propylene oxide and its reaction product propylene chlorohydrin, and because tolerances expired in 2005, to remove 40 CFR 180.167 for nicotine-containing compounds. Also, the proposal of June 4, 2008 (73 FR 31788) provided a 60–day comment period which invited public comment for consideration and for support of tolerance retention under FFDCA standards.

In this final rule, EPA is revoking, modifying, and establishing specific tolerances for residues of aldicarb, ametryn, 2,4-DB, dicamba, dimethipin, disulfoton, diuron, ethoprop, etridiazole, fenitrothion, malathion, metaldehyde, methyl parathion, o-phenylphenol and its sodium salt, oxamyl, oxyfluorfen, paraquat, propargite, propylene oxide and propylene chlorohydrin, streptomycin, triadimefon, triadimenol, tridemorph, and ziram in or on commodities listed in the regulatory text of this document, and removing 40 CFR 180.167 for nicotine-containing compounds.

EPA is finalizing these tolerance actions in order to implement the tolerance recommendations made during the reregistration and tolerance reassessment processes (including follow-up on canceled or additional uses of pesticides). As part of these processes, EPA is required to determine whether each of the amended tolerances meets the safety standard of FFDCA. The safety finding determination of ''reasonable certainty of no harm'' is discussed in detail in each Reregistration Eligibility Decision (RED) and Report on FQPA Tolerance Reassessment Progress and Interim Risk Management Decision (TRED) for the active ingredient. REDs and TREDs recommend the implementation of certain tolerance actions, including modifications, to reflect current use patterns, to meet safety findings and change commodity names and groupings in accordance with new EPA policy. Printed copies of many REDs and TREDs may be obtained from EPA's National Service Center for Environmental Publications (EPA/NSCEP), P.O. Box 42419, Cincinnati, OH 45242–2419, telephone number: 1–800–490–9198; fax number: 1–513–489–8695; Internet at *http://www.epa.gov/ncepihom* and from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161, telephone number: 1–800–553–6847 or (703) 605–6000; Internet at *http://www.ntis.gov*. Electronic copies of REDs and TREDs are available on the Internet at *http://www.regulations.gov* and *http://www.epa.gov/pesticides/reregistration/status.htm*.

In this final rule, EPA is revoking certain tolerances and/or tolerance exemptions because either they are no longer needed or are associated with food uses that are no longer registered under FIFRA in the United States. Those instances where registrations were canceled were because the registrant failed to pay the required maintenance fee and/or the registrant voluntarily requested cancellation of one or more registered uses of the pesticide active ingredient. The tolerances revoked by this final rule are no longer necessary to cover residues of the relevant pesticides in or on domestically treated commodities or commodities treated outside but imported into the United States. It is EPA's general practice to issue a final rule revoking those tolerances and tolerance exemptions for residues of pesticide active ingredients on crop uses for which there are no active registrations under FIFRA, unless any person in comments on the proposal indicates a need for the tolerance or tolerance exemption to cover residues in or on imported commodities or legally treated domestic commodities.

EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States.

Generally, EPA will proceed with the revocation of these tolerances on the grounds discussed in Unit II.A. if one of the following conditions applies:

1. Prior to EPA's issuance of a FFDCA section 408(f) order requesting additional data or issuance of a FFDCA section 408(d) or (e) order revoking the tolerances on other grounds, commenters retract the comment identifying a need for the tolerance to be retained.

2. EPA independently verifies that the tolerance is no longer needed.

3. The tolerance is not supported by data that demonstrate that the tolerance meets the requirements under FQPA.

This final rule does not revoke those tolerances for which EPA received comments stating a need for the tolerance to be retained. In response to the proposal published in the **Federal Register** of June 4, 2008 (73 FR 31788), EPA received two comments during the 60–day public comment period, as follows:

i. *Triadimefon—Comment by Bayer CropScience*. EPA received a comment dated June 25, 2008 from Bayer CropScience which stated that for one product, Bayleton 50% Wettable Powder Fungicide (EPA Reg. No. 264-737), there is still product in the channels of trade with directions for use of triadimefon on apples, grapes, pears, and raspberries. Also, Bayer CropScience asked that the tolerances related to these specific uses not be revoked, but be maintained to cover their uses.

Agency response. In a follow-up conversation with the Agency on July 21, 2008, the commenter clarified that Bayer's knowledge of any Bayleton 50% Wettable Powder Fungicide product from persons other than the registrant in the channels of trade was as of June 2007, but not since that time. Upon the Agency's request, Bayer CropScience agreed to check if it had any more recent information for that specific product. On July 25, 2008, Bayer CropScience confirmed to the Agency that there was existing Bayleton 50% Wettable Powder Fungicide product (EPA Reg. No. 264-737) from persons other than the registrant who expressed to Bayer that it would take about 18 months for existing stocks of that product to clear the channels of trade.

Consequently, due to Bayer's comment and updated information, EPA is changing the revocation date of the tolerances in 40 CFR 180.410(a) on apple; apple, wet pomace; grape; and pear; and the regional tolerance in 40 CFR 180.410(c) on raspberry, each with an expiration/revocation date of July 25, 2010, which the Agency believes allows sufficient time for existing stocks of Bayleton 50% Wettable Powder Fungicide (EPA Reg. No. 264-737) to be sold, distributed, and exhausted by end-users, and for treated commodities to have cleared the channels of trade.

Also, because EPA is not revoking the tolerance in 40 CFR 180.410(c) on raspberry on the date of publication of the final rule, so that the tolerance will remain in effect an extra approximately two years, and because the Agency determined that residues of concern for all raw agricultural commodities are triadimefon and triadimenol, the Agency is revising the introductory text of 40 CFR 180.410(c) as follows: Tolerances with regional registrations, as defined in §180.1(m), are established for the combined residues of the fungicide triadimefon, 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and triadimenol, β-(4-chlorophenoxy)-α-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol, expressed as triadimefon, in or on the following food commodities.

Triadimefon is not registered for use as a direct livestock treatment and with the publication of a product cancellation order in the **Federal Register** of June 25, 2008 (73 FR 36080)(FRL–8368–7) for Bayleton 50 Turf and Ornamental Fungicide in WSP and Bayleton 50 WP Fungicide (EPA Reg. No. 432-1294), there are now no active registered feed item uses of triadimefon. Although wet apple pomace is a feed item for cattle, goats, horses, and sheep, and given the Agency's response to Bayer's comments that EPA is revoking the tolerances in 40 CFR 180.410(a) on apple and apple, wet pomace with expiration/revocation dates of July 25, 2010, the Agency reiterates its determination, as stated in the **Federal Register** of June 4, 2008 (73 FR 31788), that based on available ruminant exaggerated feeding data at 125x Maximum Theoretical Dietary Burden for cattle, there is no reasonable expectation of finite triadimefon residues of concern in milk and tissues of cattle, goats, horses, and sheep, and that their tolerances are no longer needed under 40 CFR 180.6(a)(3). Therefore, with the exception of the change that EPA is making with regard to the revocation date for tolerances on apple; apple, wet pomace; grape; pear; and raspberry for combined triadimefon residues of concern in 40 CFR 180.410, EPA is finalizing the amendments proposed concerning triadimefon in the **Federal Register** of June 4, 2008 (73 FR 31788). For a detailed discussion of the Agency's rationale for the establishments, revocations, and modifications to the tolerances for combined triadimefon residues of concern in 40 CFR 180.410, refer to the proposed rule of June 4, 2008.

ii. *Oxamyl—Comment by DuPont Crop Protection*. EPA received a comment from DuPont Crop Protection which requested that the Agency not decrease the individual tolerances in 40 CFR 180.303 for the combined oxamyl residues of concern on winter squash and pumpkin from 2.0 to 0.2 ppm. In addition, the commenter stated that because there was some interest in the use of oxamyl on some minor crops contained in the cucurbit vegetable crop group and individual tolerances currently exist in 40 CFR 180.303 on winter squash, pumpkin, cucumber, summer squash, cantaloupe, honeydew melon, and watermelon, each at 2.0 ppm, a crop group tolerance could be established for vegetable, cucurbit, group 9 at 2.0 ppm. The commenter stated that the minor crops would be insignificant dietary contributors and that the existing individual tolerances should be converted to a crop group tolerance.

Agency response. EPA will not take action on the tolerances for winter squash and pumpkin in 40 CFR 180.303 at this time based on the comment. The Agency will respond to the DuPont comment in a future notice to be published in the **Federal Register**. However, the Agency is finalizing the other amendments for oxamyl in the **Federal Register** of June 4, 2008 (73 FR 31788). For a detailed discussion of the Agency's rationale for the establishments, revocations, and modifications to the tolerances for combined oxamyl residues of concern in 40 CFR 180.303, refer to the proposed rule of June 4, 2008.

The Agency did not receive any specific comments, during the 60–day comment period, on the following pesticide active ingredients:

Aldicarb, ametryn, 2,4-DB, dicamba, dimethipin, disulfoton, diuron, ethoprop, etridiazole, fenitrothion, malathion, metaldehyde, methyl parathion, o-phenylphenol and its sodium salt, oxyfluorfen, paraquat, propargite, propylene oxide and propylene chlorohydrin, streptomycin, triadimenol, tridemorph, ziram, and nicotine-containing compounds. The codification section in the proposed rule regarding 40 CFR 180.106 inadvertently mentioned that the Agency was revising paragraph (b). This was a clerical error; EPA did not intend to revise paragraph (b). Therefore, EPA is finalizing the amendments proposed concerning these active ingredients in the **Federal Register** of June 4, 2008 (73 FR 31788). For a detailed discussion of the Agency's rationale for the establishments, revocations, and modifications to the tolerances, refer to the proposed rule of June 4, 2008.

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

EPA may issue a regulation establishing, modifying, or revoking a tolerance under FFDCA section 408(e). In this final rule, EPA is establishing, modifying, and revoking tolerances to implement the tolerance recommendations made during the reregistration and tolerance reassessment processes, and as follow-up on canceled uses of pesticides. As part of these processes, EPA is required to determine whether each of the amended tolerances meets the safety standards under FFDCA. The safety finding determination is found in detail in each post-FQPA RED and TRED for the active ingredient. REDs and TREDs recommend the implementation of

certain tolerance actions, including modifications to reflect current use patterns, to meet safety findings, and change commodity names and groupings in accordance with new EPA policy. Printed and electronic copies of the REDs and TREDs are available as provided in Unit II.A.

EPA has issued post-FQPA REDs for aldicarb, ametryn, 2,4-DB, dicamba, dimethipin, disulfoton, diuron, ethoprop, etridiazole, fenitrothion, malathion, metaldehyde, methyl, parathion, o-phenylphenol and its sodium salt, oxamyl, oxyfluorfen, paraquat, propargite, propylene oxide, triadimefon, and ziram, and TREDs for diuron, streptomycin, triadimenol, and tridemorph. REDs and TREDs contain the Agency's evaluation of the database for these pesticides, including statements regarding additional data on the active ingredients that may be needed to confirm the potential human health and environmental risk assessments associated with current product uses, and REDs state conditions under which these uses and products will be eligible for reregistration. The REDs and TREDs recommended the establishment, modification, and/or revocation of specific tolerances. RED and TRED recommendations such as establishing or modifying tolerances, and in some cases revoking tolerances, are the result of assessment under the FFDCA standard of ''reasonable certainty of no harm.'' However, tolerance revocations recommended in REDs and TREDs that are made final in this document do not need such assessment when the tolerances are no longer necessary.

EPA's general practice is to revoke tolerances for residues of pesticide active ingredients on crops for which FIFRA registrations no longer exist and on which the pesticide may therefore no longer be used in the United States. EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States. Nonetheless, EPA will establish and maintain tolerances even when corresponding domestic uses are canceled if the tolerances, which EPA refers to as ''import tolerances,'' are necessary to allow importation into the United States of food containing such pesticide residues. However, where there are no imported commodities that require these import tolerances, the Agency believes it is appropriate to revoke tolerances for unregistered pesticides in order to prevent potential misuse.

When EPA establishes tolerances for pesticide residues in or on raw agricultural commodities, the Agency gives consideration to possible pesticide residues in meat, milk, poultry, and/or eggs produced by animals that are fed agricultural products (for example, grain or hay) containing pesticides residues (40 CFR 180.6). If there is no reasonable expectation of finite pesticide residues in or on meat, milk, poultry, or eggs, then tolerances do not need to be established for these commodities (40 CFR 180.6(b) and 180.6 (c)).

C. When Do These Actions Become Effective?

With the exception of specific tolerance revocations for dimethipin, methyl parathion, and triadimefon for which EPA is revoking with specific expiration/revocation dates, the Agency is revoking, modifying, and establishing specific tolerances, and revising specific commodity terminologies effective on the date of publication of this final rule in the **Federal Register**. With the exception of the specific tolerances for dimethipin, methyl parathion, and triadimefon, the Agency believes that existing stocks of pesticide products labeled for the uses associated with the revoked tolerances have been completely exhausted and that treated commodities have had sufficient time for passage through the channels of trade. EPA is revoking certain specific tolerances with expiration/revocation dates of May 31, 2010 for dimethipin (meat and meat byproducts of cattle, goat, hog, horse, and sheep, and cotton, undelinted seed), January 24, 2009 for methyl parathion (bean, dry, seed; beet, sugar, roots; beet, sugar, tops; cabbage; hop, dried cones; pea, dry, seed; and pecan), and July 25, 2010 for triadimefon (apple; apple, wet pomace; grape; pear; and raspberry), respectively. The Agency believes that these revocation dates allow users to exhaust stocks and allows sufficient time for passage of treated commodities through the channels of trade.

Any commodities listed in the regulatory text of this document that are treated with the pesticides subject to this final rule, and that are in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by FQPA. Under this unit, any residues of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of the Food and Drug Administration that:

1. The residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA.

2. The residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

III. Are There Any International Trade Issues Raised by this Final Action?

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international Maximum Residue Limits (MRLs) established by the Codex Alimentarius Commission, as required by section 408(b)(4) of FFDCA. The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level in a notice published for public comment. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual REDs and TREDs, and in the Residue Chemistry document which supports the RED and TRED, as mentioned in the proposed rule cited in Unit II.A. Specific tolerance actions in this rule and how they compare to Codex MRLs (if any) is discussed in Unit II.A.

IV. Statutory and Executive Order Reviews

In this final rule, EPA establishes tolerances under FFDCA section 408(e), and also modifies and revokes specific tolerances established under FFDCA section 408. The Office of Management and Budget (OMB) has exempted these types of actions (i.e., establishment and modification of a tolerance and tolerance revocation for which extraordinary circumstances do not exist) from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not

contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–13, section 12(d) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency previously assessed whether establishment of tolerances, exemptions from tolerances, raising of tolerance levels, expansion of exemptions, or revocations might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. These analyses for tolerance establishments and modifications, and for tolerance revocations were published on May 4, 1981 (46 FR 24950) and on December 17, 1997 (62 FR 66020) (FRL–5753–1), respectively, and were provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticides listed in this rule, the Agency hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities. In a memorandum dated May 25, 2001, EPA determined that eight conditions must all be satisfied in order for an import tolerance or tolerance exemption revocation to adversely affect a significant number of small entity importers, and that there is a negligible joint probability of all eight conditions holding simultaneously with respect to any particular revocation. (This Agency document is available in the docket of the proposed rule, as mentioned in Unit II.A.). Furthermore, for the pesticides named in this final rule, the Agency knows of no extraordinary circumstances that exist as to the present revocations that would change EPA's previous analysis. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this 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: September 15, 2008.

Debra Edwards,

Director, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

§ 180.3 [Amended]

■ 2. Section 180.3 is amended by removing paragraph (d)(13) and redesignating paragraph (d)(14) as (d)(13).

■ 3. Section 180.106 is amended by revising paragraph (a) and the table in paragraph (c), to read as follows:

§ 180.106 Diuron; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the herbicide diuron, 3-(3,4-dichlorophenyl)-1,1-dimethylurea and its metabolites convertible to 3,4-dichloroaniline in or on food commodities, as follows:

Commodity	Parts per million
Alfalfa, forage	3.0
Alfalfa, hay	2.0
Apple	0.1
Artichoke, globe	1
Asparagus	7
Banana	0.1
Berry group 13	0.1
Cattle, fat	1
Cattle, meat	1
Cattle, meat byproducts	1
Citrus, oil	3.0
Corn, field, grain	0.1

Commodity	Parts per million
Corn, pop, grain	0.1
Cotton, undelinted seed	0.2
Fish – freshwater finfish, farm raised	2.0
Fruit, citrus, group 10, except lemon	0.05
Goat, fat	1
Goat, meat	1
Goat, meat byproducts	1
Grain, aspirated fractions	5.0
Grape	0.05
Grass, forage, except bermudagrass	2
Grass, hay, except bermudagrass	2
Hazelnut	0.1
Hog, fat	1
Hog, meat	1
Hog, meat byproducts	1
Horse, fat	1
Horse, meat	1
Horse, meat byproducts	1
Lemon	0.5
Nut, macadamia	0.05
Olive	1
Papaya	0.5
Peach	0.1
Pear	1
Pea, field, seed	0.1
Pea, field, vines	2
Pea, field, hay	2
Pecan	0.05
Peppermint, tops	1.5
Pineapple	0.1
Pineapple, process residue	0.4
Sheep, fat	1
Sheep, meat	1
Sheep, meat byproducts	1
Sorghum, grain, forage	2
Sorghum, grain, grain	0.5
Sorghum, grain, stover	2

Commodity	Parts per million
Spearmint, tops	1.5
Sugarcane, cane	0.2
Sugarcane, molasses	0.7
Walnut	0.05
Wheat, bran	0.7
Wheat, forage	2
Wheat, grain	0.5
Wheat, hay	2
Wheat, straw	1.5

* * * * *

(c) * * *

Commodity	Parts per million
Barley, bran	0.7
Barley, grain	0.2
Barley, hay	2
Barley, straw	1.5
Cactus	0.05
Clover, forage	0.1
Clover, hay	1.0
Oat, forage	2
Oat, grain	0.1
Oat, hay	2
Oat, straw	1.5
Trefoil, forage	0.1
Trefoil, hay	1.5
Vetch, forage	0.1
Vetch, hay	1.5

* * * * *

§180.111 [Amended]

■ 4. Section 180.111 is amended by removing the entries for flax, straw; lespedeza, seed; lespedeza, straw; vetch, seed; and vetch, straw from the table in paragraph (a)(1).

■ 5. Section 180.116 is amended by revising the table in paragraph (a) and footnote 1, to read as follows:

§180.116 Ziram; tolerances for residues.

(a) * * *

Commodity	Parts per million
Almond	0.1[1]
Apple	7.0[1]
Apricot	7.0[1]
Blackberry	7.0[1]
Blueberry	7.0[1]
Cherry, sweet	7.0[1]
Cherry, tart	7.0[1]
Grape	7.0
Huckleberry	7.0
Peach	7.0
Pear	7.0[1]
Pecan	0.1
Quince	7.0[1]
Strawberry	7.0
Tomato	7.0[1]

[1] Some of these tolerances were established on the basis of data acquired at the public hearings held in 1950 (formerly §180.101) and the remainder were established on the basis of pesticide petitions presented under the procedure specified in the amendment to the Federal Food, Drug, and Cosmetic Act by Public Law 518, 83d Congress (68 Stat. 511).

* * * * *

■ 6. Section 180.121 is amended by revising the table in paragraph (a) to read as follows:

§180.121 Methyl parathion; tolerances for residues.

(a) * * *

Commodity	Parts per million	Expiration/Revocation Date
Alfalfa, forage	1.25	None
Alfalfa, hay	5.0	None
Almond	0.1	None
Almond, hulls	3.0	None
Barley	1.0	None
Bean, dry, seed	1.0	1/24/09
Beet, sugar, roots	0.1	1/24/09
Beet, sugar, tops	0.1	1/24/09
Cabbage	1.0	1/24/09
Corn	1.0	None
Corn, field, forage	1.0	None
Corn, sweet, forage	1.0	None
Cotton, undelinted seed	0.75	None
Grass, forage	1.0	None
Hop, dried cones	1.0	1/24/09
Oat	1.0	None
Onion	1.0	None
Peanut	1.0	None
Pea, dry, seed	1.0	1/24/09
Pea, field, vines	1.0	None
Pecan	0.1	1/24/09
Potato	0.1	None
Rapeseed, seed	0.2	None
Rice, grain	1.0	None
Soybean, seed	0.1	None
Soybean, hay	1.0	None
Sunflower, seed	0.2	None
Sweet potato, roots	0.1	None
Walnut	0.1	None

Commodity	Parts per million	Expiration/Revocation Date
Wheat	1.0	None

* * * * *

■ 7. Section 180.129 is revised to read as follows:

§180.129 o-Phenylphenol and its sodium salt; tolerances for residues.

(a) *General.* Tolerances are established for combined residues of the fungicide o-phenylphenol and sodium o-phenylphenate, each expressed as o-phenylphenol, from postharvest application of either in or on the following food commodities:

Commodity	Parts per million
Apple	25
Cantaloupe (NMT 10 ppm in edible portion)	125
Carrot, roots	20
Cherry	5
Citrus fruits	10
Cucumber	10
Lemon	10
Nectarine	5
Orange	10
Pepper, bell	10
Peach	20
Pear	25.0
Pineapple	10
Plum, prune, fresh	20
Sweet potato, roots	15
Tomato	10

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 180.167 [Removed]

■ 8. Section 180.167 is removed.

■ 9. Section 180.183 is amended by revising the table in paragraph (a) to read as follows:

§180.183 O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate; tolerances for residues.

(a) * * *

Commodity	Parts per million
Barley, grain	0.75
Barley, straw	5.0
Bean, lima	0.75
Bean, snap, succulent	0.75
Broccoli	0.75
Brussels sprouts	0.75
Cabbage	0.75
Cauliflower	0.75
Coffee, bean	0.3
Cotton, undelinted seed	0.75
Lettuce	0.75
Peanut	0.75
Pea, dry, seed	0.75
Pea, field, vines	5.0
Pea, succulent	0.75
Pepper	0.1
Potato	0.75
Spinach	0.75
Tomato	0.75
Wheat, hay	5.0
Wheat, grain	0.3
Wheat, straw	5.0

* * * * *

§180.205 [Amended]

■ 10. Section 180.205 is amended by removing the entries for bean, dry, seed; bean, lima, succulent; bean, snap, succulent; cucurbits; nut; pea, dry, seed; and pea, succulent from the table in paragraph (a).

■ 11. Section 180.227 is amended by revising the tables in paragraphs (a)(1), (a)(2), and (a)(3) to read as follows:

§180.227 Dicamba; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
Barley, grain	6.0
Barley, hay	2.0
Barley, straw	15.0
Corn, field, forage	3.0
Corn, field, grain	0.1
Corn, field, stover	3.0
Corn, pop, grain	0.1
Corn, pop, stover	3.0
Corn, sweet, forage	0.50
Corn, sweet, kernel plus cob with husks removed	0.04
Corn, sweet, stover	0.50
Cotton, undelinted seed	0.2
Grass, forage, fodder and hay, group 17, forage	125.0
Grass, forage, fodder and hay, group 17, hay	200.0
Millet, proso, forage	90.0
Millet, proso, grain	2.0
Millet, proso, hay	40.0
Millet, proso, straw	30.0
Oat, forage	90.0
Oat, grain	2.0
Oat, hay	40.0
Oat, straw	30.0
Rye, forage	90.0
Rye, grain	2.0
Rye, straw	30.0
Sorghum, grain, forage	3.0
Sorghum, grain, grain	4.0
Sorghum, grain, stover	10.0
Sugarcane, cane	0.1
Sugarcane, molasses	2.0
Wheat, forage	90.0
Wheat, grain	2.0
Wheat, hay	40.0
Wheat, straw	30.0

(2) * * *

Commodity	Parts per million
Asparagus	4.0
Cattle, fat	0.3
Cattle, kidney	25.0
Cattle, meat	0.25
Cattle, meat byproducts, except kidney	3.0
Goat, fat	0.3
Goat, kidney	25.0
Goat, meat	0.25
Goat, meat byproducts, except kidney	3.0
Hog, fat	0.3
Hog, kidney	25.0
Hog, meat	0.25
Hog, meat byproducts, except kidney	3.0
Horse, fat	0.3
Horse, kidney	25.0
Horse, meat	0.25
Horse, meat byproducts, except kidney	3.0
Milk	0.2
Sheep, fat	0.3
Sheep, kidney	25.0
Sheep, meat	0.25
Sheep, meat byproducts, except kidney	3.0

(3) * * *

Commodity	Parts per million
Grain, aspirated fractions	1000
Soybean, hulls	30.0
Soybean, seed	10.0

* * * * *

■ 12. Section 180.245 is amended by revising paragraph (a)(1) to read as follows:

§180.245 Streptomycin; tolerances for residues.

(a)(1) Tolerances are established for residues of the fungicide streptomycin in or on food commodities as follows:

Commodity	Parts per million
Bean, dry, seed	0.5
Bean, succulent	0.5
Fruit, pome, group 11	0.25

* * * * *

■ 13. Section 180.258 is amended by revising the table in paragraph (a), and by removing the text from paragraph (c) and reserving the paragraph designation and heading to read as follows:

§180.258 Ametryn; tolerances for residues.

(a) * * *

Commodity	Parts per million
Banana	0.25
Corn, field, forage	0.1
Corn, field, grain	0.05
Corn, field, stover	0.05
Corn, pop, grain	0.05
Corn, pop, stover	0.05
Corn, sweet, forage	0.5
Corn, sweet, kernel plus cob with husks removed	0.25
Corn, sweet, stover	0.5
Pineapple	0.05
Sugarcane, cane	0.05

* * * * *

(c) *Tolerances with regional registrations.* [Reserved]

* * * * *

■ 14. Section 180.259 is amended by revising the table in paragraph (a) to read as follows:

§180.259 Propargite; tolerances for residues.

(a) * * *

Commodity	Parts per million
Almond	0.1
Almond, hulls	55.0
Bean, dry, seed	0.2
Cattle, fat	0.1
Cattle, meat	0.1
Cattle, meat byproducts	0.1
Citrus, oil	30.0
Corn, field, forage	10.0
Corn, field, grain	0.1
Corn, field, stover	10.0
Corn, pop, grain	0.1
Corn, pop, stover	10.0
Corn, sweet, forage	10.0
Corn, sweet, stover	10.0
Cotton, undelinted seed	0.1
Egg	0.1
Goat, fat	0.1
Goat, meat	0.1
Goat, meat byproducts	0.1
Grain, aspirated fractions	0.4
Grape	10.0
Grapefruit	5.0
Hog, fat	0.1
Hog, meat	0.1
Hog, meat byproducts	0.1
Hop, dried cones	100.0
Horse, fat	0.1
Horse, meat	0.1
Horse, meat byproducts	0.1
Lemon	5.0
Milk, fat (0.08 ppm in milk)	2.0
Nectarine	4.0
Orange	10.0
Peanut	0.1
Peppermint, tops	50.0
Poultry, fat	0.1
Potato	0.1
Sheep, fat	0.1
Sheep, meat	0.1
Sheep, meat byproducts	0.1
Sorghum, grain, forage	10.0
Sorghum, grain, grain	5.0
Sorghum, grain, stover	10.0
Spearmint, tops	50.0
Tea, dried	10.0
Walnut	0.1

* * * * *

§180.262 [Amended]

■ 15. Section 180.262 is amended by removing the entries for peanut and peanut, hay from the table in paragraph (a).

§180.269 [Amended]

■ 16. Section 180.269 is amended by removing the entries for sugarcane, forage and sugarcane, stover from the table in paragraph (a).

■ 17. Section 180.303 is revised to read as follows:

§180.303 Oxamyl; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the insecticide oxamyl, methyl *N,N*-dimethyl-*N*-[(methylcarbamoyl)-oxy]-1-thiooxamimidate, and its oxime metabolite methyl *N,N*-dimethyl-*N*-hydroxy-1-thiooxamimidate calculated as oxamyl in or on the following food commodities:

Commodity	Parts per million
Apple	2
Banana	0.3
Cantaloupe	2.0
Carrot	0.1
Celery	10.0
Cotton, undelinted seed	0.2
Cucumber	2.0
Eggplant	2.0
Fruit, citrus, group 10	3
Garlic, bulb	0.2
Melon, honeydew	2.0
Onion, bulb	0.2
Peanut	0.05
Peanut, hay	2.0
Pear	2.0
Peppermint, tops	10.0
Pepper, bell	2.0
Pepper, nonbell	5.0
Pineapple	1
Pineapple, process residue	2.0
Pumpkin	2.0
Soybean, seed	0.1
Spearmint, tops	10.0
Squash, summer	2.0
Squash, winter	2.0
Tomato	2
Vegetable, tuberous and corm, subgroup 1C	0.1
Watermelon	2.0

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

■ 18. Section 180.331 is revised to read as follows:

§180.331 4-(2,4-Dichlorophenoxy) butyric acid; tolerances for residues.

(a) *General.* Tolerances are established for residues of the herbicide 4-(2,4-dichlorophenoxy) butyric acid (2,4-DB), both free and conjugated, determined as the acid, in or on food commodities, as follows:

Commodity	Parts per million
Alfalfa, forage	0.7
Alfalfa, hay	2.0
Cattle, meat byproducts	0.05
Clover	0.2
Goat, meat byproducts	0.05
Hog, meat byproducts	0.05
Horse, meat byproducts	0.05
Peanut	0.2
Peppermint, tops	0.2
Sheep, meat byproducts	0.05
Soybean, forage	0.7
Soybean, hay	2.0
Soybean, seed	0.5
Spearmint, tops	0.2
Trefoil, forage	0.7
Trefoil, hay	2.0

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

■ 19. Section 180.370 is amended by alphabetically adding an entry for the commodity peanut, hay to the table in paragraph (a), to read as follows:

§180.370 5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * *	*
Peanut, hay	0.1
* * * *	*

* * * * *

■ 20. Section 180.372 is revised to read as follows:

§180.372 2,6-Dimethyl-4-tridecylmorpholine; tolerances for residues.

(a) *General.* A tolerance is established for residues of the fungicide 2,6-dimethyl-4-tridecylmorpholine in or on the following food commodity:

Commodity	Parts per million
Banana[1]	1.0

[1] There are no U.S. registrations.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§180.381 [Amended]

■ 21. Section 180.381 is amended by removing the entry for corn, pop, grain from the table in paragraph (a).

■ 22. Section 180.406 is amended by revising the table in paragraph (a) to read as follows:

§180.406 Dimethipin; tolerances for residues.

(a) * * *

Commodity	Parts per million	Expiration/Revocation Date
Cattle, meat	0.01	5/31/10
Cattle, meat byproducts	0.01	5/31/10
Cotton, undelinted seed	0.50	5/31/10
Goat, meat	0.01	5/31/10
Goat, meat byproducts	0.01	5/31/10
Hog, meat	0.01	5/31/10
Hog, meat byproducts	0.01	5/31/10
Horse, meat	0.01	5/31/10
Horse, meat byproducts	0.01	5/31/10
Sheep, meat	0.01	5/31/10
Sheep, meat byproducts	0.01	5/31/10

* * * * *

■ 23. Section 180.410 is revised to read as follows:

§180.410 Triadimefon; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the fungicide triadimefon, 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone, and triadimenol, β-(4-chlorophenoxy)-α-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol, expressed as triadimefon, in or on the following food commodities:

Commodity	Parts per million	Expiration/Revocation Date
Apple	1.0	7/25/10
Apple, wet pomace	4.0	7/25/10
Grape	1.0	7/25/10
Pear	1.0	7/25/10
Pineapple	2.0	None

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* Tolerances with regional registrations, as defined in § 180.1(m), are established for the combined residues of the fungicide triadimefon, 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone, and triadimenol, β-(4-chlorophenoxy)-α-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol, expressed as triadimefon, in or on the following food commodities:

Commodity	Parts per million	Expiration/Revocation Date
Raspberry	2.0	7/25/10

(d) *Indirect or inadvertent residues.* [Reserved]

■ 24. Section 180.450 is revised to read as follows:

§180.450 Beta-(4-Chlorophenoxy)-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the fungicide β-(4-chlorophenoxy)-α-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol (triadimenol) and its butanediol metabolite, 4-(4-chlorophenoxy)-2,2-dimethyl-4-(1*H*-1,2,4-triazol-l-yl)-1,3-butanediol, calculated as triadimenol, in or on the following commodities:

Commodity	Parts per million
Banana [1]	0.2
Barley, grain	0.05
Barley, straw	0.2
Corn, field, forage	0.05
Corn, field, grain	0.05
Corn, field, stover	0.05
Corn, pop, grain	0.05
Corn, pop, stover	0.05
Corn, sweet, forage	0.05
Corn, sweet, kernel plus cob with husks removed	0.05
Corn, sweet, stover	0.05
Cotton, undelinted seed	0.02
Oat, forage	2.5
Oat, grain	0.05
Oat, straw	0.2
Rye, forage	2.5
Rye, grain	0.05
Rye, straw	0.1
Sorghum, forage, hay	0.05
Sorghum, grain, grain	0.01
Sorghum, grain, stover	0.01
Wheat, forage	2.5
Wheat, grain	0.05

Commodity	Parts per million
Wheat, straw	0.2

[1] There are no U.S. registrations for banana (whole) as of September 22, 1993.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

■ 25. Section 180.491 is amended by revising the tables in paragraphs (a)(1) and (a)(2) to read as follows:

§180.491 Propylene oxide; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
Cacao bean, dried bean	200
Cacao bean, cocoa powder	200
Fig	3.0
Garlic, dried	300
Grape, raisin	1.0
Herbs and spices, group 19, dried	300
Nut, tree, group 14	300
Onion, dried	300
Plum, prune, dried	2.0

(2) * * *

Commodity	Parts per million
Basil, dried leaves	6000
Cacao bean, dried bean	20.0
Cacao bean, cocoa powder	20.0
Fig	3.0
Garlic, dried	6000
Grape, raisin	4.0
Herbs and spices, group 19, dried, except basil	1500
Nut, tree, group 14	10.0
Onion, dried	6000
Plum, prune, dried	2.0

* * * * *

■ 26. Section 180.523 is revised to read as follows:

§180.523 Metaldehyde; tolerances for residues.

(a) *General.* Tolerances are established for residues of the molluscicide metaldehyde in or on food commodities, as follows:

Commodity	Parts per million
Artichoke, globe	0.07
Berry group 13	0.15
Cactus	0.07
Fruit, citrus, group 10	0.26
Lettuce	1.73
Strawberry	6.25
Tomato	0.24
Vegetable, brassica, leafy, group 5	2.5
Watercress	3.2

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

■ 27. Section 180.540 is revised to read as follows:

§180.540 Fenitrothion; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide fenitrothion, *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphorothioate, from the postharvest application of the insecticide to stored wheat in Australia, in or on the following food commodity:

Commodity	Parts per million
Wheat, gluten[1]	3.0

[1] There are no U.S. registrations on food commodities since 1987.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2008–0405; FRL–8368–8]

Pendimethalin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of the herbicide pendimethalin, [N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine], and its metabolite, 4-[(1-ethylpropyl) amino]-2-methyl-3,5-dinitrobenzyl alcohol, in or on crayfish at 0.05 parts per million (ppm), and cotton gin byproducts at 3.0 ppm. BASF Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 24, 2008. Objections and requests for hearings must be received on or before November 24, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2008–0405. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in 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: Jim Tompkins, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5697; e-mail address: *tompkins.jim@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide

for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2008–0405 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before November 24, 2008.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA–HQ–OPP–2008–0405, 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's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Petition for Tolerance

In the **Federal Register** of June 13, 2008 (73 FR 33814) (FRL–8367–3), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6F7098) by BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. The petition requested that 40 CFR 180.361 be amended by establishing tolerances for combined residues of the herbicide pendimethalin, N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine, and its metabolite, 4-[(1-ethylpropyl) amino]-2-methyl-3,5-dinitrobenzyl alcohol, in or on crayfish at 0.05 ppm, and cotton byproducts at 3.0 ppm. That notice referenced a summary of the petition prepared by BASF Corporation, the registrant, which is available to the public in the docket, *http://www.regulations.gov*. No comments were received on the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

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

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerances for combined residues of the herbicide pendimethalin, N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine, and its metabolite, 4-[(1-ethylpropyl) amino]-2-methyl-3,5-dinitrobenzyl alcohol, in or on the raw agricultural commodity crayfish at 0.05 ppm, and cotton byproducts at 3.0 ppm. EPA's assessment of exposures and risks associated with establishing tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Pendimethalin has low acute oral, dermal, and inhalation toxicity. The thyroid is a target organ for pendimethalin in chronic studies. Thyroid toxicity in chronic and subchronic rat and mouse studies was manifested as alterations in thyroid hormones (decreased Total T4, and T3, increased percent of free T4 and T3) increased thyroid weight, and microscopic thyroid lesions (including increased thyroid follicular cell height, follicular cell hyperplasia, as well as follicular cell adenomas).

The data provided no indication of increased susceptibility following pre-/postnatal exposure in the two-generation reproduction study in rats. Pendimethalin is classified as a ''Group C'', possible human carcinogen, chemical based on a statistically significant increased trend and pair-wise comparison between the high dose group and controls for thyroid follicular cell adenomas in male and female rats. A non-quantitative cancer risk assessment approach is being followed since mode of action studies are available that demonstrate that the thyroid tumors are due to a thyroid-pituitary imbalance, and also since pendimethalin was shown to be non-mutagenic in mammalian somatic cells and germ cells. The chronic risk assessment is considered to be protective of any cancer effects.

B. Toxicological Endpoints

For hazards that have a threshold below which there is no appreciable risk, a toxicological point of departure (POD) is identified as the basis for derivation of reference values for risk assessment. The POD may be defined as the highest dose at which no adverse effects are observed (the NOAEL) in the toxicology study identified as appropriate for use in risk assessment. However, if a NOAEL cannot be determined, the lowest dose at which adverse effects of concern are identified (the LOAEL) or a Benchmark Dose (BMD) approach is sometimes used for risk assessment. Uncertainty/safety factors (UFs) are used in conjunction with the POD to take into account uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. Safety is assessed for acute and chronic dietary risks by comparing aggregate food and water exposure to the pesticide to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). The aPAD and cPAD are calculated by dividing the POD by all applicable UFs. Aggregate short-, intermediate-, and chronic-term risks are evaluated by comparing food, water, and residential exposure to the POD to ensure that the margin of exposure (MOE) called for by the product of all applicable UFs is not exceeded. This latter value is referred to as the Level of Concern (LOC).

For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect greater than that expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm*.

A summary of the toxicological endpoints for chemical name used for human risk assessment is shown in the table of this unit.

TABLE 1.—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR THE HERBICIDE PENDIMETHALIN, N-(1-ETHYLPROPYL)-3,4-DIMETHYL-2,6-DINITROBENZENAMINE, AND ITS METABOLITE, 4-[(1-ETHYLPROPYL) AMINO]-2-METHYL-3,5-DINITROBENZYL ALCOHOL, FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Point of Departure	Dose Used in Risk Assessment, UF	RfD, PAD, Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary (Females 13–49) (General U.S population)	NA	NA	NA	No appropriate acute endpoint identified for these groups. There were no toxic effects attributable to a single dose.
Chronic Dietary (All populations)	NOAEL = 10 mg/kg/day Chronic RfD = 0.03 mg/kg/day	UF_H = 10X UF_A = 3X UF_{DB} = 10X Total UF = 300X	Chronic RfD = 0.03 mg/kg/day cPAD = Chronic÷RfD cPAD = 0.03 mg/kg/day	92–day thyroid function study in rats; 56–day thyroid study in rats; 14–day intra thyroid metabolism study in rats. LOAEL = 31 mg/kg/day based on hormonal and histopathological changes in the thyroid.
Incidental Oral Short-Term (1–30 days) Intermediate-Term (1–6 months)	NOAEL = 10 mg/kg/day	UF_H = 10X UF_A = 3X UF_{DB} = 10X Total UF = 300X	Residential LOC = 300	92–day thyroid function study in rats; 56–day thyroid study in rats; 14–day intra thyroid metabolism study in rats. LOAEL = 31 mg/kg/day based on hormonal and histopathological changes in the thyroid.
Dermal Short-Term (1–30 days) Intermediate-Term (1–6 months) Long-Term (> 6 months)	NOAEL = 10 mg/kg/day	UF_H = 10X UF_A = 3X UF_{DB} = 10X Total UF = 300X Dermal Absorption = 3%	Residential LOC = 300	92–day thyroid function study in rats; 56–day thyroid study in rats; 14–day intra thyroid metabolism study in rats. LOAEL = 31 mg/kg/day based on hormonal and histopathological changes in the thyroid.
Inhalation Short-Term (1–30 days) Intermediate-Term (1–6 months) Long-Term (> 6 months)	NOAEL = 10 mg/kg/day	UF_H = 10X UF_A = 3X UF_{DB} = 10X Total UF = 300X Inhalation toxicity is assumed to be equivalent to oral toxicity.	Residential LOC = 300	92–day thyroid function study in rats; 56–day thyroid study in rats; 14–day intra thyroid metabolism study in rats. LOAEL = 31 mg/kg/day based on hormonal and histopathological changes in the thyroid.
Cancer (Oral, dermal, inhalation)	Pendimethalin is classified as a Group C possible human carcinogen. The chronic dietary assessment using the cPAD is considered to be protective of cancer effects.			2–year chronic/carcinogenicity study in rats.

Point of Departure (POD) = A data point or an estimated point that is derived from observed dose-response data and used to mark the beginning of extrapolation to determine risk associated with lower environmentally relevant human exposures. NOAEL = no observed adverse effect level. LOAEL = lowest observed adverse effect level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). UF_{DB} = to account for the absence of key data (i.e., lack of a critical study). FQPA SF = FQPA Safety Factor. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. MOE = margin of exposure. LOC = level of concern. N/A = not applicable.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses*. In evaluating dietary exposure to the herbicide pendimethalin, and its metabolite (CL 202347), EPA considered exposure under the petitioned-for tolerances as well as all existing tolerances for the herbicide pendimethalin, and its metabolite (CL 202347) in 40 CFR 180.361. EPA assessed dietary exposures from the herbicide pendimethalin, and its metabolite (CL 202347) in food as follows:

i. *Acute exposure*. Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure.

No such effects were identified in the toxicological studies for the herbicide pendimethalin, and its metabolite (CL 202347); therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure*. In conducting this chronic dietary risk assessment of the dietary Exposure Evaluation Model (DEEM™) analysis evaluated the individual food consumption as reported by respondents in the United States Department of Agriculture Nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity (CSFII, 1994–1996, and 1998). Tolerance-level residues were assumed for all food commodities with current and proposed pendimethalin tolerances, and it was assumed that all of the crops included in the analysis were treated (i.e., 100 percent crop treated (PCT)). These assumptions result in highly conservative estimates of dietary exposure and risk.

iii. *Cancer*. Pendimethalin is classified as a ''Group C'' possible human carcinogen, chemical based on a statistically significant increased trend and pair-wise comparison between the high dose group and controls for thyroid follicular cell adenomas in male and female rats. A non-quantitative approach (i.e., non-linear, RfD approach) was used by the Agency since mode of action studies are available that demonstrate that the thyroid tumors are due to a thyroid-pituitary imbalance, and also since pendimethalin was shown to be non-mutagenic in mammalian somatic cells and germ cells. The cPAD from the 92–day thyroid function study in rats; 56–day thyroid study in rats; 14–day intra thyroid metabolism study in rats used for the chronic dietary assessment provide adequate protection for the pre-cancerous effect on the thyroid.

iv. *Anticipated residue and PCT information*. EPA did not use anticipated residue and/or PCT information in the dietary assessment for the herbicide pendimethalin. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water*. The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of the herbicide pendimethalin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm*.

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI-GROW) models, drinking water concentrations (EDWCs) of the herbicide pendimethalin were estimated.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 77.7 parts per billion (ppb) was used to assess the contribution to drinking water.

For chronic dietary risk assessment, the water concentration of value 6 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Pendimethalin is currently registered for the following residential non-dietary sites: Landscape, grounds plantings, ornamental crops, turf grass, and lawns. EPA assessed residential exposure using the following assumptions: Exposures are short-term in duration, and consist of dermal (for adults and children), and oral (hand-to-mouth, object-to-mouth, and soil ingestion, for children only). The Agency combines risk values resulting from separate exposure scenarios when it is likely they can occur simultaneously, based on the use-pattern and the behavior associated with the exposed population. The LOC for oral, dermal and inhalation exposure is an MOE of less than 300. The residential exposure estimate for adults, consisting of dermal exposure only, results in a total MOE of 740, and is therefore not of concern. The residential exposure for children results in a total MOE (dermal + oral) of 410 at an application rate of 2 lb ai/acre, and an MOE of 400 for an application rate of 3 lb ai/acre. Residential aggregate exposure is not of concern.

4. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to pendimethalin and any other substances and pendimethalin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that pendimethalin has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements released by EPA's Office of Pesticide Programs concerning common mechanism determinations and procedures for cumulating effects from substances found to have a common mechanism on EPA's website at *http://www.epa.gov/pesticides/cumulative/*.

D. Safety Factor for Infants and Children

1. *In general*. Section 408(b)(2)(c) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA safety factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity*. The data base for pendimethalin does not indicate a potential for increased toxicological sensitivity from either prenatal or postnatal exposures. No

developmental toxicity was observed in either the rat or rabbit developmental toxicity studies, nor was there evidence in the 2–generation reproduction study of developmental or reproductive toxicity at dose levels below those in which parental toxicity was observed. There was no neurotoxicity observed in the submitted toxicity studies, and therefore a developmental neurotoxicity (DNT) study is not required.

3. *Conclusion*. EPA has determined that the FQPA safety factor of 10X must be retained. This decision is based on the following findings:

i. The toxicity database for pendimethalin contains all of the standard toxicity studies. However, there is uncertainty regarding potential thyroid effects seen in some of these studies. Based on the hormonal changes (alterations in thyroid weights and histopathological lesions) observed in several studies following oral administration of pendimethalin, it is likely that pendimethalin may cause disruption in the endocrine system. There is concern that perturbation of thyroid homeostasis may lead to hypothyroidism and possibly result in adverse effects on the developing nervous system. Consequently, EPA has recommended that a developmental thyroid assay be conducted to evaluate the impact of pendimethalin on thyroid hormones, structure, and/or thyroid hormone homeostasis during development. This study has not yet been submitted.

ii. There is no indication that pendimethalin is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that pendimethalin results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2–generation reproduction study. However, the developmental studies were not adequate to fully assess the potential for susceptibility. Consequently, there is concern for potential increased sensitivity or susceptibility in offspring regarding thyroid effects.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. Conservative ground and surface water modeling estimates were used. Similarly, conservative Residential SOPs were used to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by pendimethalin.

Although the exposure estimate is very conservative and there are no neurotoxic concerns for pendimethalin, there is sufficient uncertainty regarding thyroid effects, particularly thyroid effects in the young, that EPA is retaining the 10X FQPA safety factor. EPA has also determined that the traditional 10X uncertainty factor to account for interspecies variation may be reduced to 3X, since it has been established that rats are more susceptible to thyroid effects than humans. These factors, together with the traditional 10X uncertainty factor to account for intraspecies variation, result in a total uncertainty factor of 300X (10X, 3X, and 10X).

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic pesticide exposures are safe by comparing aggregate exposure estimates to the aPAD and cPAD. The aPAD and cPAD represent the highest safe exposures, taking into account all appropriate SFs. EPA calculates the aPAD and cPAD by dividing the POD by all applicable UFs. For linear cancer risks, EPA calculates the probability of additional cancer cases given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the POD to ensure that the MOE called for by the product of all applicable UFs is not exceeded.

1. *Acute risk*. No toxic effects attributable to a single dose were identified for pendimethalin. Therefore, a quantitative acute risk assessment was not conducted for pendimethalin.

2. *Chronic risk*. The dietary exposure (food and drinking water) pathway is the only source of exposure to pendimethalin that is expected to be of long term (180 to 365 days). Therefore, the long-term aggregate exposure and risk estimates are equivalent to the chronic dietary exposure and risk estimates.

Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to the herbicide pendimethalin from food and water will utilize 15% of the cPAD for (children 1–2 years of age) the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of the herbicide pendimethalin is not expected.

3. *Short-term risk*. Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

The herbicide pendimethalin is currently registered for uses that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to the herbicide pendimethalin.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures aggregated result in aggregate MOEs of the level of concern for oral, dermal, and inhalation exposure is an MOE of less than 300. The short-term aggregate exposure estimate for adult males results in an aggregate MOE of 650, while the short-term aggregate exposure estimate for adult females results in an aggregate MOE of 580. The aggregate exposure estimate for children results in a total MOE of 350 at an application rate (to residential turf) of 2 lbs ai/A, and a total MOE of 340 for an application rate of 3 lbs ai/A. Aggregate exposure is therefore not of concern for any of the population subgroups.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

The herbicide pendimethalin is not registered for any use patterns that would result in intermediate-term residential exposure. Therefore, the intermediate-term aggregate risk is the sum of the risk from exposure to the herbicide pendimethalin through food and water, which has already been addressed, and will not be greater than the chronic aggregate risk.

5. *Aggregate cancer risk for U.S. population*. EPA classified pendimethalin as a ''Group C'' (possible human) carcinogen based on a statistically significant increased trend and pair-wise comparison between the high dose group and controls for thyroid follicular cell adenomas in male and female rats. EPA is following a non-quantitative approach since mode of action studies are available that demonstrate that the thyroid tumors are due to a thyroid-pituitary imbalance, and also since pendimethalin was shown to be non-mutagenic in mammalian somatic cells and germ cells. The chronic risk assessment is considered to be protective of any

cancer effects; therefore, a separate quantitative cancer aggregate risk assessment was not conducted.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to the herbicide pendimethalin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate methods are available for data collection and tolerance enforcement for existing and proposed uses of pendimethalin. Methods I through IV in the Pesticide Analytical Manuel (PAM) Vol. II are gas chromatography/electron capture (GC/ECD) methods. Methods used for data collection are essentially the same as the PAM Vol. II methods, and have been adequately validated.

The Food and Drug Administration's PESTDATA data base (PAM Volume I, Appendix I) indicates that pendimethalin is completely recovered (>80%) by Multiresidue Methods Section 302 (Luke Method; Protocol D) and 303 (Mills, Onley, Gaither Method; Protocol E, nonfatty), and partially recovered (50–80%) by Multiresidue Method Section 304 (Mills Fatty Food Method; Protocol E, fatty).

Adequate enforcement methodology liquid chromatography/mass spectrometry (LC/MS/MS) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

There are no established or proposed Codex Maxium Residue Levels (MRLs) for pendimethalin residues. Therefore, there are no questions of compatibility with respect to Codex MRLs and U.S. tolerances.

C. Revisions to Petitioned-For Tolerances

Based on the submitted data, residues of pendimethalin in rice processed commodities are not expected to exceed those found in rice grain. Therefore, a tolerance for rice processing fraction at 0.1 ppm is not necessary.

V. Conclusion

Therefore, tolerances are established for combined residues of the herbicide pendimethalin, N-(1-ethylpropyl)-3,4-dimethyl-2,6- dinitro-benzenamine, and its metabolite, 4-[(1-ethylpropyl) amino]-2-methyl-3,5-dinitrobenzyl alcohol, in or on cotton, gin byproducts at 3.0 ppm, and crayfish at 0.05 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

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

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

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: September 9, 2008.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

■ 2. Section 180.361 is amended by alphabetically adding the following commodities to the table in paragraph (a) to read as follows:

§ 180.361 Pendimethalin, tolerance for residues.

(a) * * *

Commodity	Parts per million
* * *	* *
Cotton, gin byproducts ...	3.0
* * *	* *
Crayfish	0.05
* * *	* *

* * * * *

[FR Doc. E8–22434 Filed 9–23–08; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2007–0337; FRL–8382–5]

Cyfluthrin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes, revises, or deletes tolerances for residues of cyfluthrin in or on numerous raw agricultural commodities. It also establishes tolerances for residues of beta-cyfluthrin in or on all commodities for which cyfluthrin tolerances exist. Bayer CropScience requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 24, 2008. Objections and requests for hearings must be received on or before November 24, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2007–0337. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Susan Stanton, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5218; e-mail address: *stanton.susan@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2007–0337 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before November 24, 2008.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA–HQ–OPP–2007–0337, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Petition for Tolerance

In the **Federal Register** of July 30, 2008 (73 FR 44264) (FRL–8375–1), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7F7200) by Bayer CropScience, 2 T.W. Alexander Dr., P.O. Box 12014, Research Triangle Park, NC 27709. The petition requested that 40 CFR 180.436 be amended by:

- Establishing tolerances for residues of the insecticide, cyfluthrin, cyano(4-fluoro-3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate, in or on food commodities barley, grain; buckwheat, grain; millet, grain; oat, grain; rye, grain; triticale, grain; and wheat, grain at 0.15 part per million (ppm); corn, field, grain; corn, pop, grain; and teosinte, grain at 0.05 ppm; sorghum, grain at 3.5 ppm; grain, cereal, forage, fodder and hay, group 16, forage, except rice at 25 ppm; grain, cereal, forage, fodder and hay, group 16, hay, except rice at 6.0 ppm; grain, cereal, forage, fodder and hay, group 16, stover, except rice at 30 ppm; and grain, cereal, forage, fodder and hay, group 16, straw, except rice at 7.0 ppm.

• Amending the tolerances in 40 CFR 180.436 for residues of the insecticide cyfluthrin, cyano(4-fluoro-3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate, in or on the food commodities barley, bran from 5.0 ppm to 0.5 ppm; cattle, fat from 10.0 ppm to 2.0 ppm; cattle, meat from 0.40 ppm to 0.10 ppm; cattle, meat byproducts from 0.40 ppm to 0.10 ppm; goat, fat from 10.0 ppm to 2.0 ppm; goat, meat from 0.40 ppm to 0.05 ppm; goat, meat byproducts from 0.40 ppm to 0.05 ppm; grain, aspirated fractions from 600 ppm to 150 ppm; hog, fat from 10.0 ppm to 0.5 ppm; hog, meat from 0.40 ppm to 0.01 ppm; hog, meat byproducts from 0.40 ppm to 0.01 ppm; horse, fat from 10.0 ppm to 2.0 ppm; horse, meat from 0.40 ppm to 0.05 ppm; horse, meat byproducts from 0.40 ppm to 0.05 ppm; milk from 1.0 ppm to 0.2 ppm; milk, fat from 30.0 ppm to 5.0 ppm; oat, bran from 5.0 ppm to 0.5 ppm; rye, bran from 5.0 ppm to 0.5 ppm; sheep, fat from 10.0 ppm to 2.0 ppm; sheep, meat from 0.40 ppm to 0.05 ppm; sheep, meat byproducts from 0.40 ppm to 0.05 ppm; wheat, bran from 6.5 ppm to 0.5 ppm; and wheat, shorts from 11.0 ppm to 0.5 ppm.

• Deleting the tolerances in 40 CFR 180.436 for residues of the insecticide, cyfluthrin, cyano(4-fluoro-3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate, in or on the food commodities corn, field, forage at 3.0 ppm; corn, field, milled byproducts at 7.0 ppm; corn, field, refined oil at 30.0; corn, field, stover at 6.0 ppm; corn, pop, stover at 6.0 ppm; corn, sweet, forage at 15.0 ppm; corn, sweet, stover at 30.00 ppm; grain, cereal, group 15 at 4.0 ppm; rice, bran at 6.0 ppm; rice, hulls at 18.0 ppm; sorghum, grain, forage at 2.0 ppm; sorghum, grain, stover at 5.0 ppm; wheat, forage at 5.0 ppm; wheat, hay at 6.0 ppm; and wheat, straw at 6.0 ppm.

• Creating paragraph (a)(4) in 40 CFR 180.436 and establishing tolerances for residues of the insecticide, beta-cyfluthrin, cyano(4-fluoro-3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethyl-cyclopropanecarboxylate [mixture comprising the enantiomeric pair (*R*)-α-cyano-4-fluoro-3-phenoxybenzyl (1*S*,3*S*)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate and (*S*)-α-cyano-4-fluoro-3-phenoxybenzyl (1*R*,3*R*)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate with the enantiomeric pair (*R*)-α-cyano-4-fluoro-3-phenoxybenzyl (1*S*,3*R*)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate and (*S*)-α-cyano-4-fluoro-3-phenoxybenzyl (1*R*,3*S*)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate], in or on food commodities alfalfa at 5.0 ppm; alfalfa, forage at 5.0 ppm; alfalfa, hay at 13 ppm; almond, hulls at 0.5 ppm; barley, bran at 0.5 ppm; barley, grain at 0.15 ppm; beet, sugar, dried pulp at 1.0 ppm; beet, sugar, roots at 0.10 ppm; Brassica, head and stem, subgroup 5A at 2.5 ppm; Brassica, leafy greens, subgroup 5B at 7.0 ppm; buckwheat, grain at 0.15 ppm; carrot, roots at 0.20 ppm; cattle, fat at 2.0 ppm; cattle, meat at 0.10 ppm; cattle, meat byproducts at 0.10 ppm; citrus, dried pulp at 0.3 ppm; citrus, oil at 0.3 ppm; corn, field, grain at 0.05 ppm; corn, pop, grain at 0.05 ppm; corn, sweet, kernel plus cob with husks removed at 0.05 ppm; cotton, hulls at 2.0 ppm; cotton, refined oil at 2.0 ppm; cotton, undelinted seed at 1.0 ppm; egg at 0.01 ppm; fruit, citrus, group 10 at 0.2 ppm; fruit, pome, group 11 at 0.5 ppm; fruit, stone, group 12 at 0.3 ppm; goat, fat at 2.0 ppm; goat, meat at 0.05 ppm; goat, meat byproducts at 0.05 ppm; grain, aspirated fractions at 150 ppm; grain, cereal, forage, fodder and hay, group 16, forage, except rice at 25 ppm; grain, cereal, forage, fodder and hay, group 16, hay, except rice at 6.0 ppm; grain, cereal, forage, fodder and hay, group 16, stover, except rice at 30 ppm; grain, cereal, forage, fodder and hay, group 16, straw, except rice at 7.0 ppm; grape at 1.0 ppm; grape, raisin at 3.5 ppm; grass, forage, fodder and hay, group 17, forage at 12 ppm; grass, forage, fodder and hay, group 17, hay at 50 ppm; hog, fat at 0.5 ppm; hog, meat at 0.01 ppm; hog, meat byproducts at 0.01 ppm; hop, dried cones at 20.0 ppm; hop, vines at 4.0 ppm; horse, fat at 2.0 ppm; horse, meat at 0.05 ppm; horse, meat byproducts at 0.05 ppm; lettuce, head at 2.0 ppm; lettuce, leaf at 3.0 ppm; milk at 0.2 ppm; milk, fat at 5.0 ppm; millet, grain at 0.15 ppm; mustard greens at 7.0 ppm; nut, tree, group 14 at 0.01 ppm; oat, bran at 0.5 ppm; oat, grain at 0.15 ppm; pea and bean, dried shelled, except soybean, subgroup 6C at 0.15 ppm; pea, dry, seed at 0.15 ppm; pea, southern, succulent at 0.25 ppm; peanut at 0.01 ppm; peanut, hay at 6.0 ppm; pepper at 0.50 ppm; pistachio at 0.01ppm; poultry, fat at 0.01 ppm; poultry, meat at 0.01 ppm; poultry, meat byproducts at 0.01 ppm; radish, roots at 1 ppm; rye, bran at 0.5 ppm; rye, grain at 0.15 ppm; sheep, fat at 2.0 ppm; sheep, meat at 0.05 ppm; sheep, meat byproducts at 0.05 ppm; sorghum, grain, grain at 3.5 ppm; soybean, forage at 8.0 ppm; soybean, hay at 4.0 ppm; soybean, seed at 0.03 ppm; sugarcane, cane at 0.05 ppm; sugarcane, molasses at 0.20 ppm; sunflower, forage at 5.0 ppm; sunflower, seed at 0.02 ppm; teosinte, grain at 0.05 ppm; tomato at 0.20 ppm; tomato, paste at 0.5 ppm; tomato, pomace at 5.0 ppm; triticale, grain at 0.15 ppm; turnip, greens at 7.0 ppm; vegetable, cucurbit, group 9 at 0.1 ppm; vegetable, fruiting, group 8 at 0.5 ppm; vegetable, leafy greens, except Brassica, group 4 at 6.0 ppm; vegetable, tuberous and corm, subgroup 1C at 0.01 ppm; wheat, bran at 0.5 ppm; wheat, grain at 0.15 ppm; and wheat, shorts at 0.5 ppm.

The proposed establishments, deletions, and revisions to the existing tolerances for cyfluthrin on raw agricultural commodities were requested to support changes in the directions for use on cereal grains. The existing tolerances were established to support the use of cyfluthrin on stored grains, a use that was canceled in 2005. The revised tolerances will cover residues of cyfluthrin resulting from foliar applications on cereal grains (except rice).

Beta-cyfluthrin is an enriched isomer of cyfluthrin. Currently, residues of beta-cyfluthrin are covered by the tolerances for cyfluthrin. In accordance with Agency preferences regarding tolerances for synthetic pyrethroids and their isomers, Bayer CropScience has proposed establishment of separate tolerances for beta-cyfluthrin. The proposed beta-cyfluthrin tolerances are at the same levels as those for cyfluthrin.

The notice of filing of PP 7E7200 referenced a summary of the petition prepared by Bayer CropScience, the registrant, which is available to the public in the docket, *http://www.regulations.gov*. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

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

of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerances for residues of cyfluthrin and beta-cyfluthrin as proposed by the registrant and specified in Unit II. EPA's assessment of exposures and risks associated with establishing these tolerances follows.

On February 27, 2008 the Agency published a final rule (73 FR 10390) (FRL–8350–3) establishing tolerances for residues of cyfluthrin in or on grass, forage, fodder and hay group 17, forage at 12 ppm; grass, forage, fodder and hay, group 17, hay at 50 ppm; beet, sugar, roots at 0.10 ppm; and beet, sugar, dried pulp at 1.0 ppm. When the Agency conducted the risk assessments in support of the February 2008 tolerance action, it considered all of the changes to cyfluthrin/beta-cyfluthrin tolerances proposed by the registrant in this action, except a few of the proposed tolerance reductions and deletions. Consideration of the additional tolerance reductions and deletions would have resulted in lower aggregate risk estimates, as explained in the documents *Addendum to: D331951, Cyfluthrin/Beta-cyfluthrin – Human Health Risk Assessment For New Uses on Grasses, Alfalfa, and Sugar Beet Seed and Revised Tolerances on Cereal Grain Commodities; D339413, Cyfluthrin and beta-Cyfluthrin, Summary of Analytical Chemistry and Residue Data*; *Cyfluthrin and beta-Cyfluthrin: Second Addendum to D331951, Cyfluthrin/Beta-cyfluthrin – Human Health Risk Assessment For New Uses on Grasses, Alfalfa, and Sugar Beet Seed and Revised Tolerances on Cereal Grain Commodities;* and *D339413, Cyfluthrin and beta-Cyfluthrin, Summary of Analytical Chemistry and Residue Data.* These documents are available at *http://www.regulations.gov* in the docket established for this action (EPA–HQ–OPP–2007–0337).

Since EPA considered these new tolerances for cyfluthrin and beta-cyfluthrin in its most recent risk assessments, establishing these tolerances will not increase the estimated aggregate risks resulting from use of cyfluthrin/beta-cyfluthrin, as discussed in the February 27, 2008 FRL–8350–3) **Federal Register** document. Refer to this **Federal Register** document, available at *http://www.regulations.gov*, for a detailed discussion of the aggregate risk assessments and determination of safety. EPA relies upon those risk assessments and the findings made in the **Federal Register** document in support of this action.

Based on the risk assessments discussed in the final rule published in the **Federal Register** of February 27, 2008, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to cyfluthrin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography (GC)/electron-capture detection (ECD)) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

CODEX Maximum Residue Levels (MRLs) have been established for residues of cyfluthrin on cattle milk at 0.01 ppm and on maize at 0.05 ppm. No CODEX MRLs have been established for the enriched isomer, beta-cyfluthrin. In this tolerance action EPA is establishing a tolerance on field corn grain at 0.05 ppm, equivalent to the CODEX MRL on maize. EPA is reducing the existing U.S. tolerances for milk and milk fat to 0.2 ppm and 5.0 ppm, respectively. The U.S. milk tolerances are necessarily higher than the CODEX MRL due to registrations in the United States on additional feed items, including grasses, the biggest contributor to dairy cattle dietary burdens of cyfluthrin.

C. Response to Comments

One comment was received from a private citizen in response to the notice of filing. The commenter requested that the petition for cyfluthrin be denied for the following reasons: ''It is a suspected endocrine disruptor. It is moderately toxic and has mortality for many species.'' The commenter presented no scientific data or other evidence to support the endocrine disruptor claim and there is no evidence in the toxicity database available to EPA, including the 2–generation reproduction study, that either cyfluthrin or beta-cyfluthrin induces any endocrine disruption. EPA considered all available scientific data for cyfluthrin and the estimated aggregate exposure to the pesticide, including anticipated dietary (food and drinking water) and residential exposures, and concluded that there is a reasonable certainty that no harm will result from aggregate exposure to cyfluthrin. The commenter has provided no information to alter this finding. EPA, therefore, disagrees with the commenter that the petition should be denied.

Comments were also received from a private citizen asking who had filed the petition and expressing general concern about pesticide residues in food. The petitioner was clearly identified in the notice of filing as Bayer CropScience. Regarding the commenter's concern about pesticide residues in food, EPA has received general comments such as this on numerous previous occasions. Refer to the following **Federal Register** issues for the Agency's previous responses to these kinds of objections: October 29, 2004 (69 FR 63096) (FRL–7681–9), January 7, 2005 (70 FR 1354) (FRL–7691–4), and June 30, 2005 (70 FR 37686) (FRL–7718–3).

V. Conclusion

Therefore, tolerances are established, revised, or deleted for residues of cyfluthrin and established for residues of beta-cyfluthrin as proposed by the registrant and specified in Unit II.

VI. Statutory and Executive Order Reviews

This final rule establishes, revises, or delete tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to*

Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

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

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

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: September 9, 2008.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

■ 2. Section 180.436 is amended by revising the section heading and the table in paragraph (a)(1) and adding paragraph (a)(4) to read as follows:

§ 180.436 Cyfluthrin and the isomer beta-cyfluthrin; tolerances for residues.

(a) * * * (1) * * *

Commodity	Parts per million
Alfalfa	5.0
Alfalfa, forage	5.0
Alfalfa, hay	13
Almond, hulls	0.5
Barley, bran	0.5
Barley, grain	0.15
Beet, sugar, dried pulp	1.0
Beet, sugar, roots	0.10
Brassica, head and stem, subgroup 5A	2.5
Brassica, leafy greens, subgroup 5B	7.0
Buckwheat, grain	0.15
Carrot, roots	0.20
Cattle, fat	2.0
Cattle, meat	0.10
Cattle, meat byproducts	0.10
Citrus, dried pulp	0.3
Citrus, oil	0.3
Corn, field, grain	0.05
Corn, pop, grain	0.05
Corn, sweet, kernel plus cob with husks removed	0.05
Cotton, hulls	2.0
Cotton, refined oil	2.0
Cotton, undelinted seed	1.0
Egg	0.01
Fruit, citrus, group 10	0.2
Fruit, pome, group 11	0.5
Fruit, stone, group 12	0.3
Goat, fat	2.0
Goat, meat	0.05
Goat, meat byproducts	0.05
Grain, aspirated fractions	150
Grain, cereal, forage, fodder and hay, group 16, forage, except rice	25
Grain, cereal, forage, fodder and hay, group 16, hay, except rice	6.0
Grain, cereal, forage, fodder and hay, group 16, stover, except rice	30
Grain, cereal, forage, fodder and hay, group 16, straw, except rice	7.0
Grape	1.0
Grape, raisin	3.5
Grass, forage, fodder and hay, group 17, forage	12
Grass, forage, fodder and hay, group 17, hay	50
Hog, fat	0.5
Hog, meat	0.01
Hog, meat byproducts	0.01
Hop, dried cones	20.0
Hop, vines	4.0
Horse, fat	2.0
Horse, meat	0.05
Horse, meat byproducts	0.05
Lettuce, head	2.0
Lettuce, leaf	3.0
Milk	0.2
Milk, fat	5.0
Millet, grain	0.15
Mustard greens	7.0
Nut, tree, group 14	0.01
Oat, bran	0.5
Oat, grain	0.15
Pea and bean, dried shelled, except soybean, subgroup 6C	0.15
Pea, dry, seed	0.15
Pea, southern, succulent	0.25
Peanut	0.01
Peanut, hay	6.0
Pepper	0.50
Pistachio	0.01
Poultry, fat	0.01
Poultry, meat	0.01
Poultry, meat byproducts	0.01
Radish, roots	1.0
Rye, bran	0.5
Rye, grain	0.15
Sheep, fat	2.0
Sheep, meat	0.05
Sheep, meat byproducts	0.05
Sorghum, grain, grain	3.5
Soybean, forage	8.0
Soybean, hay	4.0
Soybean, seed	0.03
Sugarcane, cane	0.05
Sugarcane, molasses	0.20
Sunflower, forage	5.0
Sunflower, seed	0.02
Teosinte, grain	0.05
Tomato	0.20
Tomato, paste	0.5
Tomato, pomace	5.0
Triticale, grain	0.15
Turnip, greens	7.0
Vegetable, cucurbit, group 9	0.1
Vegetable, fruiting, group 8	0.5
Vegetable, leafy greens, except Brassica, group 4	6.0
Vegetable, tuberous and corm, subgroup 1C	0.01
Wheat, bran	0.5
Wheat, grain	0.15
Wheat, shorts	0.5

* * * * *

(4) Tolerances are established for residues of the isomer, beta-cyfluthrin, cyano(4-fluoro-3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethyl-cyclopropanecarboxylate [mixture comprising the enantiomeric pair (*R*)-α-cyano-4-fluoro-3-phenoxybenzyl (1*S*,3*S*)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate and (S)-α-cyano-4-fluoro-3-phenoxybenzyl (1*R*,3*R*)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate with the enantiomeric pair (*R*)-α-cyano-4-fluoro-3-phenoxybenzyl (1*S*,3*R*)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate and (*S*)-α-cyano-4-fluoro-3-phenoxybenzyl (1*R*,3*S*)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate], in or on the following raw agricultural commodities:

Commodity	Parts per million
Alfalfa	5.0
Alfalfa, forage	5.0
Alfalfa, hay	13
Almond, hulls	0.5
Barley, bran	0.5
Barley, grain	0.15
Beet, sugar, dried pulp	1.0
Beet, sugar, roots	0.10
Brassica, head and stem, subgroup 5A	2.5
Brassica, leafy greens, subgroup 5B	7.0
Buckwheat, grain	0.15
Carrot, roots	0.20
Cattle, fat	2.0
Cattle, meat	0.10
Cattle, meat byproducts	0.10
Citrus, dried pulp	0.3
Citrus, oil	0.3
Corn, field, grain	0.05
Corn, pop, grain	0.05
Corn, sweet, kernel plus cob with husks removed	0.05
Cotton, hulls	2.0
Cotton, refined oil	2.0
Cotton, undelinted seed	1.0
Egg	0.01
Fruit, citrus, group 10	0.2
Fruit, pome, group 11	0.5
Fruit, stone, group 12	0.3
Goat, fat	2.0
Goat, meat	0.05
Goat, meat byproducts	0.05
Grain, aspirated fractions	150
Grain, cereal, forage, fodder and hay, group 16, forage, except rice	25
Grain, cereal, forage, fodder and hay, group 16, hay, except rice	6.0
Grain, cereal, forage, fodder and hay, group 16, stover, except rice	30
Grain, cereal, forage, fodder and hay, group 16, straw, except rice	7.0
Grape	1.0
Grape, raisin	3.5
Grass, forage, fodder and hay, group 17, forage	12
Grass, forage, fodder and hay, group 17, hay	50
Hog, fat	0.5
Hog, meat	0.01
Hog, meat byproducts	0.01
Hop, dried cones	20.0
Hop, vines	4.0
Horse, fat	2.0
Horse, meat	0.05
Horse, meat byproducts	0.05
Lettuce, head	2.0
Lettuce, leaf	3.0
Milk	0.2
Milk, fat	5.0
Millet, grain	0.15
Mustard greens	7.0
Nut, tree, group 14	0.01
Oat, bran	0.5
Oat, grain	0.15
Pea and bean, dried shelled, except soybean, subgroup 6C	0.15
Pea, dry, seed	0.15
Pea, southern, succulent	0.25
Peanut	0.01
Peanut, hay	6.0
Pepper	0.50
Pistachio	0.01
Poultry, fat	0.01
Poultry, meat	0.01
Poultry, meat byproducts	0.01
Radish, roots	1.0
Rye, bran	0.5
Rye, grain	0.15
Sheep, fat	2.0
Sheep, meat	0.05
Sheep, meat byproducts	0.05
Sorghum, grain, grain	3.5
Soybean, forage	8.0
Soybean, hay	4.0
Soybean, seed	0.03
Sugarcane, cane	0.05
Sugarcane, molasses	0.20
Sunflower, forage	5.0
Sunflower, seed	0.02
Teosinte, grain	0.05
Tomato	0.20
Tomato, paste	0.5
Tomato, pomace	5.0
Triticale, grain	0.15
Turnip, greens	7.0
Vegetable, cucurbit, group 9	0.1
Vegetable, fruiting, group 8	0.5
Vegetable, leafy greens, except Brassica, group 4	6.0
Vegetable, tuberous and corm, subgroup 1C	0.01
Wheat, bran	0.5
Wheat, grain	0.15
Wheat, shorts	0.5

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[FR Doc. E8–22477 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2006-0175; FRL–8382–3]

Pesticides; Food Packaging Treated with a Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule excepts food packaging materials (e.g. paper and paperboard, coatings, adhesives, and polymers) from the definitions of ''pesticide chemical'' and ''pesticide chemical residue'' under the Federal Food Drug and Cosmetic Act (FFDCA) section 201(q), when such food packaging materials have been treated with a pesticide regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). This final rule expands the scope of the current exception which applies only to food packaging impregnated with an insect repellent – one type of pesticide. This final rule, as with the rule it amends, only applies to the food packaging materials themselves; it does not otherwise limit EPA's FFDCA jurisdiction over the pesticidal substances in or on such products or limit FDA's jurisdiction over substances subject to FDA regulation as food additives. This rule eliminates duplicative FFDCA jurisdiction and economizes federal government resources while continuing to protect human health and the environment. It is important to note that under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA will continue to regulate the food packaging as an inert ingredient of the pesticide product and regulate the pesticide active ingredient in the treated food packaging under both FIFRA and the FFDCA (except as otherwise provided by statute). The text of this final rule is identical to a direct final rule EPA issued on December 6, 2006. EPA received several comments opposing that direct final rule and therefore withdrew the rule on February 2, 2007, consistent with EPA policy. EPA issued a subsequent proposed rule on April 6, 2007 for additional public comment.

DATES: This final rule is effective September 24, 2008.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2006–0175. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*.

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

FOR FURTHER INFORMATION CONTACT: Cheryl Greene, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–0352; fax number: (703) 308–7026; e-mail address: *greene.cheryl@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you are a manufacturer/wholesaler of sanitary food packaging products or are a pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Pesticide manufacturing (NAICS 32532).
- Food packaging manufacturers (NAICS 32222).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR 180.4. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. Background

A. What Action is the Agency Taking?

EPA has received applications for the registration of pesticides under FIFRA that, as proposed, will be applied to food packaging materials. These pesticides are generally intended to function as alternatives to more costly and more toxic applications of insecticides in food storage and retail establishments. The regulatory framework for this use of pesticides raises a number of complex jurisdictional issues for EPA and FDA[1].

Because the treated packaging materials will be sold to food distributors for the purpose of controlling pest infestations, as well as for packaging food, the pesticide-treated food packaging materials will be subject to the pesticide product registration requirements of section 3 of FIFRA. Under FIFRA, the components of pesticides are either active ingredients or inert ingredients. Active ingredients are those which, among other things, will ''prevent, destroy, repel or mitigate any pest.'' (FIFRA section 2(a)) Inert ingredients are ingredients ''which [are] not active.'' (FIFRA section 2(m)). Thus, the components of food packaging (paperboards, coatings, etc.) become inert ingredients of a pesticide product under FIFRA whenever the food packaging is treated with a pesticide active ingredient and is distributed or sold with the purpose of controlling pests[2].

Such inert ingredients are not used for a pesticidal purpose in the production, storage, processing, or transportation of food. However, as inert ingredients, these components of food packaging are also subject to regulation as ''pesticide chemical residues'' under FFDCA section 408.

Under section 408 of the FFDCA, any pesticide chemical residue in or on food is deemed unsafe, unless EPA has established a tolerance or tolerance exemption that covers the pesticide chemical residue. This is true even though FDA may have previously issued regulations under section 409 of FFDCA permitting the use of these materials in food packaging that has not been treated with a pesticide. As a result, the same food packaging materials would be subject to regulation under FFDCA by both Agencies. EPA is today to giving FDA sole jurisdiction under section 409 FFDCA over the packaging components (ingredients) of food packaging materials that have been treated with a pesticide by excepting these materials from the definition of ''pesticide chemical'' and ''pesticide chemical residue.'' Given FDA's expertise and experience in regulating the components of food packaging, EPA and FDA believe this rule will eliminate the duplicative FFDCA jurisdiction and economize Federal government resources while continuing to protect human health and the environment without additional regulatory oversight by EPA.

In 1998, EPA consciously limited the exception at 40 CFR 180.4 to food packaging materials impregnated with an insect repellent, since at the time of promulgation EPA had only received an application for a pesticide product containing an insect repellent. EPA has now received applications for other treated food packaging products that contain active ingredients that are not insect repellents and will not be applied through impregnation of the materials. EPA and FDA believe it is appropriate to extend the 1998 rule to give FDA sole jurisdiction under the FFDCA over the inert ingredients in such food packaging products without regard to the application technique and mode of action of the active ingredients in such products. Again, this rule will not affect EPA's jurisdiction under section 408 over ingredients other than the packaging materials in such products (including the pesticide active ingredient), nor does it affect EPA's jurisdiction under FIFRA to regulate such products.

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

Section 201(q)(3) of FFDCA, as amended by the Food Quality Protection

[1] This final rule does not include within its scope substances which may be regulated as pesticides under FIFRA that are used to prevent, destroy, repel or mitigate microorganisms when such substances are included for such use in or are applied for such use on food packaging (without regard to whether the substances are intended to have an ongoing effect on any portion of the packaging) (see FFDCA section 201(q)(1)(B)(ii) which excludes such substances from the definition of ''pesticide chemical''). Because such substances are already excluded from the definition of pesticide chemical residue, it is unnecessary to address these substances in this rule.

[2] It is important to understand that this final rule only applies to a very small subset of food packaging materials: pesticide-treated food packaging that is distributed or sold with the purpose of controlling pests. Food packaging that is not distributed or sold to control pests is not a pesticide and is not subject to this rule. For example, packaged products that are simply treated with pesticides by food distributors, retailers or homeowners solely to control pests on site do not themselves become pesticides simply as a result of such applications. Rather, the product itself must be distributed with the purpose of providing pest control to become a pesticide. The treated packaging materials addressed in this proposed rule are those that are sold for the express purpose of providing ongoing protection from pests that may contaminate the products made with the treated packaging.

Act (FQPA), allows the Administrator, under specified conditions, to except certain substances from the definition of ''pesticide chemical'' or ''pesticide chemical residue'' if—

(A) Its occurrence as a residue on or in a raw agricultural commodity or processed food is attributable primarily to natural causes or human activities not involving the use of any substance for a pesticidal purpose in the production, storage, processing, or transportation of any raw agricultural commodity or processed food; and

(B) The Administrator, after consultation with the Secretary, determines that the substance more appropriately should be regulated under one or more provisions of this Act other than sections 402(a)(2)(B) and 408.

With today's action, EPA excepts from the definition of ''pesticide chemical'' substances that are inert ingredients in food packaging treated with a pesticide, when such ingredients are the components of the food packaging (e.g. paper and paperboard, coatings, adhesives and polymers).

As previously explained, this final rule will not affect EPA's regulation of such substances as inert ingredients under FIFRA. EPA will continue to exercise jurisdiction under FIFRA over these substances when they are used as inert ingredients in food packaging that is intended to produce a pesticidal effect. The materials that make up food packaging treated with a pesticide may serve one of two purposes:

1. To control pests, or

2. To be one of the materials that make up the container for food.

As a result of this rule, EPA will continue to regulate the materials that control pests and FDA will regulate the substances that make up the food packaging material. Consistent with EPA's pesticide registration regulations, EPA will not issue a registration under FIFRA for pesticide products containing food packaging inert ingredients if the presence of these ingredients in or on food is not authorized or permitted by FFDCA and the implementing regulations.

EPA, in consultation with FDA, believes that section 201(q)(3) is applicable to inert ingredients in pesticide treated food packaging materials that are the components of the food packaging (paperboard, coatings, etc). When such inert ingredients are the components of the food packaging itself, EPA believes the occurrence of these substances as residues in or on food would be appropriately excepted from the definition of ''pesticide chemical'' or ''pesticide chemical residue'' because such substances are not attributable primarily to the use of the substances for a pesticidal purpose in the production, storage, processing or transportation of food. Rather, the presence of such substances as residues in food is primarily attributable to their use for purposes of packaging food. For this reason, and because of FDA's considerable experience in regulating such substances found in food packaging, EPA and FDA believe it is appropriate for FDA to regulate these inert ingredients under section 409 of FFDCA.

As noted, this regulation will except from the definition of ''pesticide chemical'' and ''pesticide chemical residue'' any inert ingredient that is a component of food packaging material treated with a pesticide. EPA, in consultation with FDA, believes the identity of the pesticide in or on the packaging material is not relevant to a determination under section 201(q)(3) regarding whether it is appropriate to except an inert ingredient from the definition of pesticide chemical or pesticide chemical residue. As noted in this unit, that determination turns only on whether:

1. The occurrence of the residues of the substance in or on food is attributable primarily to the use of substances for a pesticidal purpose in the production, storage, processing or transportation of food; and

2. Whether it is more appropriate to regulate such substances under another provision of FFDCA other than sections 402(a)(2)(B) and 408.

Thus, EPA has determined that inert ingredients that are the components of the food packaging material in pesticide treated food packaging are more appropriately regulated by FDA under FFDCA. This final rule will therefore amend 40 CFR 180.4 to extend the exception contained therein to any food packaging materials treated with a pesticide.

III. Response to Comments

EPA received comments both on the rule when it was published as a direct final rule on December 6, 2006 (71 FR 70667) (FRL–8084–2), and again, following withdrawal of the direct final (February 2, 2007 (72 FR 4963) (FRL–8111–3), when the rule was published for comment as a proposed rule on April 6, 2007 (72 FR 17068) (FRL–8119–8).

The majority of the comments opposed finalizing today's rule. However, most of these comments did not address the substance of the rule itself – i.e., the transfer of authority under the FFDCA from EPA to FDA only for the purposes of regulating the actual packaging materials in food packaging products treated with pesticides. Rather, these comments objected to the inclusion of pesticides in treated packaging as a general matter – which is a matter beyond the scope of this rule. As discussed in Unit II. in this preamble, this rule does not alter the regulatory scheme under either FIFRA or the FFDCA for pesticidally active substances in food packaging or the products they are contained in. Any such products, including all the ingredients in such products, must be evaluated under FIFRA on a case-by-case basis. Additionally, subject to the limited exception for certain antimicrobial pesticides provided in FFDCA section 201(q)(1)(B)(ii)(see footnote 1 in Unit II.A.), the active ingredients in such products (as well as those inert ingredients that are not part of the food packaging itself) will continue to be subject to EPA regulation under section 408 of the FFDCA.

EPA understands from the comments that there is some concern about the risks that may exist from the inclusion of pesticides in treated food packaging. As noted, EPA will continue to evaluate any applications it receives for such products under the stringent health and safety standards of both FIFRA and the FFDCA (except as provided by section 201(q)(1)(B)(ii)). These laws require EPA to find that residues of pesticides in food are safe and to determine whether pesticide products cause unreasonable risk to human health or the environment. Further, it should be noted that the applications for registration of treated packaging materials EPA has received to date are for products that may serve to limit the need for food storage establishments to use riskier pesticides that are currently used to control pests in such establishments. To be clear, however, the fact that these products may serve to replace more risky pesticides does not alter EPA's obligation to ensure that such products meet stringent food safety standards.

EPA also received a comment that the rule would eliminate protections for infants and children and affect EPA's jurisdiction to regulate pesticidal substances for which no pesticidal claims are made. EPA disagrees with this comment. EPA believes the commenter has incorrectly interpreted the import of today's action. As noted in Unit II., this action does not alter EPA's regulation of pesticidally active ingredients under the FFDCA – or of those inert ingredients that do not constitute food packaging materials. Further, under FIFRA, EPA must still evaluate the entire pesticide product (including all active and inert ingredients) before making a registration determination. And as noted, before

EPA can register a pesticide product under FIFRA, it must determine that the product will not present unreasonable risk to human health or the environment. The only materials that are excepted from EPA regulation under FFDCA section 408 by this rule are those materials regulated by the FDA as food packaging — that is, materials that are now found in food packaging on store shelves irrespective of whether those products are treated with a pesticide. These materials include the paper, cardboard, adhesives and coatings that are found in thousands of food packaging products across America today that are currently subject to FDA regulation. Accordingly, this rule does not eliminate protections for infants and children. Also, as explained in Unit II., this rule will have no impact on the regulation of substances under either the FFDCA or FIFRA that are not themselves food packaging materials. Finally, this rule does not, as the commenter suggests, alter EPA's jurisdiction over certain pesticidal substances for which no pesticidal claims are made. Substances or mixtures of substances are subject to regulation as pesticides under FIFRA if, among other things, they are intended for ''preventing, destroying, repelling, or mitigating any pest'' (FIFRA section 2(u)). EPA has developed regulations at 40 CFR 152.15 to implement this standard. Nothing in today's action alters EPA's interpretation in that regulation of the section 2(u) ''intent'' test.

EPA received two comments seeking clarification regarding certain aspects of the rule. One commenter sought clarification that:

1. The rule only excepts components of packaging that exhibit no pesticidal properties;

2. EPA will continue to regulate the active ingredients in such products under the FFDCA; and

3. The entire treated packaging product as sold or distributed will be regulated under FIFRA.

This is correct. As noted, this rule does not relieve EPA of its obligation under the FFDCA to evaluate active ingredients in treated packaging products – or for that matter, inert ingredients in such products that are not part of the packaging materials of such products. Further, the rule does not alter EPA's regulation of the entire product under FIFRA. It simply eliminates duplicative federal regulation of the actual packaging materials in treated packaging products; materials already subject to FDA regulation under the FFDCA.

Finally, to be clear, the rule only exempts such inert ingredients when found in treated packaging products. To the extent that these same materials can be expected to result in residues on food from use of pesticide products that are not treated packaging products, a tolerance or a tolerance exemption under section 408 of the FFDCA would still be required.

The second commenter, who apparently sells treated paper wrap products, asked for clarification as to whether the rule alters EPA regulation of the actual products they sell. As noted in Unit II., today's rule does not affect EPA's regulation of the actual treated product under FIFRA.

IV. Statutory and Executive Order Reviews

As an exception, this action does not impose any regulatory obligations. Under Executive Order 12866 entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), it has been determined that this rule is not ''significant'' and is not subject to OMB review. This rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et. seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).). This rule has no federalism or tribal implications, because it will not have substantial direct effects on States or Indian tribes, on the relationship between the Federal Government and the States or Indian tribes, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes, as specified in Executive Orders 13132 (entitled *Federalism*, 64 FR 43255, August 10, 1999) and 13175 (entitled *Consultation and Coordination with Indian Tribal Governments*, 65 FR 67249, November 6, 2000). Nor does this rule raise issues that require special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This rule is also not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use* (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use. In addition, this action does not involve any standards that would require Agency consideration pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (Pub. L. 104–113).

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that this regulatory action will not have a significant economic impact on a substantial number of small entities, because this regulatory action is an exemption and imposes no regulatory obligations. EPA will provide this information to the Small Business Administration's office of Advocacy upon request.

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 the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: September 11, 2008.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

■ 2. Section 180.4 is amended by revising paragraph (a) to read as follows:

§ 180.4 Exceptions.

* * * * *

(a) Inert ingredients in food packaging treated with a pesticide, when such inert ingredients are the components of the food packaging material (e.g. paper

and paperboard, coatings, adhesives, and polymers).

* * * * *

[FR Doc. E8–21958 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 423

RIN 1006–AA55

Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies

AGENCY: Bureau of Reclamation, Interior.

ACTION: Interim final rule.

SUMMARY: This final rule will amend the regulations that govern public access to and conduct on Bureau of Reclamation (Reclamation) facilities, lands, and waterbodies. This action is necessary to clarify rules that are intended to maintain law and order and protect persons and property on Reclamation facilities, lands, and waterbodies. This action will help the public better understand their rights and responsibilities.

DATES: This interim final rule is effective on September 24, 2008. Reclamation must receive any comments on this interim final rulemaking no later than November 24, 2008.

ADDRESSES: You may submit comments, identified by the number 1006–AA55, by one of the following methods:

—*Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. This rule has been assigned Docket Identification Number BOR–2008–0003.

—*Mail:* Director, Security, Safety, and Law Enforcement, Bureau of Reclamation, 6th and Kipling, Building 67, Denver, CO 80225.

FOR FURTHER INFORMATION CONTACT: David Achterberg, Director, Security, Safety, and Law Enforcement, Bureau of Reclamation, PO Box 25007, Denver, Colorado 80225, telephone 303–445–3737.

SUPPLEMENTARY INFORMATION:

I. Background

On November 12, 2001, Congress enacted Public Law 107–69, which provides for law enforcement authority within Reclamation projects and on Reclamation lands. Section 1(a) of this law requires the Secretary of the Interior to ''issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.'' The Secretary of the Interior delegated this authority to the Commissioner of Reclamation.

On April 17, 2002, Reclamation published 43 CFR part 423, Public Conduct on Bureau of Reclamation Lands and Projects (67 FR 19092, Apr. 17, 2002) as an interim final rule. In the preamble to that rule, Reclamation stated its intent to replace the interim final rule with a more comprehensive public conduct rule and set April 17, 2003, as the interim final rule's expiration date. In order to provide more time to develop the comprehensive public conduct rule, Reclamation later extended the expiration of the interim final rule to April 17, 2005 (68 FR 16214, Apr. 3, 2003), and again to April 17, 2006 (70 FR 15778, Mar. 29, 2005).

On September 13, 2005, Reclamation published a proposed public conduct rule (70 FR 54214, Sep. 13, 2005) and asked the public to comment on that proposed rule. The Final Rule, 43 CFR Part 423, was published in the **Federal Register** on April 17, 2006 (71 FR 19790, Apr. 17, 2006).

Since that time, some members of the public and other entities have found certain provisions of the public conduct rule to be unclear. The purpose of this interim final rule is to amend the public conduct rule to clarify these provisions. A detailed discussion of these amendments follows.

The definitions of the terms ''Disorderly conduct'' and ''Trespass'' are being removed, and the language from those definitions is being added to §§ 423.22 and 423.24, respectively, because these are criminal acts and their detailed descriptions should be explained in the applicable sections of Subpart C of this rule. This change will facilitate reference to specific acts when law enforcement officers issue citations for disorderly conduct and trespassing.

The definition of ''Vessel'' is being revised to remove the statement that seaplanes, when on the water, are considered ''vessels'' under this part. This change will make Reclamation consistent with the U.S. Coast Guard and the majority of western States, which do not consider a seaplane a vessel when on the water.

A definition of the term ''Closed'' is being added to help resolve confusion concerning the use of closures under Subpart B as opposed to special use areas under Subpart E of this rule. This definition will clarify the distinction that closures are to be used only when all public access to a particular area or location is to be prohibited. When only a specific activity such as camping is to be prohibited in a certain area, but other public access to that area is to be allowed, a special use area should be established.

Section 423.3(a) is being revised to clarify that persons on Reclamation facilities, lands, and waterbodies must comply with Federal as well as State and local laws.

Section 423.3(b)(2) is being revised to clarify that the restrictions of part 423 do not apply to State and local employees and agents when they are carrying out their official duties.

In section 423.3(d), we are replacing the word ''right'' with ''authority'' because this passage refers to an authority which derives from Public Law 107–69.

New § 423.18 is being added to coincide with the new definition of closure, and to clarify that closures are to be used only where all public access is to be prohibited in a given area.

Section 423.21(a) is being revised to clarify that the public is responsible for awareness of all applicable laws as well as closures and special use areas when on Reclamation facilities, lands, and waterbodies.

In § 423.21(b), the words ''limitations, restrictions, closures, or special use areas'' are being added to ensure public understanding that the government's ability to issue citations must not be interpreted too narrowly.

Section 423.29(b) is being revised to clarify that Reclamation will not issue permits under Subpart D of this rule to introduce plant or animal species into Reclamation lands and waterbodies. Governmental entities may, with proper authority, introduce plant or animal species to Reclamation lands and waterbodies, but these activities are not restricted by part 423, pursuant to § 423.3(b)(3), and therefore no permits are needed. Furthermore, Reclamation has no intent to issue permits to the public for the introduction of plant or animal species. Therefore, the process of obtaining permits for these activities is inapplicable to either governmental entities or to the public.

Section 423.34(c) is being reworded to clarify that under no circumstances can a latrine or toilet be placed or constructed at a level lower than the high water mark of a Reclamation waterbody, and to reduce the horizontal restriction from 200 yards to 150 feet from the high water mark. The 200-yard restriction was considered excessive.

Sections 423.36 and 423.37 are being revised to clarify that posted restrictions

and delineations on swimming and winter activities must be observed.

Section 423.38(h) is being removed because commercial activity on Reclamation facilities, lands, and waterbodies is more appropriately governed by 43 CFR part 429.

Several revisions are being made to § 423.41. First, § 423.41(a) is being revised to clarify that part 423 is not intended to establish new prohibitions, restrictions, or allowances of aircraft activity on Reclamation lands or waterbodies. Rather, any rules concerning aircraft activity that were in place on April 17, 2006, when major revisions to part 423 went into effect, remain in effect as provided in § 423.64 (renumbered through this rulemaking as § 423.63). The revised language of § 423.41(a) also clarifies the ability of Authorized Officials to establish special use areas under Subpart E of part 423 to allow, restrict, or prohibit aircraft. Pilots and others should be cautioned that this amendment does not have the effect of changing the status of any Reclamation lands or waterbodies with respect to the allowance, restriction, or disallowance of aircraft activity. Rather, the change is being made to resolve confusion that resulted from the existing language of § 423.41(a). Pilots are still responsible for determining the laws, regulations, and local rules applicable to specific Reclamation lands or waterbodies before attempting landings or takeoffs.

Section 423.41(e) of the existing rule is being removed because we have determined this provision is not necessary; any liability on behalf of aircraft pilots, owners, or passengers is dictated by State law.

In renumbered § 423.41(e) [formerly § 423.41(f)], the words ''and § 423.38'' are being removed to clarify that seaplanes are not considered vessels when on the water. This change coincides with the change to the definition of ''vessel'' as explained above.

Section 423.41(h) of the existing rule is being removed because commercial activity on Reclamation facilities, lands, and waterbodies is more appropriately governed by 43 CFR part 429.

Section 423.41(i) of the existing rule is being removed because with the changes being made to § 423.41(a), the allowable times for aircraft landings and takeoffs are governed by other Federal, State, and local laws.

Section 423.41(j) of the existing rule is being removed because with the changes being made to § 423.41(a), the language of section (j) addressing compliance with restrictions established by an Authorized Official is redundant.

Section 423.50(a) is being revised to coincide with the change made to § 423.29(b) and the deletion of § 423.38(h) discussed above, to the effect that permits under part 423 will not be issued for the introduction of plants and animals, or for the commercial operation of vessels. The language was also revised to clarify that permits may be revoked to protect the health, safety, and security of persons, Reclamation assets, or natural or cultural resources.

Subpart E, Special Use Areas, is being revised to make several clarifications. First, the current provisions of § 423.62 are being merged into § 423.60 to clarify that the requirements for ''determination'' and ''documentation'' are not two separate activities.

Also, the current requirement in § 423.61(b) for a **Federal Register** notice in order to establish special use areas is being removed. Although Reclamation believes that in some cases, **Federal Register** notice of the establishment of, or changes to, special use areas may be desirable, that need is best determined through internal policy rather than a requirement in Federal regulations. This change will also make the requirements for establishing special use areas more consistent with the requirements for establishing closures under Subpart B of this rule.

An Authorized Official's ability to quickly establish a special use area under the current § 423.61(c) is being expanded to allow creation of special use areas with delayed notice in cases of safety and environmental needs, in addition to the existing specified conditions related to national, facility, employee, and public security.

Section 423.61(d) is being revised to clarify that if the four specified conditions are met, advance notice of the designation of a special use area is not required. The existing language implied that no notice was required, but Reclamation believes the public should always be notified of the existence of special use areas. Note that satisfaction of the four conditions specified in § 423.61(d) removes the requirement for advance notice, meaning that notice may occur at any time up until the time the special use area is designated. This contrasts with the conditions of emergency or immediate need described in § 423.61(c) under which notice may be delayed for up to 30 days after the special use area is designated.

Section 423.63 (formerly § 423.64) is being revised to clarify that rules that were already in effect on April 17, 2006 remain in effect to the extent allowed by Subpart A of part 423, and to the extent they are they are consistent with § 423.28. Reclamation wants to remind the public that the effect of § 423.63 is to recognize the validity of rules that that were already in effect on Reclamation facilities, lands, and waterbodies on April 17, 2006, the date major revisions to part 423 were implemented. Documented allowances, restrictions, and/or prohibitions that were in effect on that date generally remain in effect and are generally not removed or superseded by the rules contained in Subpart C of part 423. Reclamation encourages all parties to contact us with any questions concerning the rules that apply on Reclamation facilities, lands, and waterbodies.

Section 423.71(b) is being revised to clarify that the described sanctions apply to violations of closures as well as to the other types of violations described.

While each of the individual changes being made to part 423 is insufficient by itself to justify amending the rule, the total number of needed changes now warrants this amendatory rulemaking.

II. Determination To Make This Rule Effective Immediately

Reclamation has determined that it is in the public interest to clarify and resolve the issues addressed in these amendments without delay. Members of the public have asked for a speedy implementation of regulations that will assist them to better understand their rights and obligations on Reclamation lands and waterbodies. Delay would result in unnecessary uncertainty. For these reasons, Reclamation has determined that for this rulemaking, notice and public procedure requirements are impractical, unnecessary, and contrary to the public interest and should be waived as allowed by 5 U.S.C. 553(b)(3)(B). Furthermore, for the reasons stated above, Reclamation has determined that good cause exists to waive the requirement of publication 30 days in advance of the effective date, as allowed by 5 U.S.C. 553(d)(3).

Therefore, we are issuing these amendments as an interim final rule that will go into effect immediately. Following a 60-day public review period and our review of any public comments received, Reclamation expects to publish a final rule.

III. Procedural Matters

1. Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under

Executive Order 12866. This rule makes only minor amendments to the existing 43 CFR part 423 for purposes of clarification.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues.

2. Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule makes only minor amendments to the existing 43 CFR part 423 for purposes of clarification.

3. Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule makes only minor amendments to the existing 43 CFR part 423 for purposes of clarification.

The rule:

(1) Does not have an annual effect on the economy of $100 million or more.

(2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(3) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

4. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. This rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. This rule makes only minor amendments to the existing 43 CFR part 423 for purposes of clarification. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

5. Takings (E.O. 12630)

In accordance with Executive Order 12630, this rule does not have significant takings implications. This rule makes only minor amendments to the existing 43 CFR part 423 for purposes of clarification. A takings implication assessment is not required.

6. Federalism (E.O. 13132)

In accordance with Executive Order 12612, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule makes only minor amendments to the existing 43 CFR part 423 for purposes of clarification. A Federalism Assessment is not required.

7. Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

8. Consultation With Indian Tribes (E.O. 13175)

Under the criteria in Executive Order 13175, we have evaluated this rule and determined that it has no potential effects on federally recognized Indian tribes. This rule recognizes tribal authorities, laws, and regulations but does not affect them.

9. Paperwork Reduction Act

This regulation does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required. An OMB form 83–I is not required.

10. National Environmental Policy Act (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

11. Information Quality Act

In developing this rule we did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 106–554).

12. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition of Executive Order 13211. A Statement of Energy Effects is not required.

13. Clarity of This Regulation

We are required by E.O. 12866 and 12988, and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you believe we have not met these requirements, please send comments to Reclamation as instructed in the **ADDRESSES** section. Please make your comments as specific as possible, referring to specific sections and how they could be improved. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you believe lists or tables would be useful, etc.

14. Public Availability of Comments

Before including your name, 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.

List of Subjects in 43 CFR Part 423

Law enforcement, Public conduct, Reclamation lands, and Reclamation projects.

Dated: September 10, 2008.

Timothy R. Petty,

Acting Assistant Secretary for Water and Science.

■ For the reasons stated in the preamble, Reclamation amends 43 CFR part 423 as follows:

PART 423—PUBLIC CONDUCT ON BUREAU OF RECLAMATION FACILITIES, LANDS, AND WATERBODIES

■ 1. The authority citation for part 423 continues to read as follows:

Authority: Public Law 107–69 (November 12, 2001) (Law Enforcement Authority) (43 U.S.C. 373b and 373c); Public Law 102–575, Title XXVIII (October 30, 1992) (16 U.S.C. 460*l*–31 through 34); Public Law 89–72 (July 9, 1965) (16 U.S.C. 460*l*–12); Public Law 106–206 (May 26, 2000) (16 U.S.C. 460*l*–6d); Public Law 59–209 (June 8, 1906) (16 U.S.C.

431–433); Public Law 96–95 (October 31, 1979) (16 U.S.C. 470aa–mm).

■ 2. Amend § 423.2 as follows:

■ a. Remove the definitions of ''Disorderly conduct'' and ''Trespass.''

■ b. Remove from the definition of ''Vessel'' the words ''A seaplane on Reclamation waters is considered a vessel for the purposes of § 423.38 of this part.''

■ c. Add the definition of ''Closed'' in alphabetical order, to read as follows:

§ 423.2 Definitions of terms used in this part.

* * * * *

''*Closed* means a prohibition to all public access.''

* * * * *

■ 3. Amend § 423.3 by revising paragraphs (a) introductory text, (b)(2), and the last sentence of paragraph (d) to read as follows:

§ 423.3 When does this part apply?

(a) This part and all applicable Federal, State, and local laws apply to all persons on Reclamation facilities, lands, and waterbodies, with the following exceptions:

* * * * *

(b) * * *

(1) * * *

(2) An employee or agent of the Federal, State, or local government when the employee or agent is carrying out official duties; or

* * * * *

(d) * * * However, Reclamation retains the authority to take necessary actions to safeguard the security and safety of the public and such Reclamation facilities, lands and waterbodies.

* * * * *

■ 4. Add § 423.18 to read as follows:

§ 423.18 Use of closures.

Closures are to be used only where all public access is to be prohibited. Special use areas are to be used to restrict specific activities as set forth in Subpart E of this part 423.

■ 5. Amend § 423.21 by revising paragraphs (a) and (b) to read as follows:

§ 423.21 Responsibilities.

(a) You are responsible for finding, being aware of, and obeying all applicable laws and regulations, as well as notices and postings of closed and special use areas established by an authorized official under Subpart B and Subpart E of this part 423.

(b) You are responsible for the use of any device, vehicle, vessel, or aircraft you own, lease, or operate on Reclamation facilities, lands, or waterbodies. You may be issued a citation for a violation of regulations, including non-compliance with limitations, restrictions, closures, or special use areas applicable to the use of any device, vehicle, vessel, or aircraft as provided in this part as the owner, lessee, or operator.

* * * * *

■ 6. Amend § 423.22 by revising paragraph (e) to read as follows:

§ 423.22 Interference with agency functions and disorderly conduct.

* * * * *

(e) The following acts constitute disorderly conduct and are prohibited:

(1) Fighting, or threatening or violent behavior;

(2) Language, utterance, gesture, display, or act that is obscene, physically threatening or menacing, or that is likely to inflict injury or incite an immediate breach of the peace;

(3) Unreasonable noise, considering the nature and purpose of the person's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances;

(4) Creating or maintaining a hazardous or physically offensive condition; or

(5) Any other act or activity that may cause or create public alarm, nuisance, or bodily harm.

■ 7. Revise § 423.24 to read as follows:

§ 423.24 Trespassing.

You must not trespass on Reclamation facilities, lands, and waterbodies. Trespass includes any of the following acts:

(a) Unauthorized possession or occupancy of Reclamation facilities, lands, or waterbodies;

(b) Personal entry, presence, or occupancy on or in any portion or area of Reclamation facilities, lands, or waterbodies that have been closed to public use pursuant to Subpart B of this part 423;

(c) Unauthorized extraction or disturbance of natural or cultural resources located on Reclamation facilities, lands, or waterbodies;

(d) Unauthorized conduct of commercial activities on Reclamation facilities, lands, or waterbodies;

(e) Holding unauthorized public gatherings on Reclamation facilities, lands, or waterbodies; or

(f) Unauthorized dumping or abandonment of personal property on Reclamation facilities, lands, or waterbodies.

§ 423.29 [Amended]

■ 8. In § 423.29(b) remove the words ''without a permit issued pursuant to Subpart D of this part 423''.

■ 9. Amend § 423.34 by revising paragraph (c) to read as follows:

§ 423.34 Sanitation.

* * * * *

(c) You must not place or construct a toilet or latrine such that its lowest point is lower than the high water mark of any Reclamation waterbody, or within 150 feet horizontally of the high water mark of any Reclamation waterbody.

■ 10. Amend § 423.36 by revising paragraphs (a)(3) and (a)(4) and by adding a new paragraph (a)(5) to read as follows:

§ 423.36 Swimming.

(a) * * *

(3) In canals, laterals, siphons, tunnels, and drainage works;

(4) At public docks, launching sites, and designated mooring areas; or

(5) As otherwise delineated by signs or other markers.

* * * * *

■ 11. Amend § 423.37 by adding paragraph (c) to read as follows:

§ 423.37 Winter activities.

* * * * *

(c) You must comply with all other posted restrictions.

§ 423.38 [Amended]

■ 12. Amend § 423.38 by removing paragraph (h) and redesignate paragraphs (i) through (l) as (h) through (k), respectively.

■ 13. Revise § 423.41 to read as follows:

§ 423.41 Aircraft.

(a) You must comply with any applicable Federal, State, and local laws, and with any additional requirements or restrictions established by an authorized official in a special use area under Subpart E of this part 423, with respect to aircraft landings, takeoffs, and operation on or in the proximity of Reclamation facilities, lands, and waterbodies. Pilots are responsible for awareness of all applicable laws, regulations, requirements, and restrictions. This paragraph does not apply to pilots engaged in emergency rescue or in the official business of Federal, State, or local governments or law enforcement agencies, or who are forced to land due to circumstances beyond the pilot's control.

(b) You must not operate any aircraft while on or above Reclamation

facilities, lands, and waterbodies in a careless, negligent, or reckless manner so as to endanger any person, property, or natural feature.

(c) This section does not provide authority to deviate from Federal or state regulations, or prescribed standards, including, but not limited to, regulations and standards concerning pilot certifications or ratings and airspace requirements.

(d) Except in extreme emergencies threatening human life or serious property loss, you must not use non-standard boarding and loading procedures to deliver or retrieve people, material, or equipment by parachute, balloon, helicopter, or other aircraft.

(e) You must comply with all applicable U.S. Coast Guard rules when operating a seaplane on Reclamation waterbodies.

(f) You must securely moor any seaplane remaining on Reclamation waterbodies in excess of 24 hours at mooring facilities and locations designated by an authorized official. Seaplanes may be moored for periods of less than 24 hours on Reclamation waterbodies, except in special use areas otherwise designated by an authorized official, provided:

(1) The mooring is safe, secure, and accomplished so as not to damage the rights of the Government or the safety of persons; and

(2) The operator remains in the vicinity of the seaplane and reasonably available to relocate the seaplane if necessary.

(g) You must not operate model aircraft except as allowed in special use areas established by an authorized official under subpart E of this part 423.

■ 14. Amend § 423.50 by revising paragraph (a) to read as follows:

§ 423.50 How can I obtain permission for prohibited or restricted uses and activities?

(a) Authorized officials may issue permits to authorize activities on Reclamation facilities, lands, or waterbodies otherwise prohibited or restricted by §§ 423.16(a)(3), 423.26, 423.27, 423.29(f), 423.30(c), 423.33(d), and 423.35(d)(1), and may terminate or revoke such permits for non-use, non-compliance with the terms of the permit, violation of any applicable law, or to protect the health, safety, or security of persons, Reclamation assets, or natural or cultural resources.

* * * * *

■ 15. Amend § 423.60 by adding paragraph (c) to read as follows:

§ 423.60 How special use areas are designated.

* * * * *

(c) An authorized official establishing a special use area must document in writing the determination described in paragraph (b) of this section. Such documentation must occur before the action, except in emergencies or situations of immediate need as described in § 423.61(c), in which case the documentation is required within 30 days after the date of the action. Reclamation will make documents produced under this section available to the public upon request except where such disclosure could compromise national or facility security, or human safety.

■ 16. Amend § 423.61 by revising paragraph (b) introductory text, paragraphs (c)(1) and (c)(3), and paragraph (d) introductory text to read as follows:

§ 423.61 Notifying the public of special use areas.

* * * * *

(b) *How notice must be made.* Reclamation must notify the public at least 15 days before the action takes place by one or more of the following methods:

* * * * *

(c) * * *

(1) Notice under this section may be delayed in an emergency or situation of immediate need where delaying designation, revision, or termination of a special use area would result in significant risk to:

(i) National security;

(ii) The safety or security of a Reclamation facility, Reclamation employees, or the public; or

(iii) The natural or cultural environment.

(2) * * *

(3) Failure to meet the notice deadlines in paragraphs (b) or (c)(2) of this section will not invalidate an action, so long as Reclamation meets the remaining notification requirements of this section.

(d) *When advance notice is not required.* Advance notice as described in paragraph (b) of this section is not required if all the following conditions are met:

* * * * *

■ 17. Remove § 423.62.

■ 18. Redesignate § 423.63 and § 423.64 as § 423.62 and § 423.63, respectively.

■ 19. Revise § 423.63 to read as follows:

§ 423.63 Existing special use areas.

Areas where rules were in effect on April 17, 2006 that differ from the rules set forth in Subpart C are considered existing special use areas, and such differing rules remain in effect to the extent allowed by Subpart A, and to the extent they are consistent with § 423.28. For those existing special use areas, compliance with §§ 423.60 through 423.62 is not required until the rules applicable in those special use areas are modified or terminated.

■ 20. Amend § 423.71 by revising paragraph (b) to read as follows:

§ 423.71 Sanctions.

* * * * *

(b) Any condition, limitation, closure, prohibition on uses or activities, or public use limits, imposed under this part 423.

[FR Doc. E8–22423 Filed 9–23–08; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 594

[Docket No. NHTSA 2008–0114; Notice 2]

RIN 2127–AK33

Schedule of Fees Authorized by 49 U.S.C. 30141

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This document adopts fees for Fiscal Year 2009 and until further notice, as authorized by 49 U.S.C. 30141, relating to the registration of importers and the importation of motor vehicles not certified as conforming to the Federal motor vehicle safety standards (FMVSS). These fees are needed to maintain the registered importer (RI) program.

We are increasing the fees for the registration of a new RI from $677 to $760 and the annual fee for renewing an existing registration from $570 to $651. These fees include the costs of maintaining the RI program. The fee required to reimburse Customs for conformance bond processing costs will increase from $9.77 to $10.23 per bond. We are decreasing the fees to be collected from the importer of each vehicle covered by an import eligibility decision made on an individual make, model, and model year basis. For vehicles determined eligible based on their substantial similarity to a U.S. certified vehicle, the fee will decrease from $208 to $198. For vehicles determined eligible based on their capability of being modified to comply with all applicable FMVSS, the fee will

also decrease from $208 to $198. In the event that a petitioner requests an inspection of a vehicle, the fee for such an inspection will remain $827 for vehicles that are the subject of either type of petition. The fee that an RI must pay as a processing cost for review of each conformity package that it submits to NHTSA will increase to $14 from $13 per certificate. If the vehicle has been entered electronically with Customs through the Automated Broker Interface (ABI) and the registered importer has an e-mail address, the fee for processing the conformity package will continue to be $6, provided the fee is paid by credit card. However, if NHTSA finds that the information in the entry or the conformity package is incorrect, the processing fee will be $48, representing no change from the fee that is currently charged when there are one or more errors in the ABI entry or omissions in the statement of conformity.

DATES: The amendments established by this final rule will become effective on October 1, 2008, the beginning of FY 2009. Petitions for reconsideration must be received by NHTSA not later than November 10, 2008.

ADDRESSES: Petitions for reconsideration of this final rule should refer to the docket and notice numbers identified above and be submitted to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building, Washington, DC 20590. It is requested, but not required, that 10 copies of the petition be submitted. The petition must be received not later than 45 days after publication of this final rule in the **Federal Register**. Petitions filed after that time will be considered petitions filed by interested persons to initiate rulemaking pursuant to 49 U.S.C. Chapter 301.

The petition must contain a brief statement of the complaint and an explanation as to why compliance with the final rule is not practicable, is unreasonable, or is not in the public interest. Unless otherwise specified in the final rule, the statement and explanation together may not exceed 15 pages in length, but necessary attachments may be appended to the submission without regard to the 15-page limit. If it is requested that additional facts be considered, the petitioner must state the reason why they were not presented to the Administrator within the prescribed time. The Administrator does not consider repetitious petitions and unless the Administrator otherwise provides, the filing of a petition does not stay the effectiveness of the final rule.

FOR FURTHER INFORMATION CONTACT: Clint Lindsay, Office of Vehicle Safety Compliance, NHTSA (202–366–5291). For legal issues, you may call Nicholas Englund, Office of Chief Counsel, NHTSA (202–366–5263).

SUPPLEMENTARY INFORMATION:

Introduction

This rule was preceded by a notice of proposed rulemaking (NPRM) that NHTSA published on August 4, 2008 (73 FR 45195).

The National Traffic and Motor Vehicle Safety Act, as amended by the Imported Vehicle Safety Compliance Act of 1988, and recodified at 49 U.S.C. 30141–30147 (''the Act''), provides for fees to cover the costs of the importer registration program, the cost of making import eligibility decisions, and the cost of processing the bonds furnished to Customs. Certain fees became effective on January 31, 1990, and have been in effect, with modifications, since then. On June 24, 1996, we published a notice in the **Federal Register** at 61 FR 32411 that discussed the rulemaking history of 49 CFR Part 594 and the fees authorized by the Act. The reader is referred to that notice for background information relating to this rulemaking action.

We last amended the fee schedule in 2006. See final rule published on August 3, 2006 at 71 FR 43985. Those fees applied to Fiscal Years 2007 and 2008.

The fees adopted in this final rule are based on time expenditures and costs associated with the tasks for which the fees are assessed. They reflect the increase in hourly costs in the past two fiscal years attributable to the approximately 2.64 and 4.49 percent raises (including the locality adjustment for Washington, DC) in salaries of employees on the General Schedule that became effective on January 1, 2007, and on January 1, 2008, respectively.

Comments

There were no comments in response to the notice of proposed rulemaking.

Requirements of the Fee Regulation

Section 594.6—Annual Fee for Administration of the Importer Registration Program

Section 30141(a)(3) of Title 49, U.S. Code provides that RIs must pay the annual fee the Secretary of Transportation establishes ''* * * to pay for the costs of carrying out the registration program for importers * * *.'' This fee is payable both by new applicants and by existing RIs. To maintain its registration, each RI, at the time it submits its annual fee, must also file a statement affirming that the information it furnished in its registration application (or in later submissions amending that information) remains correct (49 CFR 592.5(f)).

In compliance with the statutory directive, we reviewed the existing fees and their bases in an attempt to establish fees that would be sufficient to recover the costs of carrying out the registration program for importers for at least the next two fiscal years. The initial component of the Registration Program Fee is the fee attributable to processing and acting upon registration applications. We will increase this fee from $266 to $295 for new applications. We have also determined that the fee for the review of the annual statement submitted by existing RIs who wish to renew their registrations will be increased from $159 to $186. These fee adjustments reflect our time expenditures in reviewing both new applications and annual statements with accompanying documentation, as well as the inflation factor attributable to Federal salary increases and locality adjustments in the two years since the regulation was last amended.

We must also recover costs attributable to maintenance of the registration program that arise from the need for us to review a registrant's annual statement and to verify the continuing validity of information already submitted. These costs also include anticipated costs attributable to the possible revocation or suspension of registrations and reflect the amount of time that we have devoted to those matters in the past two years.

Based upon our review of these costs, the portion of the fee attributable to the maintenance of the registration program is approximately $465 for each RI, an increase of $54. When this $465 is added to the $295 representing the registration application component, the cost to an applicant comes to $760, which is the fee we are adopting. This represents an increase of $83 over the existing fee. When the $465 is added to the $186 representing the annual statement component, the total cost to an RI renewing its registration comes to $651, which represents an increase of $81.

Section 594.6(h) enumerates indirect costs associated with processing the annual renewal of RI registrations. The provision states that these costs represent a pro rata allocation of the average salary and benefits of employees who process the annual statements and perform related functions, and ''a pro rata allocation of the costs attributable

to maintaining the office space, and the computer or word processor.'' The indirect costs that were previously calculated at $17.07 per man-hour are being increased by $3.24, to $20.31. This increase is based on the difference between enacted budgetary costs within the Department of Transportation for the last two fiscal years, which were higher than the estimates used when the fee schedule was last amended, and takes account of further projected increases over the next two fiscal years.

Sections 594.7 and 594.8—Fees To Cover Agency Costs in Making Importation Eligibility Decisions

Section 30141(a)(3) also requires RIs to pay other fees the Secretary of Transportation establishes to cover the costs of ''* * * (B) making the decisions under this subchapter.'' This includes decisions on whether the vehicle sought to be imported is substantially similar to a motor vehicle that was originally manufactured for importation into and sale in the United States and certified by its original manufacturer as complying with all applicable FMVSS, and whether the vehicle is capable of being readily altered to meet those standards. Alternatively, where there is no substantially similar U.S.-certified motor vehicle, the decision is whether the safety features of the vehicle comply with, or are capable of being altered to comply with, the FMVSS based on destructive test information or such other evidence that NHTSA deems to be adequate. These decisions are made in response to petitions submitted by RIs or manufacturers, or on the Administrator's own initiative.

The fee for a vehicle imported under an eligibility decision made in response to a petition is payable in part by the petitioner and in part by other importers. The fee to be charged for each vehicle is the estimated pro rata share of the costs in making all the eligibility decisions in a fiscal year.

The fee adopted by this final rule reflects the slight increase in hourly costs in the past two fiscal years attributable to the approximately 2.64 and 4.49 percent raises (including the locality adjustment for Washington, DC) in salaries of employees on the General Schedule that became effective on January 1, 2007, and on January 1, 2008, respectively.

We have also reduced costs by issuing a single **Federal Register** notice to announce import eligibility decisions made on multiple vehicles. Despite the cost savings that have accrued from this development, RIs have imported fewer vehicles each year since we last amended the fee schedule. This has increased the pro rata share of petition costs that are to be assessed against the importer of each vehicle covered by the decision to grant import eligibility. Although the number of petitions submitted in the past two years has decreased, the agency has devoted an increasing share of staff time to the review and processing of import eligibility petitions owing to complications that result when the petitioner or one or more commenters request confidentiality for information they submit to the agency. Additional staff time is also needed to analyze the petitions and any comments received owing to new requirements being adopted in the FMVSS, such as the advanced air bag rule that became effective September 1, 2006. Despite these factors, we are not increasing the current fee of $175 that covers the initial processing of a ''substantially similar'' petition. We are also maintaining the existing fee of $800 to cover the initial costs for processing petitions for vehicles that have no substantially similar U.S.-certified counterpart.

In the event that a petitioner requests an inspection of a vehicle, the fee for such an inspection will remain $827 for vehicles that are the subject of either type of petition.

Importers of vehicles determined to be eligible for importation pay, upon the importation of those vehicles, a pro rata share of the total cost for making the eligibility decision. The importation fee varies depending upon the basis on which the vehicle is determined to be eligible. For vehicles covered by an eligibility decision on the agency's own initiative (other than vehicles imported from Canada that are covered by eligibility numbers VSA–80 through 83, for which no eligibility decision fee is assessed), the fee will remain $125. NHTSA determined that the costs associated with previous eligibility decisions on the agency's own initiative will be fully recovered by October 1, 2008. We will apply the fee of $125 per vehicle only to vehicles covered by determinations made by the agency on its own initiative on or after October 1, 2008.

The agency's costs for making an import eligibility decision pursuant to a petition are borne in part by the petitioner and in part by the importers of vehicles imported under the petition. In 2007, the most recent year for which complete data exist, the agency expended $76,031 in making import eligibility decisions based on petitions. The petitioners paid $6,975 of that amount in the processing fees that accompanied the filing of their petitions, leaving the remaining $69,056 to be recovered from the importers of the 236 vehicles imported that year under petition-based import eligibility decisions. Dividing $69,056 by 236 yields a pro rata fee of $293 for each vehicle imported under an eligibility decision that resulted from the granting of a petition.

However, the agency believes that the volume of petition-based imports for the next two fiscal years should not be projected on the basis of a single year, particularly one in which the volume of petitioned-based imports was atypically low. The agency therefore took the average number of petition-based imports over the past 15 years to project the number of such vehicles that would be imported in Fiscal Years 2009 and 2010. Further, we assume that petitions filed during Fiscal Years 2009 and 2010 would also more closely reflect the average number of petitions received each year since 1991, the first year that the agency received RI petitions. Based on these estimates, we project that 621 vehicles would be imported under petition-based eligibility decisions and that 39 petition-based import eligibility decisions would be made.

Based on these estimates, the agency's costs for processing these petitions would increase to no more than $136,000. Petitioners would pay slightly more than $13,000 of that amount in the processing fees that accompany the filing of their petitions, leaving the remaining $123,000 to be recovered from the importers of the 621 vehicles to be imported each year under petition-based import eligibility decisions. Dividing $123,000 by 621 yields a pro rata fee of $198 for each vehicle imported under an eligibility decision that results from the granting of a petition.

Based on our estimates for Fiscal Years 2009 and 2010, the pro rata fee to be paid by the importer of each such vehicle will decrease from $208 to $198, representing a decrease of $10 from the existing fee for each vehicle imported. The same $198 fee will be paid regardless of whether the vehicle was petitioned under 49 CFR 593.6(a), based on the substantial similarity of the vehicle to a U.S.-certified model, or was petitioned under 49 CFR 593.6(b), based on the safety features of the vehicle complying with, or being capable of being modified to comply with all applicable FMVSS.

Section 594.9—Fee To Recover the Costs of Processing the Bond

Section 30141(a)(3) also requires an RI to pay any other fees the Secretary of Transportation establishes ''* * * to pay for the costs of—(A) processing

bonds provided to the Secretary of the Treasury * * *''. Under Section 30141(d), the bond is provided at the time a nonconforming vehicle is imported to ensure that the vehicle will be brought into compliance within 120 days, as required by 49 CFR 591.8(d)(1), or if the vehicle is not brought into compliance within such time, that it be exported, without cost to the United States, or abandoned to the United States. See Section 30141(d)(1)(B).

Customs now exercises the functions associated with the processing of these bonds. The statute contemplates that we will make a reasonable determination of the cost that Customs incurs in processing the bonds. In essence, the cost to Customs is based upon an estimate of the time that a GS–9, Step 5 employee spends on each entry, which Customs has judged to be 20 minutes.

Based on General Schedule salary and locality raises that were effective in January 2007 and 2008 and the inclusion of costs for benefits, we are increasing the processing fee by $0.46, from $9.77 per bond to $10.23. This fee will reflect the direct and indirect costs that are actually associated with processing the bonds.

Section 594.10—Fee for Review and Processing of Conformity Certificate

Each RI is currently required to pay $13 per vehicle to cover the costs the agency incurs in reviewing a certificate of conformity. We have found that these costs have increased to an average of $14 per vehicle because of increased contractor and overhead costs. Based on these costs, we are increasing the fee charged for vehicles for which a paper entry and fee payment is made, from $13 to $14, a difference of $1 per vehicle. However, if an RI enters a vehicle through the ABI system, has an e-mail address to receive communications from NHTSA, and pays the fee by credit card, the cost savings that we realize allow us to significantly reduce the fee to $6. We are maintaining the fee of $6 per vehicle if all the information in the ABI entry is correct.

Errors in ABI entries not only eliminate any time savings, but also require additional staff time to be expended in reconciling the erroneous ABI entry information with the conformity data that is ultimately submitted. Our experience with these errors has shown that staff members must examine records, make time-consuming long distance telephone calls, and often consult supervisory personnel to resolve the conflicts in the data. We have calculated this staff and supervisory time, as well the telephone charges, to amount to approximately $42 for each erroneous ABI entry. Adding this to the $6 fee for the review of conformity packages on automated entries yields a total of $48, representing no change in the fee that is currently charged when there are one or more errors in the ABI entry or omissions in the statement of conformity.

Statutory Basis for the Final Rule and Effective Date

NHTSA is required under 49 U.S.C. 30141(e) to ''review and make appropriate adjustments at least every 2 years in the amounts of the fees'' relating to the registration of importers, the processing of bonds, and making decisions concerning the importation of nonconforming vehicles. The statute further requires the agency to ''establish the fees for each fiscal year before the beginning of that year.'' This final rule implements the statutory provisions. In the NPRM, we proposed to make this rule effective October 1, 2008, and did not receive any comments on this issue. In order to meet the statutory deadline, the agency finds under 5 U.S.C. 553(d)(3) that it has good cause to make this final rule effective less that thirty days after its publication in the **Federal Register**. Accordingly, the effective date of this final rule is October 1, 2008.

Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

NHTSA has considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking is not significant. Accordingly, the Office of Management and Budget has not reviewed this rulemaking document under Executive Order 12886. Based on the level of the fees and the volume of affected vehicles, NHTSA currently anticipates that the costs of the final rule would be so minimal as not to warrant preparation of a full regulatory evaluation. The action does not involve any substantial public interest or controversy. There would be no substantial effect upon State and local governments. There would be no substantial impact upon a major transportation safety program. A regulatory evaluation analyzing the economic impact of the final rule establishing the registered importer program, adopted on September 29, 1989, was prepared, and is available for review in the docket.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBFEFA) of 1996), whenever an agency is required to publish a notice of proposed rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). The Small Business Administration's regulations at 13 CFR Part 121 define a small business, in part, as a business entity ''which operates primarily within the United States.'' (13 CFR § 121.105(a)). No regulatory flexibility analysis is required if the head of an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. The SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

The agency has considered the effects of this rulemaking under the Regulatory Flexibility Act, and certifies that the adopted amendments will not have a significant economic impact upon a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. 605(b)). The adopted amendments will primarily

affect entities that currently modify nonconforming vehicles and which are small businesses within the meaning of the Regulatory Flexibility Act; however, the agency has no reason to believe that these companies would be unable to pay the fees adopted in this rulemaking action. In most instances, these fees would not be changed or be only modestly increased (and in some instances decreased) from the fees previously being paid by these entities. Moreover, consistent with prevailing industry practices, these fees should be passed through to the ultimate purchasers of the vehicles that are altered and, in most instances, sold by the affected registered importers. The cost to owners or purchasers of nonconforming vehicles that are altered to conform to the FMVSS may be expected to increase (or decrease) to the extent necessary to reimburse the registered importer for the fees payable to the agency for the cost of carrying out the registration program and making eligibility decisions, and to compensate Customs for its bond processing costs.

Governmental jurisdictions will not be affected at all since they are generally neither importers nor purchasers of nonconforming motor vehicles.

C. Executive Order 13132 (Federalism)

Executive Order 13132 on ''Federalism'' requires NHTSA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications.'' Executive Order 13132 defines the term ''policies that have federalism implications'' to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, NHTSA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or NHTSA consults with State and local officials early in the process of developing the proposed regulation.

The amendments adopted in this final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government as specified in Executive Order 13132. Moreover, NHTSA is required by statute to impose fees for the administration of the RI program and to review and make necessary adjustments in those fees at least every two years. Thus, the requirements of section 6 of the Executive Order do not apply to this rulemaking action.

D. National Environmental Policy Act

NHTSA has analyzed this action for purposes of the National Environmental Policy Act. The action would not have a significant effect upon the environment because it is solely concerned with the adjustment of fees associated with the agency's vehicle importation program. On account of those fee adjustments, the annual volume of motor vehicles imported through registered importers is not anticipated to vary significantly from that existing before promulgation of the rule.

E. Executive Order 12778 (Civil Justice Reform)

Pursuant to Executive Order 12988 ''Civil Justice Reform,'' this agency has considered whether the amendments adopted in this final rule will have any retroactive effect. NHTSA concludes that those amendments will not have any retroactive effect. Judicial review of the final rule may be obtained pursuant to 5 U.S.C. 702. That section does not require that a petition for reconsideration be filed prior to seeking judicial review.

F. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually (adjusted for inflation with the base year of 1995). Before promulgating a rule for which a written assessment is needed, Section 205 of the UMRA generally requires NHTSA to identify and consider a reasonable number of regulatory alternatives and to adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of Section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows NHTSA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the agency publishes with the final rule an explanation why that alternative was not adopted. Because this final rule will not require the expenditure of resources beyond $100 million annually, this action is not subject to the requirements of sections 202 and 205 of the UMRA.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This final rule will require no information collections.

H. Executive Order 13045

Executive Order 13045 applies to any rule that (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental, health, or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned rule is preferable to other potentially effective and reasonably feasible alternatives considered by us. This rulemaking is not economically significant and does not concern an environmental, health, or safety risk.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272) directs NHTSA to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs the agency to provide Congress, through the OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

After conducting a search of available sources, we have concluded that there are no voluntary consensus standards applicable to this final rule.

J. Privacy Act

Anyone is able to search the electronic form of all submissions

received into any of our dockets by the name of the individual submitting the comment or petition (or signing the comment or petition, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

K. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN that appears in the heading on the first page of this document to find this action in the Unified Agenda.

List of Subjects in 49 CFR Part 594

Imports, Motor vehicle safety, Motor vehicles.

■ In consideration of the foregoing, Part 594, Schedule of Fees Authorized by 49 U.S.C. 30141, in Title 49 of the Code of Federal Regulations is amended as follows:

PART 594—SCHEDULE OF FEES AUTHORIZED BY 49 U.S.C. 30141

■ 1. The authority citation for part 594 continues to read as follows:

Authority: 49 U.S.C. 30141, 31 U.S.C. 9701; delegation of authority at 49 CFR 1.50.

■ 2. Amend § 594.6 by:
■ A. Revising the introductory text of paragraph (a);
■ B. Revising paragraph (b);
■ C. Revising paragraph (d);
■ D. Revising the second sentence of paragraph (h); and
■ E. Revising paragraph (i) to read as follows:

§ 594.6 Annual fee for administration of the registration program.

(a) Each person filing an application to be granted the status of a Registered Importer pursuant to part 592 of this chapter on or after October 1, 2008, must pay an annual fee of $760, as calculated below, based upon the direct and indirect costs attributable to:

* * * * *

(b) That portion of the initial annual fee attributable to the processing of the application for applications filed on and after October 1, 2008, is $295. The sum of $295, representing this portion, shall not be refundable if the application is denied or withdrawn.

* * * * *

(d) That portion of the initial annual fee attributable to the remaining activities of administering the registration program on and after October 1, 2008, is set forth in paragraph (i) of this section. This portion shall be refundable if the application is denied, or withdrawn before final action upon it.

* * * * *

(h) * * * This cost is $23.31 per man-hour for the period beginning October 1, 2008.

(i) Based upon the elements and indirect costs of paragraphs (f), (g), and (h) of this section, the component of the initial annual fee attributable to administration of the registration program, covering the period beginning October 1, 2008, is $465. When added to the costs of registration of $295, as set forth in paragraph (b) of this section, the costs per applicant to be recovered through the annual fee are $760. The annual renewal registration fee for the period beginning October 1, 2008, is $651.

■ 3. Amend § 594.7 by revising the section heading and paragraph (e) to read as follows:

§ 594.7 Fee for filing petitions for a determination whether a vehicle is eligible for importation.

* * * * *

(e) For petitions filed on and after October 1, 2008, the fee payable for seeking a determination under paragraph (a)(1) of this section is $175. The fee payable for a petition seeking a determination under paragraph (a)(2) of this section is $800. If the petitioner requests an inspection of a vehicle, the sum of $827 shall be added to such fee. No portion of this fee is refundable if the petition is withdrawn or denied.

* * * * *

■ 4. Amend § 594.8 by revising paragraph (b) and the first sentence of paragraph (c) to read as follows:

§ 594.8 Fee for importing a vehicle pursuant to a determination by the Administrator.

* * * * *

(b) If a determination has been made pursuant to a petition, the fee for each vehicle is $198. The direct and indirect costs that determine the fee are those set forth in §§ 594.7(b), (c), and (d).

(c) If a determination has been made on or after October 1, 2008, pursuant to the Administrator's initiative, the fee for each vehicle is $125. * * *

■ 5. Amend § 594.9 by revising paragraph (c) to read as follows:

§ 594.9 Fee for reimbursement of bond processing costs.

* * * * *

(c) The bond processing fee for each vehicle imported on and after October 1, 2008, for which a certificate of conformity is furnished, is $10.23.

■ 6. Amend § 594.10 by revising paragraph (d) to read as follows:

§ 594.10 Fee for review and processing of conformity certificate.

* * * * *

(d) The review and processing fee for each certificate of conformity submitted on and after October 1, 2008 is $14. However, if the vehicle covered by the certificate has been entered electronically with the U.S. Department of Homeland Security through the Automated Broker Interface and the registered importer submitting the certificate has an e-mail address, the fee for the certificate is $6, provided that the fee is paid by a credit card issued to the registered importer. If NHTSA finds that the information in the entry or the certificate is incorrect, requiring further processing, the processing fee shall be $48.

Issued on: September 18, 2008.

Ronald L. Medford,

Senior Associate Administrator for Vehicle Safety.

[FR Doc. E8–22334 Filed 9–23–08; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 73, No. 186
Wednesday, September 24, 2008

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

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

7 CFR Chapter XXXIV

Solicitation of Input From Stakeholders Regarding the Beginning Farmer and Rancher Development Program

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of public meeting and request for stakeholder input.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) is implementing a newly funded competitive grants program called the Beginning Farmer and Rancher Development Program. By this notice, CSREES is designated to act on behalf of the Secretary of Agriculture in soliciting public comments and stakeholder input from persons who use or conduct research, extension or education, training, outreach and technical assistance regarding the implementing regulation to be developed for this newly funded program, as required under section 7405 of the Farm Security and Rural Investment Act of 2002, as amended by the Food, Conservation, and Energy Act of 2008 (FCEA).

DATES: The meeting will be held on Monday, October 27, 2008, from 9 a.m. to 1 p.m. All comments must be received by close of business on Friday, November 14, 2008.

ADDRESSES: The meeting will be held in rooms 1410A–D, Waterfront Centre Building, Cooperative State Research, Education, and Extension Service, United States Department of Agriculture, 800 9th Street, SW., Washington, DC 20024. Meeting participants will need to provide photo identification to be admitted to the building. Please allow sufficient time to go through security. You may submit comments, identified by CSREES–2008–0003, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

E-mail: psmith@csrees.usda.gov. Include CSREES–2008–0003 in the subject line of the message.

Fax: 202–401–1782.

Mail: Paper, disk or CD–ROM submissions should be submitted to BFRDP; Competitive Programs (CP) Unit, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2240, 1400 Independence Avenue, SW., Washington, DC 20250–2240.

Hand Delivery/Courier: BFRDP, Competitive Programs (CP) Unit, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, Room 2457, Waterfront Centre, 800 9th Street, SW., Washington, DC 20024.

Instructions: All submissions received must include the agency name and reference to CSREES–2008–0003. All comments received will be posted to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Paulette Smith, (202) 401–1761 (phone), (202) 401–1782 (fax), or *psmith@csrees.usda.gov.*

SUPPLEMENTARY INFORMATION:

Additional Meeting and Comment Procedures

Because of the diversity of subjects, and to aid participants in scheduling their attendance, the following schedule is anticipated for the October 27, 2008, meeting:

9 a.m.–9:30 a.m.—Introduction to Beginning Farmer and Rancher Development Program (program purposes and background information).
9:30 a.m.–10 a.m.—Eligibility and matching funds.
10 a.m.–10:30 a.m.—Partnerships.
10:30 a.m.–11 a.m.—Outcomes-based reporting, communication of findings and results beyond the immediate target audience, and best practices.
11 a.m.–11:30 a.m.—Educational teams.
11:30 a.m.–12 p.m.—Curriculum and Training Clearinghouse; purpose & reporting of materials.
12 p.m.–12:30 p.m.—Funding priorities.
12:30 p.m.–1 p.m.—Issues pertaining to BFRDP funding priorities and administration.

Persons wishing to present oral comments at the October 27, 2008, meeting are requested to pre-register by contacting Ms. Paulette Smith at (202) 401–1761, by fax at (202) 401–1782 or by e-mail to *psmith@csrees.usda.gov.* Participants may reserve one 5-minute comment. More time may be available, depending on the number of people wishing to make a presentation and the time needed for questions following presentations. Reservations will be confirmed on a first-come, first-served basis. All other attendees may register at the meeting. All comments must be received by close of business Friday, November 14, 2008, to be considered. All comments and the official transcript of the meeting, when they become available, may be reviewed on the CSREES Web page for six months. Participants who require a sign language interpreter or other special accommodations should contact Ms. Smith as directed above. Additional forums will occur after the public meeting to obtain public comments for use in developing the proposed rule for the new BFRDP program. These forums will be announced through the CSREES Web page: *http://www.csrees.usda.gov/business/reporting/stakeholder/ec_stakeholder.html.*

Background and Purpose

Section 7405 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171) as amended in the FCEA (Pub. L. 110–246) authorized the Secretary of Agriculture to make competitive grants to new and established local and regional training, education, outreach, and technical assistance initiatives that address the needs of beginning farmers and ranchers. The Secretary may award a Beginning Farmer and Rancher Development Program (BFRDP) grant to a collaborative State, tribal, local or regionally based network or partnership of public or private entities, which may include: A State cooperative extension service; a Federal, State or tribal agency; a community-based and nongovernmental organization; a college or university (including an institution awarding an associate's degree) or foundation maintained by a college or university; or any other appropriate partner, as determined by the Secretary. Grants shall be awarded to address needs of beginning farmers and ranchers in the following areas: Mentoring,

apprenticeships, and internships; resources and referrals; assisting beginning farmers or ranchers in acquiring land from retiring farmers and ranchers; innovative farm and ranch transfer strategies; entrepreneurship and business training; model land leasing contracts; financial management training; whole farm planning; conservation assistance; risk management education; diversification and marketing strategies; curriculum development; understanding the impact of concentration and globalization; basic livestock and crop farming practices; the acquisition and management of agricultural credit; environmental compliance; information processing; and other similar subject areas of use to beginning farmers or ranchers. The authority to carry out this program has been delegated to CSREES through the Under Secretary for Research, Education, and Economics.

CSREES is holding a public meeting to obtain comments to use in developing the proposed rule for the newly funded BFRDP. The meeting will solicit comments regarding the implementation of BFRDP. The meeting is open to the public. Written comments and suggestions may be submitted to the CSREES Docket Clerk at the address above.

Summary of Beginning Farmer and Rancher Development Program

For fiscal year (FY) 2009, $18 million has been made available for the BFRDP. Not less than 25 percent of funds used to carry out the BFRDP for a fiscal year shall be used to support programs and services that address the needs of limited resource beginning farmers or ranchers; socially disadvantaged beginning farmers or ranchers; and farmworkers desiring to become farmers or ranchers. All applicants are required to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to 25 percent of the Federal funds requested. In making BFRDP grants, priority will be given to partnerships and collaborations that are led by or include nongovernmental and community-based organizations with expertise in new agricultural producer training and outreach. Geographical diversity will be ensured to the maximum extent practicable.

Implementation Plans

CSREES plans to consider stakeholder input received from this public meeting and subsequent public forums as well as other written comments in developing an implementing regulation for this program. CSREES anticipates releasing a Request for Applications (RFA) by mid-January 2009.

Done at Washington, DC, this 19th day of September, 2008.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. E8–22420 Filed 9–23–08; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

7 CFR Chapter XXXIV

Solicitation of Input From Stakeholders Regarding Programs for the Hispanic-Serving Agricultural Colleges and Universities

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of public meeting and request for stakeholder input.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) is requesting stakeholder input in developing regulations for identifying and certifying institutions as Hispanic-serving Agricultural Colleges and Universities (HSACUs), which comprise a new group of cooperating educational institutions established in section 7101 of the Food, Conservation, and Energy Act of 2008 (FCEA) or Public Law 110–246. In addition, CSREES is requesting stakeholder input in developing regulations for the five new programs for HSACUs authorized under section 7129 of FCEA. By this notice, CSREES is designated to act on behalf of the Secretary of Agriculture in soliciting public comment from interested parties regarding the implementing regulations to be developed for identifying HSACUs and the new programs for HSACUs.

DATES: The meeting will be held on Sunday, October 12, 2008, from 3 p.m. to 6:30 p.m. All comments not presented or submitted for the record at the meeting must be received by close of business Monday, October 27, 2008, to be considered.

ADDRESSES: The meeting will be held at the Hyatt Regency Denver at Colorado Convention Center at 650 15th Street Denver, CO 80202. You may submit comments, identified by CSREES–2008–0004, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

E-mail: HSACU@csrees.usda.gov. Include CSREES–2008–0004 in the subject line of the message.

Fax: (202) 720–2030.

Mail: Paper, disk or CD–ROM submissions should be submitted to: John Miklozek; Multicultural Alliances, Science and Education Resources Development Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Mail Stop 2251; 1400 Independence Avenue, SW., Washington, DC 20250–2251.

Hand Delivery/Courier: HSACU; Multicultural Alliances, Science and Education Resources Development Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 3253; Waterfront Centre; 800 9th Street, SW.; Washington, DC 20024.

Instructions: All submissions received must include the agency name and CSREES–2008–0004. All comments received will be posted to *http://www.regulations.gov*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. John Miklozek, (202) 720–1254 (phone), (202) 720–2030 (fax), or *HSACU@csrees.usda.gov.*

SUPPLEMENTARY INFORMATION:

Additional Meeting and Comment Procedures

Persons wishing to present oral comments at the October 12, 2008, meeting are requested to pre-register by contacting Mr. John Miklozek at (202) 720–1254, by fax at (202) 720–2030 or by e-mail to *HSACU@csrees.usda.gov.* Participants may reserve one 5-minute comment period. More time may be available, depending on the number of people wishing to make a presentation and the time needed for questions following presentations. Reservations will be confirmed on a first-come, first-served basis. Written comments may also be submitted for the record at the meeting. All other attendees may register at the meeting. All comments not presented or submitted for the record at the meeting must be received by close of business Monday, October 27, 2008, to be considered. All comments and the official transcript of the meeting, when they become available, may be reviewed on the CSREES Web page for six months. Participants who require a sign language interpreter or other special accommodations should contact Mr. Miklozek as directed above. A Spanish language interpreter will be present.

Background and Purpose

Section 7101 of the FCEA recently established a new group of cooperating educational institutions known as the Hispanic-serving Agricultural Colleges and Universities (HSACUs). Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (''NARETPA'') (7 U.S.C. 3103) defines HSACUs as colleges or universities that qualify as Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a) and that offer associate, bachelors, or other accredited degree programs in agriculture-related fields. HSACUs do not include 1862 institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

The FCEA amends section 406(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(b)) by expanding the eligibility for the CSREES Integrated Research, Education, and Extension Competitive Grants Programs to include HSACUs.

In addition, section 7129 of the FCEA authorizes the following five new programs for HSACUs: The HSACU Endowment Fund, the HSACU Equity Grants Program, the HSACU Institutional Capacity-Building Grants Program, the HSACU Fundamental and Applied Research Grants Program, and the HSACU Extension Grants Program. The first four programs are authorized in section 1456 of NARETPA (7 U.S.C. 3243), and the fifth program is authorized in section 3(b)(4) of the Smith-Lever Act (7 U.S.C. 343(b)(4)).

CSREES is requesting stakeholder input in the identification and certification of institutions as HSACUs and on the implementation of the five new HSACU programs.

Implementation Plans

CSREES plans to consider stakeholder input received from this public meeting, as well as other written comments, in developing an implementing regulation for the identification and certification of institutions as HSACUs by Spring 2009; with a separate implementing regulation for the new HSACU programs to follow.

Done at Washington, DC, this 19th day of September, 2008.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. E8–22418 Filed 9–23–08; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0652; Airspace Docket No. 08–AGL–5]

Proposed Establishment of Class D and Class E Airspace; Grayling, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class D airspace and Class E Surface Area airspace at Grayling Army Airfield, Grayling, MI. The establishment of an air traffic control tower has made these actions necessary for the safety of Instrument Flight Rule (IFR) operations at Grayling Army Airfield. Class D airspace will revert to a Class E2 Surface Area during periods when the control tower is not operating.

DATES: 0901 UTC. Comments must be received on or before November 10, 2008.

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–2008–0652/Airspace Docket No. 08–AGL–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 Area, System Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76193–0530; telephone: (817) 222–5582.

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–2008–0652/Airspace Docket No. 08–AGL–5.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM's

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* or the Superintendent of Documents' Web page at *http://www.access.gpo.gov/nara.*

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

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing a Class D airspace area and Class E Surface Area for IFR operations at Grayling Army Airfield, Grayling, MI. The Class D airspace will revert to a Class E Surface Area during those periods when the control tower is not operating. These areas would be depicted on appropriate aeronautical charts.

Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

Class E Surface Areas are published in Paragraph 6002 of FAA Order 7400.9R, dated August 15, 2007, and effective

September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class E Surface Area 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 establish controlled airspace at Grayling Army Airfield, Grayling, MI.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, 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; AIRWAYS; 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 Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, dated August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AGL MI D Grayling, MI [New]

Grayling Army Airfield, MI
(Lat. 44°40′49″ N., long. 84°43′44″ W.)
Grayling VOR
(Lat. 44°40′54″ N., long. 84°43′44″ W.)

That airspace extending upward from the surface to and including 3,700 feet MSL within a 4.2-mile radius of Grayling Army Airfield and within 2 miles each side of the 304° bearing from Grayling Army Airfield extending from the 4.2-mile radius to 7.7 miles northwest of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6002 Class E Airspace Designated as Surface Areas

* * * * *

AGL MI E2 Grayling, MI [New]

Grayling Army Airfield, MI
(Lat. 44°40′49″ N., long. 84°43′44″ W.)
Grayling VOR
(Lat. 44°40′54″ N., long. 84°43′44″ W.)

That airspace extending upward from the surface to and including 3,700 feet MSL within a 4.2-mile radius of Grayling Army Airfield and within 2 miles each side of the 304° bearing from Grayling Army Airfield extending from the 4.2-mile radius to 7.7 miles northwest of the airport. This Class E Surface Area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on September 12, 2008.

Donald R. Smith,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. E8–22433 Filed 9–23–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–142339–05]

RIN 1545–BE89

Targeted Populations Under Section 45D(e)(2)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to how an entity serving certain targeted populations under section 45D(e)(2) can meet the requirements to be a qualified active low-income community business. The regulations reflect changes to the law made by the American Jobs Creation Act of 2004. The regulations will affect certain taxpayers claiming the new markets tax credit. This document also provides a notice of a public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by December 23, 2008. Outlines of topics to be discussed at the public hearing scheduled for Thursday, January 22, 2009 at 10:00 a.m. must be received by Friday, December 26, 2008.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–142339–05), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–142339–05), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically, via the Federal eRulemaking Portal at *www.regulations.gov* (IRS—REG–142339–05). The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Julie Hanlon-Bolton, (202) 622–3040; concerning submission of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Funmi Awosika Taylor, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document amends 26 CFR part 1 to provide rules relating to certain targeted populations under section 45D(e)(2). On May 24, 2005, the

Community Development Financial Institutions (CDFI) Fund published an advance notice of proposed rulemaking (ANPRM) (70 FR 29658) to seek comments from the public with respect to how targeted populations may be treated as eligible low-income communities under section 45D(e)(2). In response to the ANPRM, comments were received making various suggestions relating to the Treasury Department's definition of the term ''targeted populations'' and proposing amendments to the requirements to be a qualified active low-income community business under § 1.45D–1. On June 30, 2006, the IRS and Treasury Department released Notice 2006–60 (2006–29 IRB 82), which announced that § 1.45D–1 would be amended to provide rules relating to how an entity meets the requirements to be a qualified active low-income community business when its activities involve certain targeted populations under section 45D(e)(2). Taxpayers may rely on Notice 2006–60 until final regulations are issued. See § 601.601(d)(2) (ii)(*b*). The IRS and Treasury Department have reviewed and considered all written and electronic comments in the process of preparing the proposed regulations. This preamble to the proposed regulations describes many of the more significant comments received by the IRS and Treasury Department in response to the notice.

General Overview

Section 45D(a)(1) provides a new markets tax credit on certain credit allowance dates described in section 45D(a)(3) with respect to a qualified equity investment in a qualified community development entity (CDE) described in section 45D(c).

Section 45D(b)(1) provides that an equity investment in a CDE is a ''qualified equity investment'' if, among other requirements: (A) The investment is acquired by the taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash; (B) substantially all of the cash is used by the CDE to make qualified low-income community investments; and (C) the investment is designated for purposes of section 45D by the CDE.

Under section 45D(b)(2), the maximum amount of equity investments issued by a CDE that may be designated by the CDE as qualified equity investments shall not exceed the portion of the new markets tax credit limitation set forth in section 45D(f)(1) that is allocated to the CDE by the Secretary under section 45D(f)(2).

Section 45D(c)(1) provides that an entity is a CDE if, among other requirements, the entity is certified by the Secretary as a CDE.

Section 45D(d)(1) provides that the term *qualified low-income community investment* means: (A) any capital or equity investment in, or loan to, any qualified active low-income community business (as defined in section 45D(d)(2)); (B) the purchase from another CDE of any loan made by the entity that is a qualified low-income community investment; (C) financial counseling and other services specified in regulations prescribed by the Secretary to businesses located in, and residents of, low-income communities; and (D) any equity investment in, or loan to, any CDE.

Under section 45D(d)(2), a qualified active low-income community business is any corporation (including a nonprofit corporation) or partnership if for such year, among other requirements, (i) at least 50 percent of the total gross income of the entity is derived from the active conduct of a qualified business within any low-income community, (ii) a substantial portion of the use of the tangible property of the entity (whether owned or leased) is within any low-income community, and (iii) a substantial portion of the services performed for the entity by its employees are performed in any low-income community.

Under section 45D(d)(3), with certain exceptions, a qualified business is any trade or business. The rental to others of real property is a qualified business only if, among other requirements, the real property is located in a low-income community.

Section 221 of the American Jobs Creation Act of 2004 (Pub. L. 108–357, 118 Stat. 1418) amended section 45D(e)(2) to provide that the Secretary shall prescribe regulations under which one or more targeted populations (within the meaning of section 103(20) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702(20))) may be treated as low-income communities. The regulations shall include procedures for determining which entities are qualified active low-income community businesses with respect to those populations.

The term *targeted population*, as defined in 12 U.S.C. 4702(20) and 12 CFR 1805.201, means individuals, or an identifiable group of individuals, including an Indian tribe, who (A) are low-income persons; or (B) otherwise lack adequate access to loans or equity investments. Under 12 U.S.C. 4702(17) as interpreted by 12 CFR 1805.104, the term *low-income* means having an income, adjusted for family size, of not more than (A) for metropolitan areas, 80 percent of the area median family income; and (B) for non-metropolitan areas, the greater of (i) 80 percent of the area median family income; or (ii) 80 percent of the statewide nonmetropolitan area median family income.

Section 101(a) of the Gulf Opportunity Zone Act of 2005 (Pub. L. 109–135, 119 Stat. 2577) added new section 1400M(1), which provides that the Gulf Opportunity Zone (GO Zone) is that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Act) by reason of Hurricane Katrina.

Section 1400M(2) provides that the Hurricane Katrina disaster area is an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Act by reason of Hurricane Katrina. After determination by the President that a disaster area warrants assistance pursuant to the Act, the Federal Emergency Management Agency (FEMA) makes damage assessments. The categories for damage assessment in the wake of a hurricane are: Flooded area, saturated area, limited damage, moderate damage, extensive damage, and catastrophic damage.

Under section 1400N(m)(1), a CDE shall be eligible for an allocation under section 45D(f)(2) of the increase in the new markets tax credit limitation described in section 1400N(m)(2) only if a significant mission of the CDE is the recovery and redevelopment of the GO Zone. Section 1400N(m)(2) provides that the new markets tax credit limitation otherwise determined under section 45D(f)(1) shall be increased by an amount equal to $300,000,000 for 2005 and 2006 and $400,000,000 for 2007, to be allocated among CDEs to make qualified low-income community investments within the GO Zone.

Notice 2006–60 provides rules relating to how an entity meets the requirements to be a qualified active low-income community business when its activities involve targeted populations. Targeted populations that will be treated as a low-income community are defined as individuals, or an identifiable group of individuals, including an Indian tribe, who are low-income persons or who are individuals who otherwise lack adequate access to loans or equity investments. The notice provides requirements for qualified active low-income community

businesses that serve low-income targeted populations and for qualified active low-income community businesses that serve the GO Zone Targeted Population.

Summary of Comments and Explanation of Provisions

The proposed amendments to § 1.45D–1 incorporate the guidance provided by Notice 2006–60 into the regulations. Unless otherwise stated, the existing rules of § 1.45D–1 relating to qualified active low-income community businesses apply to businesses serving targeted populations. For example, the ''reasonable expectations'' safe harbor of § 1.45D–1(d)(6)(i) applies to businesses serving targeted populations. That rule allows an entity to be treated as a qualified active low-income community business for the duration of the CDE's investment if the CDE reasonably expects, at the time the CDE makes the investment in, or loan to, the entity that the entity will satisfy the requirements to be a qualified active low-income community business throughout the entire period of the investment or loan. Except as discussed later in this preamble, the rules in these proposed regulations are the same as those provided in Notice 2006–60.

Sections 3.03 and 3.04 of Notice 2006–60 and the proposed amendments to § 1.45D–1 include a definition of Targeted Populations, determined by the Treasury Department, that further defines the terms ''low-income persons'' and ''individuals who otherwise lack adequate access to loans or equity investments.''

Section 3.03(1) of Notice 2006–60 states that an individual shall be considered to be low-income if the individual's family income, adjusted for family size, is not more than (A) for metropolitan areas, 80 percent of the area median family income; and (B) for non-metropolitan areas, the greater of (i) 80 percent of the area median family income; or (ii) 80 percent of the statewide nonmetropolitan area median family income. A commentator requested guidance on calculating the applicable income limitation and calculating the family income. In calculating the applicable income limitation, taxpayers must rely on the annual estimates of median family income released by the Department of Housing and Urban Development (HUD) and may rely on those figures until 45 days after HUD releases a new list of income limits, or until HUD's effective date for the new list, whichever is later. For example, a taxpayer hires on January 1, 2007, a new employee who is a member of a four person family. The most recent HUD median family income estimates were released on March 19, 2007. In determining whether the employee is low-income on January 1, 2008, the taxpayer may rely on the 2007 HUD median family income estimates for a four person family until 45 days after HUD releases a new list of income limits, or until HUD's effective date for the new list, whichever is later. The income limits are computed and listed, according to family size, by HUD for every Metropolitan Statistical Area, Primary Metropolitan Statistical Area, and nonmetropolitan county of the United States and Puerto Rico. HUD also releases income limits for the possessions of Guam and the Virgin Islands.

One commentator suggested that it would be less burdensome for a qualified active low-income community businesses to document that an individual is low-income for purposes of section 45D(e)(2) if individuals who live in a low-income community as defined in section 45D(e)(1), (3), (4), or (5) were deemed to be low-income for purposes of section 45D(e)(2). However, section 45D(e)(2) directly cross references targeted populations as defined in 12 U.S.C. 4702(20). The term *low-income* is defined in 12 U.S.C. 4702(17) to mean having an income, adjusted for family size, of not more than: For metropolitan areas, 80 percent of the area median income; and for nonmetropolitan areas, the greater of 80 percent of the area median income or 80 percent of the statewide nonmetropolitan area median income. Accordingly, the Treasury Department is not adopting the commentator's suggestion.

Some commentators suggested stricter requirements for targeted populations by increasing the 120-percent-income restriction in section 3.03(3) of Notice 2006–60 to 150 percent of municipal median income and requiring that taxpayers meet all three of the qualified active low-income community business tests set forth in sections 3.03(2)(a) and 3.04(3)(a) instead of one of the three. The commentators also suggested providing stricter requirements for the definitions of low-income persons, low-income communities, and qualified active low-income community businesses. The commentators expressed concern that Notice 2006–60 permits investments beyond low-income communities. Neither Notice 2006–60 nor the proposed regulations change the existing rules governing low-income communities. Rather, they provide guidance on how an entity serving certain targeted populations under section 45D(e)(2) can be a qualified active low-income community business. The IRS and Treasury Department believe that Notice 2006–60 and the proposed regulations appropriately implement Congressional intent to expand new market tax credit investments to low-income individuals and individuals that otherwise lack adequate access to loans or equity investments by treating targeted populations as a low-income community. Congress enacted the targeted populations provisions under section 45D(e)(2) to expand new markets tax credit investment dollars to other underserved areas. Consequently, the proposed regulations do not adopt the commentators' suggestions.

Some commentators believe that the rules in Notice 2006–60 should be broadened in scope to allow entities engaged in essential governmental functions, such as health care services to the community, to be deemed to be a qualified active low-income community business serving targeted populations. The IRS and Treasury Department do not believe that it is appropriate to provide targeted benefits to particular industries. Accordingly, the proposed regulations do not adopt this comment.

Other commentators believe that a non-profit business that is not individually owned should be able to satisfy the ownership test if at least 25 percent of the business's board is comprised of individuals who are low-income or represent a low-income targeted population. Another commentator suggested removing the 120-percent-income restriction. Concerning the rules for the GO Zone Targeted Population, one commentator suggested using parishes rather than census tracts and suggested removing or substantially reducing the percentage test for the gross income requirement. The proposed regulations do not adopt these suggestions because the IRS and Treasury Department believe that the guidance provided in Notice 2006–60 generally ensures that the businesses receiving qualified low-income community investments serve targeted populations for low-income and GO Zone populations. Finally, some commentators suggested providing geographic rules for targeted populations. Targeted populations is not a geographic concept; it is designed to provide a new markets tax credit to investors of qualified active low-income community businesses that serve targeted populations. Therefore, this comment was not adopted.

Section 3.03(2) of Notice 2006–60 provides qualified active low-income community business requirements for

low-income targeted populations. Several commentators suggested that businesses that qualify and participate in other Federal programs targeted specifically to low-income individuals and families may use such participation as a proxy for meeting the targeted populations requirements. The IRS and Treasury Department have not analyzed other Federal programs to determine whether they meet the statutory requirements under section 45D(e), and it is not certain that programs currently meeting the requirements would continue to do so in the future. Moreover, the IRS and Treasury Department do not believe it is appropriate to exempt certain businesses from meeting the regulatory requirements to be a qualified active low-income community business based upon participation in other Federal programs, including those designed to aid low-income individuals and families, because these Federal programs cannot be substituted for the statutory requirements under section 45D(e). Therefore, the proposed regulations do not adopt this comment.

One commentator requested that the gross income requirement of section 3.03(2)(a)(i) of Notice 2006–60 be amended to include income from the provision of services to businesses that serve targeted populations. The comment focuses on wholesalers that sell goods to retailers that resell to low-income persons. The IRS and Treasury Department believe that such a rule would cover too broad a range of transactions and would conflict with the goal of ensuring that qualified low-income community investment dollars go directly to businesses that serve targeted populations. Accordingly, the proposed regulations do not adopt this comment.

Several commentators suggested that additional restrictions should be added to the employee requirement under sections 3.03(2)(a)(ii) and 3.04(3)(a)(ii) of Notice 2006–60. One commentator proposed that the employee should be a member of a targeted group as defined by the work opportunity tax credit under section 51. Another commentator suggested that a business should be able to satisfy the employee test only if the business pays a wage that would increase the income of the low-income individual being hired. Still another commentator suggested that the employee requirement be satisfied only if each $25,000 in tax credit allocation results in at least one new job. Although the proposed regulations do not incorporate these suggestions at this time, the IRS and Treasury Department request comments regarding whether additional restrictions should be added to the employee requirement.

One commentator asked that the guidance provided in section 3.03(2)(b) of Notice 2006–60 on the determination of whether an employee is a low-income person be amended to provide that the determination should be made on the later of the date the employee was hired or the date the qualified low-income community investment is made. The IRS and Treasury Department believe that adopting this comment would create undue complexity. In addition, the IRS and Treasury Department do not want to provide a rule that may encourage employers to keep their employees low-income to be eligible as a qualified active low-income community business. Therefore, the proposed regulations retain the rule in Notice 2006–60 that the determination of whether an employee is a low-income person is made at the time of hire.

Sections 3.03(3)(a)(iii) and 3.04(4)(a)(iii) of Notice 2006–60 provide that the 120-percent-income restriction and the 200-percent-income restriction, respectively, do not apply to an entity located within a population census tract with a population of less than 2,000 if such tract is located in a metropolitan area and more than 75 percent of the tract is zoned for commercial or industrial use. A commentator suggested that to determine whether 75 percent of a population census tract is zoned for commercial or industrial use, the area of the population census tract should be used. In addition, the tract should be considered zoned for commercial or industrial use if commercial or industrial use is a permissible zoning use. The IRS and Treasury Department agree that these suggestions will help clarify the rule. Accordingly, the proposed regulations adopt the commentator's suggestions.

Sections 3.03(3)(b), 3.04(3)(b), and 3.04(4)(b) of Notice 2006–60 provide tests to determine whether an entity is located in a particular census tract. One commentator suggested that the percentages used for the use of tangible property test and services performed test be increased from 40 percent to 60 percent. The proposed regulations do not adopt this comment because the proposed percentages are consistent with the qualified active low-income community business requirements under § 1.45D–1(d)(4)(i).

Section 3.03(4) of Notice 2006–60 provides that the rental to others of real property for low-income targeted populations that otherwise satisfies the requirements to be a qualified business will be treated as located in a low-income community if at least 50 percent of the entity's total gross income is derived from rentals to individuals who are low-income persons and/or to a qualified active low-income community business that meets the requirements for low-income targeted populations. Section 3.04(5) provides a similar rule for rental of real property for the GO Zone Targeted Population. One commentator suggested that ''50 percent'' be lowered to ''20 percent'' to mirror the definition of non-residential real property for purposes of depreciation under section 168. The IRS and Treasury Department believe that, for purposes of determining whether a business engaged in the rental of real property is located in a low-income community, it is more appropriate to adopt rules consistent with the rules governing whether an entity is a qualified active low-income community business for targeted populations. Therefore, the proposed regulations do not adopt the commentator's suggestion.

The Treasury Department has determined that an individual is considered to otherwise lack adequate access to loans or equity investments only if the individual was displaced from his or her principal residence as a result of Hurricane Katrina and/or the individual lost his or her principal source of employment as a result of Hurricane Katrina. In order to meet this definition, the individual's principal residence or principal source of employment, as applicable, must have been located in a population census tract within the GO Zone that contains one or more areas designated by FEMA as flooded, having sustained extensive damage, or having sustained catastrophic damage as a result of Hurricane Katrina. One commentator asked how taxpayers would know which population census tracts have received the relevant FEMA designations. The CDFI Fund has made this information available on its Web site at *www.cdfifund.gov*.

Commentators requested that the GO Zone Targeted Population be expanded to all census tracts within the GO Zone, rather than limited to only those areas designated by FEMA as flooded, having sustained extensive damage, or having sustained catastrophic damage as a result of Hurricane Katrina. The IRS and Treasury Department believe that for purposes of the increase in the limitation under section 1400N(m)(2), the new markets tax credit should only be used in the areas that were most devastated by Hurricane Katrina or are otherwise qualified as low-income communities. The IRS and Treasury Department believe that the areas that were most devastated by Hurricane

Katrina are in greater need of assistance, due to lack of adequate access to loans or equity investments, than other areas within the GO Zone.

Commentators requested that the proposed regulations not limit use of the rules governing the GO Zone Targeted Population to investments made by CDEs with allocations from the increase under section 1400N(m)(2). The IRS and Treasury Department do not believe that it is appropriate to expand the ability to use the rules governing the GO Zone Targeted Population beyond investments made by CDEs with GO Zone allocations, because it would remove much needed assistance from other low-income communities within the GO Zone.

Section 1.45D–1(d)(4)(iv)(A) provides that for purposes of § 1.45D–1(d)(4)(i), an entity will be treated as engaged in the active conduct of a trade or business if, at the time the CDE makes a capital or equity investment in, or loan to, the entity, the CDE reasonably expects that the entity will generate revenues (or, in the case of a nonprofit corporation, engage in an activity that furthers its purpose as a nonprofit corporation) within 3 years after the date the investment or loan is made. This ''active conduct of a trade or business'' safe harbor applies only for purposes of determining whether an entity is engaged in the active conduct of a trade or business and does not apply for purposes of determining whether an entity is otherwise a qualified active low-income community business. Further, the ''active conduct of a trade or business'' safe harbor does not conflict with the gross-income requirement of § 1.45D–1(d)(4)(i)(A) because that paragraph provides that the entity is deemed to meet the gross-income requirement if the entity meets the requirements of either § 1.45D–1(d)(4)(i)(B) or (C) if ''50 percent'' is applied instead of ''40 percent.'' Therefore, an entity that has no gross receipts and relies on the ''active conduct of a trade or business'' safe harbor of § 1.45D–1(d)(4)(iv)(A) can meet the requirements to be a qualified active low-income community business by satisfying either the use of tangible property requirement of § 1.45D–1(d)(4)(i)(B) or the services performed requirement of § 1.45D–1(d)(4)(i)(C) at 50 percent instead of 40 percent. Several commentators requested that, in order to accommodate start-up entities, the proposed regulations provide a rule wherein a business could qualify as a qualified active low-income community business serving targeted populations if the CDE reasonably expects that the entity will generate revenues within three years after the date the investment or loan is made. If a business serving targeted populations chose to apply the gross income requirement rather than the employee requirement or the owner requirement, the commentators' suggestion could potentially allow a business to be a qualified active low-income community business for three years without having to meet any requirement. This result is clearly inappropriate. Therefore, the proposed regulations do not adopt the commentators' suggestion. In addition, the proposed regulations clarify the language in § 1.45D–1(d)(4)(iv)(A) to address any confusion as to the application of the ''active conduct of a trade or business'' safe harbor.

Several commentators submitted comments that address subjects not within the scope of these proposed regulations. For example, comments were received addressing CDFI Fund allocation application procedures, such as minimum submission requirements, weighted scoring criteria, approval procedures, ''high distress'' criteria, underwriting criteria, and amendments to existing allocation agreements. These comments have been forwarded to the CDFI Fund for consideration.

Proposed Effective/Applicability Date

The rules contained in these regulations are proposed to apply to taxable years ending on or after the date of publication of the Treasury decision adopting these rules as final regulation in the **Federal Register**. In the meantime, taxpayers may rely on Notice 2006–60 (2006–29 IRB 82) for designations made by the Secretary after October 22, 2004.

Request for Comments

The IRS and Treasury Department invite taxpayers to submit comments on issues relating to how an entity meets the requirements to be a qualified active low-income community business when its activities involve certain targeted populations under section 45D(e)(2). In particular, the IRS and Treasury Department encourage taxpayers to submit comments on the following issues:

1. What measure of income should be used to determine an individual's income for purposes of the definition of low-income persons in § 1.45D–1(d)(9)(i)(A)? For example, should the measure of income for this purpose be the same as the measure of income used by the U.S. Census Bureau, the measure of income on the IRS Form 1040, or the measure of income in 24 CFR Part 5, which is used for certain HUD programs and other Federal programs? The IRS and Treasury Department are considering using the measure of income used by the U.S. Census Bureau to ensure a consistent comparison between the individual's family income and the applicable area median family income.

2. Should the gross income requirements in § 1.45D–1(d)(9)(i)(B)(*1*)(*i*) and (ii)(C)(*1*)(*i*) be modified to include the fair market value of goods and services provided to low-income persons at reduced fees? For example, should a business that provides its services to low-income persons for half of what it charges its other customers be able to include the fair market value of the services provided to low-income persons in its calculation of gross income for purposes of the requirement in § 1.45D–1(d)(9)(i)(B)(*1*)(*i*)?

3. Should additional restrictions be added to the employee requirements in § 1.45D–1(d)(9)(i)(B)(*1*)(*ii*) and (ii)(C)(*1*)(*ii*)? For example, as one commentator suggested, should a requirement be added that the employee be a member of a targeted group as defined by the work opportunity tax credit? As another commentator suggested, should the employee test be satisfied only if the business pays a wage that would increase the income of the low-income individual being hired?

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that the regulations provide a positive impact because, consistent with legislative intent, they allow a tax credit to be claimed in situations where it was previously unavailable without the Secretary providing for such situations in regulations. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments

that are submitted timely to the IRS. Comments are requested on all aspects of the proposed regulations. In addition, the IRS and Treasury Department specifically request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for Friday, January 22, 2009 at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons who wish to present oral comments at the hearing must submit electronic or written comments and an outline of the topics to be discussed and the time to be devoted to each topic (a signed original and eight (8) copies) by December 26, 2008. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is Lauren Ross Taylor, formerly with the Office of the Associate Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding an entry in numerical order to read in part as follows:

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

Section 1.45D–1 also issued under 26 U.S.C. 45D(e)(2) * * *

Par. 2. Section 1.45D–1 is amended by:

1. In paragraph (a), revising the entry for paragraph (h) and adding new entries for (d)(9), (d)(9)(i), (d)(9)(i)(A), (d)(9)(i)(B), (d)(9)(i)(B)(*1*), (d)(9)(i)(B)(*2*), (d)(9)(i)(B)(*3*), (d)(9)(i)(C), (d)(9)(i)(C)(*1*), (d)(9)(i)(C)(*2*), (d)(9)(i)(D), (d)(9)(ii), (d)(9)(ii)(A), (d)(9)(ii)(B), (d)(9)(ii)(C), (d)(9)(ii)(C)(*1*), (d)(9)(ii)(C)(*2*), (d)(9)(ii)(C)(*2*)(*i*), (d)(9)(ii)(C)(*2*)(*ii*), (d)(9)(ii)(D), (d)(9)(ii)(D)(*1*), (d)(9)(ii)(D)(*2*), (d)(9)(ii)(E), and (h)(3).

2. Revising paragraph (d)(4)(i) introductory text.

3. Adding the language ''See paragraph (d)(9) of this section for rules relating to targeted populations.'' to the end of paragraph (d)(4)(i)(A).

4. Adding the language ''See paragraph (d)(9) of this section for rules relating to targeted populations.'' to the end of paragraph (d)(4)(i)(B)(*1*).

5. Adding the language ''See paragraph (d)(9) of this section for rules relating to targeted populations.'' to the end of paragraph (d)(4)(i)(C).

6. Adding a new sentence at the end of paragraph (d)(4)(iv)(A).

7. Adding new paragraph (d)(9).

8. Revising the heading for paragraph (h) and adding new paragraph (h)(3).

The additions and revisions read as follows:

§ 1.45D–1 New markets tax credit.

(a) * * *

(d) * * *

(9) Targeted populations.

(i) Low-income persons.

(A) Definition.

(B) Qualified active low-income community business requirements for low-income targeted populations.

(*1*) In general.

(*2*) Employee.

(*3*) Owner.

(C) 120-percent-income restriction.

(*1*) In general.

(*2*) Population census tract location.

(D) Rental of real property for low-income targeted populations.

(ii) Individuals who otherwise lack adequate access to loans or equity investments.

(A) In general.

(B) GO Zone Targeted Population.

(C) Qualified active low-income community business requirements for the GO Zone Targeted Population.

(*1*) In general.

(*2*) Location.

(*i*) In general.

(*ii*) Determination.

(D) 200-percent-income restriction.

(*1*) In general.

(*2*) Population census tract location.

(E) Rental of real property for the GO Zone Targeted Population.

* * * * *

(h) Effective/applicability dates

(3) Targeted populations.

* * * * *

(d) * * *

(4) * * *

(i) *In general.* The term *qualified active low-income community business* means, with respect to any taxable year, a corporation (including a nonprofit corporation) or a partnership engaged in the active conduct of a qualified business (as defined in paragraph (d)(5) of this section), if the requirements of (d)(4)(i)(A), (B), (C), (D), and (E) of this section are met (or in the case of an entity serving targeted populations, if the requirements of paragraphs (d)(4)(i)(D), (E), and (d)(9)(i) or (ii) of this section are met). Solely for purposes of this section, a nonprofit corporation will be deemed to be engaged in the active conduct of a trade or business if it is engaged in an activity that furthers its purpose as a nonprofit corporation.

* * * * *

(iv) *Active conduct of a trade or business*—(A) * * * This paragraph (d)(4)(iv) applies only for purposes of determining whether an entity is engaged in the active conduct of a trade or business and does not apply for purposes of determining whether the gross-income requirement under paragraph (d)(4)(i)(A), (d)(9)(i)(B)(*1*)(*i*), or (d)(9)(ii)(C)(*1*)(*i*) of this section is satisfied.

* * * * *

(9) *Targeted populations.* As determined by the Treasury Department, for purposes of section 45D(e)(2), targeted populations that will be treated as a low-income community are individuals, or an identifiable group of individuals, including an Indian tribe, who are low-income persons as defined in paragraph (d)(9)(i) of this section or who are individuals who otherwise lack adequate access to loans or equity investments as defined in paragraph (d)(9)(ii) of this section.

(i) *Low-income persons*—(A) *Definition.* For purposes of section 45D(e)(2), an individual shall be considered to be low-income if the individual's family income, adjusted for family size, is not more than—

(*1*) For metropolitan areas, 80 percent of the area median family income; and

(*2*) For non-metropolitan areas, the greater of 80 percent of the area median family income, or 80 percent of the statewide non-metropolitan area median family income.

(B) *Qualified active low-income community business requirements for*

low-income targeted populations—(1) *In general.* An entity will not be treated as a qualified active low-income community business for low-income targeted populations unless—

(*i*) At least 50 percent of the entity's total gross income for any taxable year is derived from sales, rentals, services, or other transactions with individuals who are low-income persons for purposes of section 45D(e)(2) and this paragraph (d)(9),

(*ii*) At least 40 percent of the entity's employees are individuals who are low-income persons for purposes of section 45D(e)(2) and this paragraph (d)(9), or

(*iii*) At least 50 percent of the entity is owned by individuals who are low-income persons for purposes of section 45D(e)(2) and this paragraph (d)(9).

(2) Employee. The determination of whether an employee is a low-income person must be made at the time the employee is hired. If the employee is a low-income person at the time of hire, that employee is considered a low-income person for purposes of section 45D(e)(2) and this paragraph (d)(9) throughout the time of employment, without regard to any increase in the employee's income after the time of hire.

(3) Owner. The determination of whether an owner is a low-income person must be made at the time the qualified low-income community investment is made. If an owner is a low-income person at the time the qualified low-income community investment is made, that owner is considered a low-income person for purposes of section 45D(e)(2) and this paragraph (d)(9) throughout the time the ownership interest is held by that owner.

(C) *120-percent-income restriction*—(*1*) *In general*—(i) In no case will an entity be treated as a qualified active low-income community business under paragraph (d)(9)(i) of this section if the entity is located in a population census tract for which the median family income exceeds 120 percent of—

(*A*) In the case of a tract not located within a metropolitan area, the statewide median family income, or

(*B*) In the case of a tract located within a metropolitan area, the greater of statewide median family income or metropolitan area median family income (120-percent-income restriction).

(*ii*) The 120-percent-income restriction shall not apply to an entity located within a population census tract with a population of less than 2,000 if such tract is not located in a metropolitan area.

(*iii*) The 120-percent-income restriction shall not apply to an entity located within a population census tract with a population of less than 2,000 if such tract is located in a metropolitan area and more than 75 percent of the tract is zoned for commercial or industrial use. For this purpose, the 75 percent calculation should be made using the area of the population census tract. For purposes of this paragraph (d)(9)(i)(C)(*1*)(*iii*), property for which commercial or industrial use is a permissible zoning use will be treated as zoned for commercial or industrial use.

(2) *Population census tract location*—(*i*) For purposes of the 120-percent-income restriction, an entity will be considered to be located in a population census tract for which the median family income exceeds 120 percent of the applicable median family income under paragraph (d)(9)(i)(C)(*1*)(*i*)(*A*) or (*B*) of this section (non-qualifying population census tract) if—

(*A*) At least 50 percent of the total gross income of the entity is derived from the active conduct of a qualified business (as defined in paragraph (d)(5) of this section) within one or more non-qualifying population census tracts (non-qualifying gross income amount);

(*B*) At least 40 percent of the use of the tangible property of the entity (whether owned or leased) is within one or more non-qualifying population census tracts (non-qualifying tangible property usage); and

(*C*) At least 40 percent of the services performed for the entity by its employees are performed in one or more non-qualifying population census tracts (non-qualifying services performance).

(*ii*) The entity is considered to have the non-qualifying gross income amount if the entity has non-qualifying tangible property usage or non-qualifying services performance of at least 50 percent instead of 40 percent.

(*iii*) If the entity has no employees, the entity is considered to have the non-qualifying gross income amount as well as non-qualifying services performance if at least 85 percent of the use of the tangible property of the entity (whether owned or leased) is within one or more non-qualifying population census tracts.

(D) *Rental of real property for low-income targeted populations.* The rental to others of real property for low-income targeted populations that otherwise satisfies the requirements to be a qualified business under paragraph (d)(5) of this section will be treated as located in a low-income community for purposes of paragraph (d)(5)(ii) of this section if at least 50 percent of the entity's total gross income is derived from rentals to individuals who are low-income persons for purposes of section 45D(e)(2) and this paragraph (d)(9) and/or to a qualified active low-income community business that meets the requirements for low-income targeted populations under paragraphs (d)(9)(i)(B)(*1*)(*i*) or (*ii*) and (d)(9)(i)(B)(*2*) of this section.

(ii) *Individuals who otherwise lack adequate access to loans or equity investments*—(A) *In general.* Paragraph (d)(9)(ii) of this section may be applied only with regard to qualified low-income community investments made under the increase in the new markets tax credit limitation pursuant to section 1400N(m)(2). Therefore, only CDEs with a significant mission of recovery and redevelopment of the Gulf Opportunity Zone (GO Zone) that receive an allocation from the increase described in section 1400N(m)(2) may make qualified low-income community investments from that allocation pursuant to the rules in paragraph (d)(9)(ii) of this section.

(B) *GO Zone Targeted Population.* As determined by the Treasury Department, for purposes of targeted populations under section 45D(e)(2), an individual is considered to otherwise lack adequate access to loans or equity investments only if the individual was displaced from his or her principal residence as a result of Hurricane Katrina and/or the individual lost his or her principal source of employment as a result of Hurricane Katrina (GO Zone Targeted Population). In order to meet this definition, the individual's principal residence or principal source of employment, as applicable, must have been located in a population census tract within the GO Zone that contains one or more areas designated by the Federal Emergency Management Agency (FEMA) as flooded, having sustained extensive damage, or having sustained catastrophic damage as a result of Hurricane Katrina.

(C) *Qualified active low-income community business requirements for the GO Zone Targeted Population*—(1) *In general.* An entity will not be treated as a qualified active low-income community business for the GO Zone Targeted Population unless—

(*i*) At least 50 percent of the entity's total gross income for any taxable year is derived from sales, rentals, services, or other transactions with the GO Zone Targeted Population, low-income persons as defined in paragraph (d)(9)(i) of this section, or some combination thereof;

(*ii*) At least 40 percent of the entity's employees consist of the GO Zone Targeted Population, low-income persons as defined in paragraph (d)(9)(i)

of this section, or some combination thereof; or

(*iii*) At least 50 percent of the entity is owned by the GO Zone Targeted Population, low-income persons as defined in paragraph (d)(9)(i) of this section, or some combination thereof.

(2) *Location*—(i) *In general.* In order to be a qualified active low-income community business under paragraph (d)(9)(ii)(C) of this section, the entity must be located in a population census tract within the GO Zone that contains one or more areas designated by FEMA as flooded, having sustained extensive damage, or having sustained catastrophic damage as a result of Hurricane Katrina (qualifying population census tract).

(*ii*) *Determination*—(*A*) For purposes of the preceding paragraph, an entity will be considered to be located in a qualifying population census tract if—

(*I*) At least 50 percent of the total gross income of the entity is derived from the active conduct of a qualified business (as defined in paragraph (d)(5) of this section) within one or more qualifying population census tracts (gross income requirement);

(*II*) At least 40 percent of the use of the tangible property of the entity (whether owned or leased) is within one or more qualifying population census tracts (use of tangible property requirement); and

(*III*) At least 40 percent of the services performed for the entity by its employees are performed in one or more qualifying population census tracts (services performed requirement).

(*B*) The entity is deemed to satisfy the gross income requirement if the entity satisfies the use of tangible property requirement or the services performed requirement on the basis of at least 50 percent instead of 40 percent.

(*C*) If the entity has no employees, the entity is deemed to satisfy the services performed requirement as well as the gross income requirement if at least 85 percent of the use of the tangible property of the entity (whether owned or leased) is within one or more qualifying population census tracts.

(D) *200-percent-income restriction*—(*1*) *In general*—(*i*) In no case will an entity be treated as a qualified active low-income community business under paragraph (d)(9)(ii) of this section if the entity is located in a population census tract for which the median family income exceeds 200 percent of—

(*A*) In the case of a tract not located within a metropolitan area, the statewide median family income, or

(*B*) In the case of a tract located within a metropolitan area, the greater of statewide median family income or metropolitan area median family income (200-percent-income restriction).

(*ii*) The 200-percent-income restriction shall not apply to an entity located within a population census tract with a population of less than 2,000 if such tract is not located in a metropolitan area.

(*iii*) The 200-percent-income restriction shall not apply to an entity located within a population census tract with a population of less than 2,000 if such tract is located in a metropolitan area and more than 75 percent of the tract is zoned for commercial or industrial use. For this purpose, the 75 percent calculation should be made using the area of the population census tract. For purposes of this paragraph (d)(9)(ii)(D)(*1*)(*iii*), property for which commercial or industrial use is a permissible zoning use will be treated as zoned for commercial or industrial use.

(*2*) *Population census tract location*—(*i*) For purposes of the 200-percent-income restriction, an entity will be considered to be located in a population census tract for which the median family income exceeds 200 percent of the applicable median family income under paragraph (d)(9)(ii)(D)(*1*)(*i*)(*A*) or (*B*) of this section (non-qualifying population census tract) if—

(*A*) At least 50 percent of the total gross income of the entity is derived from the active conduct of a qualified business (as defined in paragraph (d)(5) of this section) within one or more non-qualifying population census tracts (non-qualifying gross income amount);

(*B*) At least 40 percent of the use of the tangible property of the entity (whether owned or leased) is within one or more non-qualifying population census tracts (non-qualifying tangible property usage); and

(*C*) At least 40 percent of the services performed for the entity by its employees are performed in one or more non-qualifying population census tracts (non-qualifying services performance).

(*ii*) The entity is considered to have the non-qualifying gross income amount if the entity has non-qualifying tangible property usage or non-qualifying services performance of at least 50 percent instead of 40 percent.

(*iii*) If the entity has no employees, the entity is considered to have the non-qualifying gross income amount as well as non-qualifying services performance if at least 85 percent of the use of the tangible property of the entity (whether owned or leased) is within one or more non-qualifying population census tracts.

(E) *Rental of real property for the GO Zone Targeted Population.* The rental to others of real property for the GO Zone Targeted Population that otherwise satisfies the requirements to be a qualified business under paragraph (d)(5) of this section will be treated as located in a low-income community for purposes of paragraph (d)(5)(ii) of this section if at least 50 percent of the entity's total gross income is derived from rentals to the GO Zone Targeted Population, low-income persons as defined in paragraph (d)(9)(i) of this section and/or to a qualified active low-income community business that meets the requirements for the GO Zone Targeted Population under paragraphs (d)(9)(ii)(C)(1)(i) or (ii) of this section.

* * * * *

(h) Effective/applicability dates * * * * * * * * *

(3) *Targeted populations.* The rules in paragraph (d)(9) of this section apply to taxable years ending on or after the date of publication of the Treasury decision adopting these rules as final regulation in the **Federal Register**.

Linda E. Stiff,

Deputy Commissioner for Services and Enforcement.

[FR Doc. E8–22481 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 138

[Docket No. USCG–2008–0007]

RIN 1625–AB25

Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability—Vessels and Deepwater Ports

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to increase the limits of liability for vessels and deepwater ports under the Oil Pollution Act of 1990 (OPA 90) to account for inflation. This notice also sets forth the methodology the Coast Guard proposes to use for this and future adjustments to the OPA 90 limits of liability to reflect significant increases in the Consumer Price Index (CPI). These adjustments are required by OPA 90 to preserve the deterrent effect and polluter pays principle embodied in the OPA 90 liability provisions.

DATES: Comments and related material must reach the Docket Management Facility on or before November 24, 2008. Comments sent to the Office of

Management and Budget (OMB) on collection of information must reach OMB on or before November 24, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2008–0007 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online: http://www.regulations.gov*.

(2) *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.

(3) *Hand delivery:* Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

You must also send comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget. To ensure that the comments are received on time, the preferred method is by e-mail at *oira_submission@omb.eop.gov* (include the docket number and ''Attention: Desk Officer for Coast Guard, DHS'' in the subject line of the e-mail) or fax at 202–395–6566. An alternate, though slower, method is by U.S. mail to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call Benjamin White, National Pollution Funds Center, Coast Guard, telephone 202–493–6863. 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:

I. 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. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's ''Privacy Act'' paragraph below.

A. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–0007), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. For example, we may ask you to resubmit your comment if we are not able to read your original submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

B. 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* at any time, click on ''Search for Dockets,'' and enter the docket number for this rulemaking (USCG–2008–0007) in the Docket ID box, and click enter. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

C. Privacy Act

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

D. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one 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**.

II. Acronyms

BLS Bureau of Labor Statistics
CFR Code of Federal Regulations
COFR Certificate of Financial Responsibility
CPI Consumer Price Index
CPI–U Consumer Price Index All Urban Consumers, Not Seasonally Adjusted, U.S. city average, All items, 1982–84 = 100
DPA Deepwater Port Act of 1974, as amended (33 U.S.C. 1501, *et seq.*)
DOI United States Department of Interior
DOT United States Department of Transportation
DRPA Delaware River Protection Act of 2006, Title VI of the Coast Guard and Maritime Transportation Act of 2006, Public Law 109–241, July 11, 2006, 120 Stat. 516
E.O. Executive Order
EPA U.S. Environmental Protection Agency
FR Federal Register
Fund Oil Spill Liability Trust Fund
LNG Liquefied natural gas
LOOP Louisiana Offshore Oil Port
MTR Marine transportation-related
NAICS North American Industry Classification System
NEPA National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f)
NMTR Non-marine transportation-related
NPFC National Pollution Funds Center
NPRM Notice of proposed rulemaking
NTR Non-transportation-related
OMB Office of Management and Budget
OPA 90 The Oil Pollution Act of 1990, as amended (33 U.S.C. 2701, *et seq.*)
SBA Small Business Administration
U.S.C. United States Code
U.S.C.C.A.N. United States Code Congressional and Administrative News

III. Background and Purpose

In general, under the Oil Pollution Act of 1990, as amended (33 U.S.C. 2701, *et seq.*) (OPA 90), responsible parties (*i.e.*, the owners and operators, including demise charterers) for a vessel or a facility from which oil is discharged, or which poses a substantial threat of discharge of oil, into or upon the navigable waters or adjoining shorelines or the exclusive economic zone are liable for the removal costs and damages specified in OPA 90, under 33 U.S.C. 2702(b), that result from such an incident. (33 U.S.C. 2702(a)). Embodying the polluter pays principle, this liability is strict, joint and several.[1]

[1] See, *Oil Pollution Desk Book,* Environmental Law Institute 1991, hereinafter OPA 90 Desk Book, p. 88, H.R. Conf. Report 101–653, at p. 102, reprinted in 1990 U.S.C.C.A.N. 779, 780 [''The term 'liable' or 'liability' * * * is to be construed to be the standard of liability * * * under section 311 of the [Federal Water Pollution Control Act, 33 U.S.C.

The responsible parties' total liability (including any removal costs incurred by, or on behalf of, the responsible parties) may, however, be limited as provided in 33 U.S.C. 2704, except under certain circumstances as provided in 33 U.S.C. 2704(c). In instances when the limits of liability apply, the Oil Spill Liability Trust Fund (the Fund) is available to compensate the responsible parties and other claimants for removal costs and damages in excess of the applicable liability limits.

OPA 90, at 33 U.S.C. 2704(a), sets forth the base dollar amounts of the limits of liability for four specified source categories: Vessels, onshore facilities, deepwater ports subject to the Deepwater Port Act of 1974, as amended (33 U.S.C.1501, *et seq.*) (DPA), and offshore facilities other than deepwater ports subject to the DPA. In addition, to prevent the real value of the base limits of liability from depreciating over time as a result of inflation and to preserve the polluter pays principle embodied in OPA 90, 33 U.S.C. 2704(d) requires the President to periodically increase the limits of liability by regulation to reflect significant increases in the Consumer Price Index (CPI).

In Executive Order (E.O.) 12777, the President delegated implementation of the limit of liability inflation adjustment authorities under 33 U.S.C. 2704(d), dividing the responsibility among various Federal agencies. Through a series of further delegations, the Coast Guard was delegated the President's authority to adjust the limits of liability for the following source categories: vessels, deepwater ports subject to the DPA (including associated pipelines), and transportation-related onshore facilities, not including pipelines, motor carriers and railroads (hereinafter ''MTR onshore facilities''). The Department of Transportation (DOT) was delegated the President's authority to adjust the limits of liability for onshore pipelines, motor carriers, and railways (hereinafter ''NMTR onshore facilities''). The U.S. Environmental Protection Agency (EPA) was delegated the President's authority to adjust the limits of liability for non-transportation-related onshore facilities (hereinafter ''NTR onshore facilities''). Finally, the Department of Interior (DOI) was delegated the President's authority to adjust the limits of liability for offshore facilities and associated pipelines, other than deepwater ports subject to the DPA.

In addition, on August 4, 1995, the Department of Transportation, which then included the Coast Guard, promulgated a facility-specific limit for the Louisiana Offshore Oil Port (LOOP) under the deepwater port limit of liability adjustment authority at 33 U.S.C. 2704(d)(2). (60 FR 39849). That notice specifically contemplated that the LOOP limit would be adjusted for inflation to prevent the real value of the regulatory limit of liability for LOOP from depreciating over time.

This proposed rule would be the first CPI adjustment, under 33 U.S.C. 2704(d), to the limits of liability applicable to responsible parties for vessels, and deepwater ports subject to the DPA, including LOOP. This rulemaking would also establish the methodology for making future inflation adjustments to the OPA 90 limits of liability for all source categories for which the Coast Guard has jurisdiction.

To ensure consistent inflation adjustments to the limits of liability for all OPA 90 source categories, the Coast Guard has coordinated the adjustment methodology proposed by this Notice of Proposed Rulemaking (NPRM) with DOT, EPA, and DOI. In addition, the Coast Guard, DOT, EPA, and DOI have agreed to make inflation adjustments to the limits of liability for MTR onshore facilities (regulated by Coast Guard), NMTR onshore facilities (regulated by DOT), NTR onshore facilities (regulated by EPA), and offshore facilities and associated pipelines, other than deepwater ports subject to the DPA (regulated by DOI), as part of the next inflation increase to the limits of liability. This phased approach would establish the adjustment methodology proposed by this NPRM for all source categories. It also would allow time for additional interagency coordination necessary to ensure consistency in implementing the CPI adjustments to the limits of liability for onshore and offshore facilities.

How are ''not less than every 3 years'' and ''significant increases'' defined?

As noted above, to prevent the real value of the base limits of liability from depreciating over time as a result of inflation and to preserve the polluter pays principle embodied in OPA 90, OPA 90 provides for periodic increases to the limits of liability to reflect significant increases in the CPI. Specifically, 33 U.S.C. 2704(d)(4), as amended by Section 603 of the Delaware River Protection Act of 2006, Title VI of the Coast Guard and Maritime Transportation Act of 2006, Public Law 109–241, July 11, 2006, 120 Stat. 516 (DRPA), requires that the OPA 90 limits of liability be adjusted ''not less than every 3 years * * * to reflect significant increases in the Consumer Price Index.''

The word ''increases'' indicates clearly that Congress intended that the limits be adjusted under 33 U.S.C. 2704(d)(4) only for inflation, and that there would be no decreases to the limits of liability due to decreases in the CPI. It, however, is equally apparent that, if Congress had wanted the adjustments to occur routinely every 3 years, the mandate would not have included the qualifier ''significant''. We looked first to the legislative history to help interpret what Congress meant.

Under OPA 90, 33 U.S.C. 2712 and 2713, when a responsible party is entitled to a limit of liability under 33 U.S.C. 2704, the Fund is available to pay the removal costs and damages in excess of the limits. But Congress did not intend this authority to shift responsibility away from the responsible parties onto the victims of oil spills or the Fund.

OPA 90 instead, imposes a duty on the responsible party in the first instance to reimburse third-party claimants and the Fund for removal costs and damages whenever an oil spill occurs. See, footnote 1, above. See also, R.V. Randle, ''The Oil Pollution Act of 1990: Its Provisions, Intent, and Effects'', OPA 90 Desk Book, p. 3 [OPA's claims and financial responsibility ''procedures make very clear that the Oil Spill Liability Trust Fund is the fund of last resort to pay claims under the Act. Instead the responsible parties and their guarantors are the primary insurers against claims for removal costs and oil discharge damages'']. To that end, when enacting OPA 90, Congress increased the limits of liability from those contained in prior laws to levels Congress believed would preserve the deterrent effects necessary to promote caution and best practices by the shipping industry. In that respect, Congress intended that the Fund would only be available as a last resort for catastrophic events. (See, OPA 90 Desk Book, p. 196, House Report 101–242, Part 2, p. 36 (September 18, 1989) [''[The new] liability limits are designed to insure due care in transporting oil as historically all but the most catastrophic spills would be fully paid for by the spiller at these levels. The fund is designed to cover catastrophic spills.'']) The CPI adjustment provisions of OPA 90 originated in Section 102(c)(4)(B) of the Senate Bill, S. 686. (See, OPA 90 Desk Book, p. 504, and Statements On Introduced Bills And

1321]. * * * That standard of liability has been determined repeatedly to be strict, joint and several liability.'']; OPA 90 Desk Book p. 93, H.R. Conf. Report 101–653, at 118, 1990 U.S.C.C.A.N., at 797 (Aug. 3, 1990) [''[T]he primary responsibility to compensate victims of oil pollution rests with the person responsible for the source of the pollution[.]'']

Joint Resolutions, 132 Cong. Rec. S12185–01 (Tuesday, September 9, 1986). The Senate Report for S. 686 includes the following explanation for the provision:

''In several of the existing Federal laws on oil spills, the liability limits have not been increased in 10 years so that, in real dollars, the liability limits have been decreasing over time. In order to prevent further diminution of compensation, section 102(c)(4)(B) requires the President to adjust the limits on liability by regulation not less often than every three years to take into account significant increases in the Consumer Price Index.''

The Senate Report clarifies that Congress was concerned that inflation would erode responsible party liability and shift the economic risk of oil spills onto the Fund. (See, Pub. L. 101–380, Oil Pollution Act of 1990, S. REP. 101–94, July 28, 1989). Congress also clearly believed waiting 10 years to adjust the limits was too long, and that adjustments in regular, more frequent, smaller increments would better support the polluter pays public policy objectives of OPA 90.

The Conference Report Joint Explanatory Statement, at p. 106, also describes the mandate as requiring adjustments ''at least once every three years'', to reflect significant increases in the CPI. (See, OPA 90 Desk Book, p. 89, H.R. CONF. REP. 101–653, Joint Explanatory Statement, August 1, 1990.) This explanation indicates that the words ''not less than'' mean that adjustments are permitted, but not required, more frequently than every three years. The Conference Report does not, however, explain what Congress meant by the word ''significant''.

There is no other discussion in the OPA 90 legislative history, and we found no other Federal statute that uses the same wording. Congress, therefore, plainly left it to the President to give meaning to the term ''significant''.

The plain meaning of ''significant'' is ''meaningful'' (see, Webster's II New Riverside University Dictionary (1988)), but meaningful in respect to what? Consistent with the Congressional focus on preserving OPA 90's deterrent effect and avoiding risk shifting to the Fund, the Coast Guard analyzed historical data on incident costs. We found that even small increases in the CPI can have significant risk shifting impacts. (See, Report On Oil Pollution Act Liability Limits, U.S. Department Of Homeland Security, United States Coast Guard, transmitted to the Senate Committee on Commerce, Science, and Transportation on January 5, 2007.) For example, based on our further analysis of the historical cost averages in that report, a 1 percent per year increase in the CPI will shift incident cost risk from the responsible party to the Fund by an estimated $900,000 over three years.

When adjustments to limits of liability are delayed, the Fund will, with inflation, inevitably be at risk for a higher share of incident costs than intended by OPA 90. Consequently, responsible party risk is reduced.

In consideration of the historical data, the Coast Guard believes it is reasonable and consistent with Congressional intent to treat any cumulative change in the CPI over a three year period of 3 percent or greater as significant and as the appropriate threshold for triggering an adjustment to the limits of liability.

A triennial 3 percent threshold would result in a predictable, regular schedule of smaller-increment adjustments for inflation. It would thereby maintain the balance Congress sought to strike between responsible party risk and Fund risk.

How does the Coast Guard propose to calculate the CPI adjustment to the limits of liability for Coast Guard source categories?

We propose calculating the CPI adjustments to the limits of liability for Coast Guard source categories using the following formula:

New limit of liability = Current limit of liability value + (Current limit of liability value × percent change in the CPI from the time the limit of liability was established, or last adjusted by statute or regulation, whichever is later, to the present), then rounded to the closest $100.

Which CPI does the Coast Guard propose to use?

The U.S. Department of Labor, Bureau of Labor Statistics (BLS) publishes a variety of inflation indices. We propose using the ''All Urban Consumers, Not Seasonally Adjusted, U.S. city average, All items, 1982–84=100'' index, also known as ''CPI–U''. This is the most current and broadest index. It also is commonly relied on in insurance policies and other commercial transactions with automatic inflation protection, by the media, and by economic analysts.

How would a percent change in the CPI–U be calculated?

We propose using the escalation formula developed by BLS for calculating percent changes in the CPI–U that is described in Fact Sheet 00–1, U.S. Department of Labor Program Highlights, ''How to Use the Consumer Price Index for Escalation'', September 2000, available from the BLS online at *http://www.bls.gov*. The following example illustrates the BLS escalation formula, using a hypothetical three-year adjustment period:

CPI–U for Current Period (2006).	201.6.
Minus CPI–U for Previous Period (2003).	184.0.
Equals index point change	17.6.
Divided by CPI–U for previous period.	184.0.
Equals	0.096.
Result multiplied by 100	0.096 × 100.
Equals percent change in the CPI–U.	9.6 percent.

The ''Current Period'' and ''Previous Period'' values used in this hypothetical are available from the BLS online at *http://data.bls.gov*.

What ''Previous Period'' dates does the Coast Guard propose to use for this rulemaking?

The ''Previous Period'' we propose using for adjustments to the LOOP limit of liability is 1995. This is based on the date the LOOP limit of liability was established by regulation, which was August 4, 1995. (See, 60 FR 39849). The LOOP limit of liability has not been adjusted since it was established in 1995. The ''Previous Period'' we propose using for adjustments to the limits of liability in 33 U.S.C. 2704(a), which would apply to all Coast Guard delegated source categories other than LOOP, is 2006. This is based on the date of enactment of the DRPA, which was July 11, 2006, and is the last date the limits of liability in 33 U.S.C. 2704(a) were adjusted.

We note in respect to the limits of liability in 33 U.S.C. 2704(a) that DRPA only increased the limits for vessels. We, therefore, considered whether to use a 1990 ''Previous Period'' (based on the date of enactment of OPA 90) to adjust the limits of liability for the non-vessel source categories in 33 U.S.C. 2704(a). Using a 1990 ''Previous Period'' would result in an increase to the limits of liability for the non-vessel source categories of more than 60 percent.

The legislative history for DRPA, however, indicates that Congress only increased the base limits of liability for vessels in 2006 because the vessel limits were the only limits of liability in 33 U.S.C. 2704(a) that were not adequate. Specifically, Congress was advised in Congressional testimony and reports to Congress that the only oil spill incidents since enactment of OPA 90 that had resulted in claims against the Fund by responsible parties for removal costs and damages in excess of the limits of

liability were vessel incidents.[2] By comparison, no incident involving the other source categories had exceeded the base limits of liability in 33 U.S.C. 2704(a). Thus, only the vessel base limits of liability needed to be increased at that time to preserve the deterrent effect and polluter pays principle embodied in the OPA 90 liability provisions. Id.

What time interval CPI–U does the Coast Guard propose to use for the adjustments?

BLS publishes the CPI–U in both monthly and annual periods. For consistency and simplicity, we propose using the annual period CPI–U (hereinafter the ''Annual CPI–U'') rather than the monthly period CPI–U. In this way we can avoid having to publish distinct percent change values for the different sources and source categories in future adjustment cycles, based on the month when each source or source category's limit was established or last adjusted.

For example, as noted, DRPA updated the limits of liability in 33 U.S.C. 2704(a) on July 11, 2006. But DRPA did not affect the currently applicable limit of liability for LOOP, which was established by regulation on August 4, 1995 (60 FR 39849). Thus, if we were to use the monthly CPI–U we would always have to calculate the adjustments for these two groups using the July and August monthly CPI–U values.

Under the approach proposed here, the formula for the first set of regulatory inflation increases to the limits of liability would yield two Annual CPI–U percent change values, one based on the 1995 LOOP ''Previous Period'' and one based on the 2006 ''Previous Period'' applicable to vessels and other deepwater ports. By using the same ''Current Period'' Annual CPI–U, as proposed by this rulemaking, we would be able to increase the limits of liability for all vessels and deepwater ports in the next adjustment cycle based on a single Annual CPI–U percent change value.

Which Annual CPI–U ''Previous Period'' and ''Current Period'' values does the Coast Guard propose to use for the first inflation adjustments to the limits of liability?

For the ''Previous Period'' values, as noted above, we propose using the 1995 Annual CPI–U for LOOP and the 2006 Annual CPI–U for the other Coast Guard source categories.

For the ''Current Period'' value, due to the time lag for BLS publication of the Annual CPI–U and the time it takes to promulgate regulations, we propose adjusting the limits of liability using the 2008 Annual CPI–U.

The ''Previous Period'' and estimated ''Current Period'' values we propose to use are as follows:

(a) For LOOP, the ''Previous Period'' using the 1995 Annual CPI–U would be 152.4; the ''Current Period'', using the 2008 Annual CPI–U, as estimated for purposes of this proposal, would be 213.6.

(b) For vessels and deepwater ports other than LOOP, the ''Previous Period'' using the 2006 Annual CPI–U would be 201.6; the ''Current Period'', using the 2008 Annual CPI–U, as estimated for purposes of this proposal, would be 213.6.

Because the 2008 Annual CPI–U will not be published until after the date of this proposal, the 2008 Annual CPI–U ''Current Period'' values shown here are a forecast using the average of the monthly CPI–U for the months of January 2008 through May 2008. We will use the 2008 Annual CPI–U published by the BLS in the final rule.

Inserting these values into the BLS escalation formula yields the following (estimated) percent changes in the Annual CPI–U (rounded to one decimal place):

	Percent
For LOOP	40.2
For vessels and other deepwater ports	6.0

What would the adjusted limits be?

Inserting the estimated percent changes in the Annual CPI–U into the adjustment formula would result in the following estimated proposed limits of liability for vessels and deepwater ports (rounded to the closest $100):

Source category	Current limit of liability	Proposed limit of liability
(a) Vessels:		
(1) For a tank vessel greater than 3,000 gross tons with a single hull, including a single-hull vessel fitted with double sides only or a double bottom only.	The greater of $3,000 per gross ton or $22,000,000.	The greater of $3,200 per gross ton or $23,320,000.
(2) For a tank vessel greater than 3,000 gross tons, other than a vessel referred to in (a)(1).	The greater of $1,900 per gross ton or $16,000,000.	The greater of $2,000 per gross ton or $16,960,000.
(3) For a tank vessel less than or equal to 3,000 gross tons with a single hull, including a single-hull vessel fitted with double sides only or a double bottom only.	The greater of $3,000 per gross ton or $6,000,000.	The greater of $3,200 per gross ton or $6,360,000.
(4) For a tank vessel less than or equal to 3,000 gross tons, other than a vessel referred to in (3).	The greater of $1,900 per gross ton or $4,000,000.	The greater of $2,000 per gross ton or $4,240,000.
(5) For any other vessel	The greater of $950 per gross ton or $800,000.	The greater of $1,000 per gross ton or $848,000.
(b) Deepwater ports subject to the DPA:		
(1) For a deepwater port subject to the DPA, other than the Louisiana Offshore Oil Port (LOOP).	$350,000,000	$371,000,000.
(2) For LOOP	$62,000,000	$86,924,000.

[2] See, *e.g.*, Coast Guard and Maritime Transportation Act of 2006: Hearing Before the House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation (April 27, 2006) (Statements of Rear Admiral Thomas Gilmour, Assistant Commandant For Prevention, and Jan Lane, Director, National Pollution Funds Center); ''Report on Implementation of the Oil Pollution Act of 1990'', U.S. Coast Guard (May 12, 2005) (report under Section 705 of the Coast Guard and Maritime Transportation Act of 2004, Public Law 108–293, to the Chairmen of the House Committee on Transportation and Infrastructure, the Senate Committee on Environmental and Public Works, and the Senate Committee, Commerce, Science and Transportation).

How will the percent change for subsequent periods be calculated?

Although this rulemaking has been initiated to implement the first CPI-related increases to the OPA 90 limits of liability under 33 U.S.C. 2704(d) for vessels and deepwater ports, the Coast Guard proposes to use the same methodology for subsequent CPI adjustments to the limits of liability for all Coast Guard source categories.

Except in instances when increases in the Annual CPI–U over any three-year period were not significant, we would calculate future adjustments using the cumulative percent change in the Annual CPI–U for the previous three available years. Thus, for the 2012 increase (assuming a significant increase in the Annual CPI–U), we would calculate the Annual CPI–U change using the 2008 Annual CPI–U as the ''Previous Period'' value for vessels and deepwater ports including LOOP, and the 2011 Annual CPI–U as the ''Current Period'' value. Note that we would not be able to use the 2012 Annual CPI–U, due to the time lag for BLS publication of the Annual CPI–U. We would use the 2006 Annual CPI–U as the ''Previous Period'' value for MTR facilities.

What if the ''significant'' threshold is not met?

After the first adjustment, we propose that, for any three-year period in which the percent change is not significant, in that the cumulative change is less than 3 percent over three years, we would publish a notice of no adjustment in the **Federal Register**, and revisit the issue each subsequent year until the cumulative percent change in the Annual CPI–U from the last adjustment equals 3 percent or greater. We would then base the adjustment on the Annual CPI–U change since the last adjustment.

Thus, if we determined in 2012 that the cumulative percent change in the Annual CPI–U from 2008 to 2011 was 2 percent, we would not adjust the limits that year. In the following year, 2013, if the 3 percent change threshold were met, we would adjust the limits of liability for all vessels and deepwater ports based on the Annual CPI–U percent change from 2008 as the ''Previous Period'' to 2012 as the ''Current Period''. Note that we would not be able to use the 2013 Annual CPI–U, due to the time lag for BLS publication of the Annual CPI–U. The next adjustment would be three years later, in 2016, assuming the cumulative percentage increase between the 2012 Annual CPI–U and the 2015 Annual CPI–U was significant.

How does the Coast Guard plan to promulgate subsequent periodic adjustments to the limits of liability in the regulations?

This notice and comment rulemaking provides the public the opportunity to comment on the inflation index (Annual CPI–U), significance threshold, and calculation methodology the Coast Guard proposes to use for the first and subsequent CPI adjustments to the limits of liability. Once these technical issues are resolved in the final rule for the first set of CPI adjustments proposed here, we do not anticipate future CPI adjustments to the limits of liability will be controversial.

In the next rulemaking to adjust the limits of liability, the Coast Guard will work with the other delegated agencies (DOT, EPA and DOI) on a coordinated rulemaking to adjust the OPA 90 limits of liability for all source categories. This would, include adjustments to the limits of liability for onshore and offshore facilities based on the Annual CPI–U percent change from 2006 as the ''Previous Period'' to 2012 as the ''Current Period''. The issues to be considered at that time will include whether to propose that routine CPI adjustments be implemented in the future using a different procedure whenever the level of inflation reaches or exceeds the threshold significance amount. Those issues will also include whether to propose using the adjustment procedure proposed by this rulemaking at § 138.240 in a direct final rule, or implementing future CPI increases through self-executing regulatory provisions without additional rulemaking procedures. For example, if increases to the OPA 90 limits of liability were implemented without additional rulemaking procedures, the amount of the increases would be calculated in the same manner as proposed here, and notice of the increased limits of liability would be given in the **Federal Register** and published in media such as the agencies' Internet pages, in advance of the effective date of the increased limits of liability.

If we propose a self-executing approach, we would also consider whether to propose provisions to ensure that abnormally large increases in inflation would not automatically be translated into abnormally large increases in the limits of liability. One possible such provision could be to require a notice and comment rulemaking whenever the level of inflation for a given period exceeds a set limit. Another could be to reserve the Coast Guard and other agencies' discretion to conduct a notice and comment rulemaking for any adjustment when the agencies conclude that it would be in the public's interest to do so.

Either of these approaches may be more practical and flexible, and would promote predictability and consistency. The specific procedures for future adjustments would be determined during the second rulemaking.

IV. Discussion of Proposed Rule

Subpart B. This proposed rule would increase the limits of liability for vessels and deepwater ports in 33 CFR part 138, subpart B, for inflation, in accordance with the Coast Guard's delegated authority for making CPI adjustments under 33 U.S.C. 2704(d). It also would establish the formula for making inflation adjustments to the OPA 90 limits of liability for all Coast Guard source categories, and will thereby facilitate future adjustments to the limits of liability to reflect significant increases in the CPI.

The Coast Guard first proposed the creation of subpart B in the Financial Responsibility for Water Pollution (Vessels and Deepwater Ports) NPRM (73 FR 6642, February 5, 2008; and 73 FR 8250, February 13, 2008) (hereinafter the ''COFR Rule'') for the purpose of stating the OPA 90 limits of liability for vessels and deepwater ports, including LOOP, in the regulations. The final COFR Rule was published in the **Federal Register** on September 17, 2008 (73 FR 53691).

Section 138.220. We are proposing to insert a new § 138.220 to add definitions to subpart B, and to renumber § 138.220 as set forth in the COFR Rule as § 138.230. New § 138.220 would add definitions for ''Annual CPI–U'' and ''Director, NPFC'', and would cross-reference certain terms that are used in subpart B and defined in OPA 90.

Section 138.230. We are proposing to increase the limits of liability for vessels and deepwater ports, including LOOP, from those set forth in § 138.220 of the COFR Rule (proposed § 138.230), to reflect significant increases in the CPI.

Additionally, we propose adding and reserving new subparagraphs § 138.230(b)(2)(ii) and (c). This will ensure these subparagraphs are available for use for any future rulemaking to establish new facility-specific limits of liability for deepwater ports under 33 U.S.C. 2704(d)(2), and to add the limits of liability for MTR onshore facilities, which we expect to adjust during the next adjustment cycle.

The limits of liability given in this section are estimates, which were calculated using an estimated Annual

CPI–U. The updated limits of liability in the final rule will be calculated using the most recent Annual CPI–U available at the time of publication of the rule, and may be different than the estimates in this NPRM.

Section 138.240. We propose adding new § 138.240 in 33 CFR part 138, subpart B to set out the procedure the Coast Guard proposes to use to calculate adjustments to the limits of liability contained in proposed § 138.230 for significant increases to the CPI.

V. 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.

A. 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.

A draft Regulatory Assessment is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble. A summary of the Assessment follows:

There are two regulatory costs that are expected from this proposed rule. *Regulatory Cost 1:* An increased cost of liability to responsible parties of vessels and deepwater ports. *Regulatory Cost 2:* An increased cost for establishing and maintaining evidence of financial responsibility to responsible parties of vessels. (Deepwater ports are not expected to have any increased evidence of financial responsibility costs as a result of this proposed rule.)

Discussion of Regulatory Cost 1

This proposed rulemaking could increase the dollar amount of removal costs and damages a responsible party of a vessel or deepwater port would be responsible to pay in the event of a discharge, or substantial threat of discharge, of oil (hereafter an ''OPA 90 incident''). Regulatory Cost 1 would, however, only be incurred by a responsible party if an OPA 90 incident results in removal costs and damages that exceed the vessel or deepwater port's current limit of liability. In any such case, the difference between the current limit of liability amount and the proposed limit of liability amount would be the increased cost to the responsible party.

Affected Population—Vessels

Coast Guard data, as of May 2007, indicate that, for the years 1991 through 2006, 41 OPA 90 incidents involving vessels resulted in removal costs and damages in excess of the current limits of liability (an average of approximately three OPA 90 incidents per year). For the purpose of this analysis, we assume that three OPA 90 incidents involving vessels would occur per year over a 10-year analysis period (2009–2018), with removal costs and damages reaching or exceeding the proposed limits of liability for vessels.

Affected Population—Deepwater Ports

At this time, LOOP is the only deepwater port subject to OPA 90. To date, LOOP has not had an OPA 90 incident that resulted in removal costs and damages in excess of LOOP's current limit of liability of $62 Million. Accordingly, for the purpose of this analysis, we assume that only one OPA 90 incident would occur at LOOP over the 10-year analysis period (2009–2018), with removal costs and damages reaching or exceeding the proposed limit of liability for LOOP.

There are two liquefied natural gas (LNG) deepwater ports currently in operation (Gulf Gateway Energy Bridge and Northeast Gateway). In 2003 and 2007, respectively, however, the Coast Guard determined that the designs of the two LNG deepwater ports did not meet the definition of an OPA 90 facility under 33 U.S.C. 2701(9). This is because neither deepwater port was designed to use structures, equipment or devices for purposes of exploring, drilling, producing, storing, handling, transferring, processing, or transporting oil. Therefore, unless the design and operations at either LNG port is changed, the port will not be affected by this proposed rule. We, therefore, assume that LOOP would be the only existing deepwater port that could incur increased removal costs and damages as a result of this proposed rule.

Cost Summary Regulatory Cost 1

The average annual cost of this rulemaking resulting from the three forecasted vessel OPA 90 incidents per year is estimated to be between $1.5 Million and $2.9 Million (non-discounted Dollars). The average annual cost of this rulemaking resulting from the one forecasted LOOP OPA 90 incident over 10 years is estimated to be between $2.4 Million and $2.7 Million (non-discounted Dollars). The 10-year (2009–2018) present value at a 3 percent discount rate of this regulatory cost (vessels and LOOP) is estimated to be between $34.1 Million and $49.7 Million. The 10-year (2009–2018) present value at a 7 percent discount rate of this regulatory cost (vessels and LOOP) is estimated to be between $29.2 Million and $42.5 Million. The low end of the range assumes a 5 percent increase in the limits of liability for vessels and deepwater ports, except LOOP, and a 39 percent increase in the limit of liability for LOOP. The high end of the range assumes a 10 percent increase in the limits of liability for vessels and deepwater ports, except LOOP, and a 44 percent increase in the limit of liability for LOOP. These ranges were analyzed because the value of the 2008 Annual CPI–U would not be known until after the publication of this NPRM.

Discussion of Regulatory Cost 2

Under OPA 90 (33 U.S.C. 2716) responsible parties of vessels and deepwater ports are required to establish and maintain evidence of financial responsibility to prove that they have the ability to pay for removal costs and damages in the event of an OPA 90 incident up to their applicable limits of liability. Because this proposed rulemaking would increase the limits of liability for vessels and deepwater ports, responsible parties may incur additional cost associated with the corresponding requirements for establishing and maintaining evidence of financial responsibility.

Affected Population—Vessels

The proposed rule would potentially increase the cost associated with establishing financial responsibility under OPA 90 and 33 CFR part 138 for responsible parties of vessels in two ways. Responsible parties using commercial insurance as their method of financial guaranty could incur higher insurance premiums. Responsible parties using self-insurance as their method of financial guaranty would need to seek out and acquire commercial insurance for vessels they operate if they were no longer eligible for self-insurance based on their working capital and net worth. There are approximately 17,064 vessels using commercial insurance and 741 vessels using self-insurance methods of guaranty.

Affected Population—Deepwater Ports

As previously discussed (see Affected Population—Deepwater Ports above under Regulatory Cost 1), LOOP is the only deepwater port that would be affected by this proposed rule. An

increase in the LOOP limit of liability of the magnitude proposed by this rulemaking, however, is not expected to increase the cost associated with establishing and maintaining LOOP's evidence of financial responsibility. This is because LOOP uses a facility-specific method of providing evidence of financial responsibility to the Coast Guard. Specifically, LOOP is insured under a policy issued by Oil Insurance Limited (OIL) of Bermuda up to $150 Million per OPA 90 incident and a $225 Million annual aggregate. The Coast Guard has historically accepted the OIL policy, along with the policy's $50 Million minimum net worth and minimum working capital requirements, as evidence of financial responsibility. The Coast Guard does not expect that an increase in the LOOP limit of liability of the magnitude proposed by this rulemaking would change the terms of the OIL policy, result in an increased premium for the OIL policy, or require LOOP to have higher minimum net worth or working capital requirements.

Cost Summary—Regulatory Cost 2

For purposes of calculating Regulatory Cost 2, we assume that this rulemaking would cause the insurance premiums for vessels that are now commercially insured to increase by 5 percent from current levels. We also assume that 2 percent of the vessel responsible parties who use self-insurance to provide evidence of financial responsibility would migrate to commercial insurance. Depending on the particular year and the discount rate used, annual costs of this proposed rule range from $1.7 Million to $3.4 Million per year. The 10-year (2009–2018) present value at a 3 percent discount rate of this regulatory cost is estimated to be between $27.8 Million and $28.6 Million. The 10-year (2009–2018) present value at a 7 percent discount rate of this regulatory cost is estimated to be between $23.8 Million and $24.6 Million. The ranges reflect two vessel profiles that were developed and analyzed separately to account for the uncertainty, due to data gaps, of when existing single-hulled tank vessels would be phased out.

Total Cost—Regulatory Cost 1 + Regulatory Cost 2

Depending on the particular year and the discount rate used, annual costs of this proposed rule range from $3.8 Million to $9.0 Million per year. The 10-year present value of the total cost of this proposed rule (Regulatory Cost 1 + Regulatory Cost 2) at a 3 percent discount rate would be between $61.9 Million and $78.3 Million. The 10-year present value of the total cost of this proposed rule (Regulatory Cost 1 + Regulatory Cost 2) at a 7 percent discount rate would be between $53 Million and $67 Million.

Benefits

With respect to benefits, this proposed rule is expected to:

- Ensure that the real value of the OPA 90 limits of liability keep pace with inflation over time;
- Preserve the polluter pays principle embodied in OPA 90 and, thereby, ensure that limited Oil Spill Liability Trust Fund (Fund) resources can be optimally utilized in responding to future incidents; and
- Result in a slight reduction in substandard shipping in United States waterways and ports because insurers would be less likely to insure substandard vessels to this new level of liability.

B. 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. Based on the threshold analysis conducted below, we determined that an Initial Regulatory Flexibility Analysis (IRFA) was not necessary for this proposed rule.

Regulatory Cost 1

Small entities from more than 80 North American Industry Classification System (NAICS) codes could be affected by Regulatory Cost 1 of this proposed rule. Regulatory Cost 1 would, however, only be incurred by a small entity if an OPA 90 incident resulted in removal costs and damages that exceeded the vessel or deepwater port's current limit of liability.

Because of the large number of small entities that own or operate vessels which carry oil as cargo or fuel, it is not possible to predict which specific NAICS Codes might be affected by this proposed rule in any given year. Therefore, to quantify the potential economic impact of Regulatory Cost 1 on small entities that own or operate vessels, we have estimated a high end range of this cost based on historical spill cost data for all vessels.

Coast Guard data, as of May 2007, indicate that for the years 1991 through 2006 only 41 vessel incidents exceeded the current limits of liability (average of approximately three per year). For the purpose of this analysis, we assume that three OPA 90 incidents involving vessels would occur per year throughout the 10-year analysis period (2009–2018), with removal costs and damages reaching or exceeding the proposed limits of liability for vessels.

Assuming a worst case scenario that all of the forecasted incidents would involve small entities, there would be only three small entities affected annually by Regulatory Cost 1. As discussed above in the Executive Order 12866 analysis, Coast Guard incident cost data indicate that the average annual cost of Regulatory Cost 1 for vessels is between $1.5 Million to $2.9 Million (non-discounted Dollars). Dividing the average annual cost by the three small entities possibly affected equals a per small entity cost of between $487,200 and $974,400 (non-discounted Dollars).

As previously discussed, the only deepwater port affected by this proposed rule is LOOP. LOOP, however, does not meet U.S. Small Business Administration's (SBA's) criteria to be categorized as a small entity.

Regulatory Cost 2

In this analysis, we researched vessel and deepwater port responsible party size and revenue data using public and proprietary business databases. We then determined which entities were small based on the SBA's criteria on business size standards for all sectors of the NAICS.

There are an estimated 600 small entities that would be affected by Regulatory Cost 2. These represent those vessel responsible parties required by 33 CFR 138 subpart A to provide evidence of financial responsibility to the Coast Guard. As discussed above, LOOP is not classified as a small entity.

We found that 82 distinct NAICS codes were represented in the population of small entities (of which 32 contained more than five entities). For those small entities using commercial insurance, this proposed rule could result in an increased average annual cost of $183 per vessel. An estimated 2 percent of small entities using self-insurance are expected to migrate to commercial insurance at an increased average annual cost of $7,540 per vessel.

Of the small entities impacted, 98 percent could experience an annual economic impact of less than 1 percent of their annual sales. The remaining 2 percent could experience an annual

economic impact of less than 2 percent of their annual sales.

Based on this threshold analysis, we certify that implementation of this proposed rule would not have a significant economic impact on a substantial number of small entities under 5 U.S.C. 605(b). The Coast Guard, however, is seeking comments to inform our decision regarding the economic impact of this proposed rule on small entities.

C. 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 consult Benjamin White, National Pollution Funds Center, Coast Guard, telephone 202–493–6863. 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.

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).

D. Collection of Information

This proposed rule would call for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability—Vessels and Deepwater Ports

Summary of the Collection of Information: Not later than 90 days after the effective date of the final rule, operators would be required to establish evidence of financial responsibility to the applicable amounts determined under 33 CFR part 138, subpart A, § 138.80(f), based on the limits of liability as adjusted by this rulemaking.

This proposed rule would revise the current information collection entitled, Financial Responsibility for Water Pollution (vessels) (Office of Management and Budget Control Number 1625–0046, Approved December 7, 2006).

Need for Information: This information collection is necessary to enforce the evidence of financial responsibility requirements at 33 CFR part 138, subpart A. Without this collection, it would not be possible for the Coast Guard to know which operators were in compliance with the financial responsibility applicable amounts determined under 33 CFR part 138, subpart A, and which were not. Vessels not in compliance would be subject to the penalties provided in 33 CFR 138.140.

Proposed Use of Information: The Coast Guard would use this information to verify that vessel operators have established evidence of financial responsibility to reflect the financial responsibility applicable amounts determined under 33 CFR part 138, subpart A, based on the limits of liability as adjusted by this rulemaking.

Description of the Respondents: Operators, as this term is defined in 33 CFR part 138, subpart A, and guarantors of vessels that require COFRs under 33 CFR part 138, Subpart A.

Number of Respondents: There are approximately 900 United States operators of vessels, 9,000 foreign operators of vessels, and 100 guarantors that would submit information to the Coast Guard.

Frequency of Response: This is a one-time submission occurring not later than 90 days after the effective date of the final rule. Subsequent submissions that may be required as a result of regulatory changes to limits of liability under 33 U.S.C 2704(d) are not included here because they will be addressed in future rulemakings.

Burden of Response: Increased burden associated with reporting requirements:

10,000 operators and guarantors × 1.0 hours per response = 10,000 hours.

Estimate of Total Annual Burden: We used the ''All Occupations'' average hourly wage of $18.84 per hour, found in the May 2006 *National Occupational Employment and Wage Estimates United States,* published by the Department of Labor's Bureau of Labor Statistics, and applied a 43 percent overhead factor to estimate employee benefits to calculate the burdened labor rate. Bureau of Labor Statistics data show that total employee benefits is approximately 30 percent of total compensation. By applying a benefit factor of 43 percent to the hour wage, we calculate total compensation:

$18.84 per hour + ($18.84 per hour × 43 percent) = $27 per hour.

We then multiplied the number of net burden hours by the burdened labor rate calculated above.

Increased burden associated with the reporting requirements:

10,000 hours × $27 per hour = $270,000.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of the collection of information.

We ask for public comment on the proposed collection of information to help us determine how useful the information is; whether it can help us perform our functions better; whether it is readily available elsewhere; how accurate our estimate of the burden of collection is; how valid our methods for determining burden are; how we can improve the quality, usefulness, and clarity of the information; and how we can minimize the burden of collection.

If you submit comments on the collection of information, submit them both to OMB and to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the requirements for this collection of information become effective, we will publish notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

E. 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.

F. Unfunded Mandates Reform Act

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

G. Taking of Private Property

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

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD and Department of Homeland Security Management Directive 5100.1, 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, under the Instructions, that this action is not likely to have a significant effect on the human environment. A preliminary ''Environmental Analysis Check List'' supporting this preliminary determination is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble. 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 138

Hazardous materials transportation, Insurance, Limits of Liability, Oil pollution, Reporting and recordkeeping requirements, Water pollution control.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 138 to read as follows:

PART 138—FINANCIAL RESPONSIBILITY FOR WATER POLLUTION (VESSELS) AND OPA 90 LIMITS OF LIABILITY (VESSELS AND DEEPWATER PORTS)

1. The authority citation for part 138 is revised to read as follows:

Authority: 33 U.S.C. 2704; 33 U.S.C. 2716, 2716a; 42 U.S.C. 9608, 9609; Sec. 1512 of the Homeland Security Act of 2002, Public Law 107–296, Title XV, Nov. 25, 2002, 116 Stat. 2310 (6 U.S.C. 552); E.O. 12580, Sec. 7(b), 3 CFR, 1987 Comp., p. 198; E.O. 12777, 3 CFR, 1991 Comp., p. 351; E.O. 13286, Sec. 89 (68 FR 10619, Feb. 28, 2003); Department of Homeland Security Delegation Nos. 0170.1 and 5110. Section 138.30 also issued under the authority of 46 U.S.C. 2103, 46 U.S.C. 14302.

2. Revise Subpart B to read as follows:

Subpart B—OPA 90 Limits of Liability (Vessels and Deepwater Ports)

Sec.
138.200 Scope.
138.210 Applicability.
138.220 Definitions.
138.230 Limits of liability.
138.240 Procedure for calculating limit of liability adjustments for inflation.

Subpart B—OPA 90 Limits of Liability (Vessels and Deepwater Ports)

§ 138.200. Scope.

This subpart sets forth the limits of liability for vessels and deepwater ports under Section 1004 of the Oil Pollution Act of 1990, as amended (33 U.S.C. 2704) (OPA 90), including adjustments to the limits of liability under Section 1004(d) of OPA 90 (33 U.S.C. 2704(d)). This subpart also sets forth the procedures for adjusting the limits of liability for inflation.

§ 138.210. Applicability.

This subpart applies to you if you are a responsible party for a vessel as defined under Section 1001(37) of OPA 90 (33 U.S.C. 2701(37)) or a deepwater port as defined under Section 1001(6) of OPA 90 (33 U.S.C. 2701(6)), unless your OPA 90 liability is unlimited under Section 1004(c) of OPA 90 (33 U.S.C. 2704(c)).

§ 138.220. Definitions.

(a) As used in this subpart, the following terms have the meaning as set forth in Section 1001 of OPA 90 (33 U.S.C. 2701): *responsible party, vessel,* and *deepwater port.*

(b) As used in this subpart—

CPI–U means the Consumer Price Index All Urban Consumers, Not Seasonally Adjusted, U.S. city average, All items, 1982–84=100, published by the U.S. Department of Labor, Bureau of Labor Statistics.

Director, NPFC means the head of the U.S. Coast Guard National Pollution Funds Center (NPFC).

Double hull has the meaning set forth in 33 CFR part 157.

Single hull means any hull other than a double hull.

§ 138.230. Limits of liability.

(a) Vessels. The OPA 90 limits of liability for vessels are—

(1) For a tank vessel greater than 3,000 gross tons with a single hull, including a single-hull vessel fitted with double sides only or a double bottom only, the greater of $3,200 per gross ton or $23,320,000;

(2) For a tank vessel greater than 3,000 gross tons with a double hull, the greater of $2,000 per gross ton or $19,960,000.

(3) For a tank vessel less than or equal to 3,000 gross tons with a single hull, including a single-hull vessel fitted with double sides only or a double bottom only, the greater of $3,200 per gross ton or $6,360,000.

(4) For a tank vessel less than or equal to 3,000 gross tons with a double hull, the greater of $2,000 per gross ton or $4,240,000.

(5) For any other vessel, the greater of $1,000 per gross ton or $848,000.

(b) Deepwater ports. The OPA 90 limits of liability for deepwater ports are—

(1) Generally. For any deepwater port other than a deepwater port with a limit of liability established by regulation under Section 1004(d)(2) of OPA 90 (33 U.S.C. 2704(d)(2)) and set forth in paragraph (b)(2) of this section, $371,000,000;

(2) For deepwater ports with limits of liability established by regulation under Section 1004(d)(2) of OPA 90 (33 U.S.C. 2704(d)(2)):

(i) For the Louisiana Offshore Oil Port (LOOP), $86,924,000; and

(ii) [Reserved].

(c) [Reserved].

§ 138.240 Procedure for calculating limit of liability adjustments for inflation.

(a) Formula for calculating a cumulative percent change in the Annual CPI–U. The Director, NPFC, calculates the cumulative percent change in the Annual CPI–U from the year the limit of liability was established, or last adjusted by statute or regulation, whichever is later, to the present year, using the escalation formula described in Fact Sheet 00–1, U.S. Department of Labor Program Highlights, ''How to Use the Consumer Price Index for Escalation'', September 2000. This cumulative percent change value is rounded to one decimal place.

(b) Significance threshold. Every three years from the year a limit of liability was established, or last adjusted by statute or regulation, whichever is later, the Director, NPFC, will evaluate whether the cumulative percent change in the Annual CPI–U since that date has reached a significance threshold of 3 percent or greater. For any three-year period in which the cumulative percent change in the Annual CPI–U is less than 3 percent, the Director, NPFC, will publish a notice of no adjustment to the limit of liability in the **Federal Register**. If this occurs, the Director, NPFC, will recalculate the cumulative percent change in the Annual CPI–U since the year in which the limit of liability was most recently established or last adjusted by statute or regulation, whichever is later, each year thereafter until the cumulative percent change equals or exceeds the threshold amount of 3 percent. Once the 3-percent threshold is reached, the Director, NPFC, will increase the limit of liability by an amount equal to the cumulative percent change in the Annual CPI–U.

(c) Formula for calculating inflation adjustments. The Director, NPFC, calculates adjustments to the limits of liability in § 138.230 of this part for inflation using the following formula:

New limit of liability = Current limit of liability value + (Current limit of liability value × percent change in the Annual CPI–U from the year the limit of liability was established, or last adjusted by statute or regulation, whichever is later, to the present year), then rounded to the closest $100.

(d) [Reserved].

Dated: September 17, 2008.

Craig A. Bennett,

Director, National Pollution Funds Center, United States Coast Guard.

[FR Doc. E8–22444 Filed 9–23–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 204, 237, 239, 245, and 252

RIN 0750–AF92

Defense Federal Acquisition Regulation Supplement; Government Property (DFARS Case 2007–D020)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text addressing management of Government property in the possession of contractors. The DFARS changes are consistent with changes made to the Federal Acquisition Regulation (FAR).

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before November 24, 2008, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2007–D020, using any of the following methods:

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

E-mail: dfars@osd.mil. Include DFARS Case 2007–D020 in the subject line of the message.

Fax: 703–602–7887.

Mail: Defense Acquisition Regulations System, Attn: Mr. Mark Gomersall, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

Hand Delivery/Courier: Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Gomersall, 703–602–0302.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule updates and reorganizes DFARS Subparts 245.1, 245.3, 245.4, and 245.5 for consistency with FAR changes addressing management of Government property in the possession of contractors, published at 72 FR 27364 on May 15, 2007. Minor related changes are made in Parts 204, 237, 239, and 252. The following table summarizes the proposed DFARS changes:

Existing DFARS citation	Proposed change
204.7003	Remove ''facilities contracts'' from the list of contract types, consistent with the removal of references to facilities contracts from the FAR.
237.7003	Update the reference to the applicable FAR Government Property clause.
239.7402	Update terminology and FAR references.
245.104	Update and relocate to 245.105.
245.301	(1) Update the definition of ''facilities project'' and relocate to 245.101. (2) Relocate the definition of ''mapping, charting, and geodesy'' to 245.101 without change. (3) Remove the definition of ''provide,'' since this term is now defined in FAR 45.101. (4) Remove the definitions of ''agency-peculiar property,'' ''industrial plant equipment,'' and ''other plant equipment,'' as they are no longer considered necessary.
245.302–1(a)	Update and relocate to 245.102.
245.302–1(b) and DD Form 1419	Remove. The specified equipment screening procedures have become obsolete.
245.302–2 and 245.302–7	Remove. The separate procedures for facilities contracts are no longer necessary.
245.303–2	Update and relocate to 245.102(3).
245.307–2	Remove. The corresponding FAR text has been removed.
245.310	Update and relocate to 245.102(2).
245.310–70	Relocate to 245.107–70.
245.401	Update and relocate to 245.301(1).
245.403	Relocate to 245.302(2).
245.405	Update and relocate to 245.302(1) and (3).
245.407	Update and relocate to 245.301. The dollar threshold for requiring descriptive information on items of Government property for which a contractor requests non-Government use is increased from $25,000 to $100,000. The item unique identification (IUID) number and the item condition are added to the types of information to be provided.
Subpart 245.5 and DD Form 1342.	Remove as unnecessary.
Part 252	Update references and clause titles.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the proposed rule makes no significant change to DoD policy regarding the management of Government property in the possession of contractors. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2007–D020.

C. Paperwork Reduction Act

The information collection requirements of DFARS Part 245 have been approved by the Office of Management and Budget under Control Number 0704–0246.

List of Subjects in 48 CFR Parts 204, 237, 239, 245, and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR parts 204, 237, 239, 245, and 252 as follows:

1. The authority citation for 48 CFR parts 204, 237, 239, 245, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.7003 is amended by revising paragraph (a)(3)(v) to read as follows:

204.7003 Basic PII number.

(a) * * *

(3) * * *

(v) Reserved-E

* * * * *

PART 237—SERVICE CONTRACTING

3. Section 237.7003 is amended by revising paragraph (c) to read as follows:

237.7003 Solicitation provisions and contract clauses.

* * * * *

(c) Use the clause at FAR 52.245–1, Government Property, with its Alternate I, in solicitations and contracts that include port of entry requirements.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

4. Section 239.7402 is amended by revising paragraphs (b)(3) and (4) to read as follows:

239.7402 Policy.

* * * * *

(b) * * *

(3) Except as provided in paragraph (b)(4) of this section, contractors and subcontractors shall normally provide all required property, to include telecommunications security equipment or related devices, in accordance with FAR 45.102. In some cases, such as for communications security (COMSEC) equipment designated as controlled cryptographic item (CCI), contractors or subcontractors must also meet ownership eligibility conditions.

(4) When the contractor or subcontractor does not meet ownership eligibility conditions, the head of the agency may authorize provision of the necessary property as Government-furnished property or acquisition as contractor-acquired property, as long as conditions of FAR 45.102(b) are met.

* * * * *

PART 245—GOVERNMENT PROPERTY

5. Subparts 245.1 and 245.3 are revised to read as follows:

Subpart 245.1—General

Sec.

245.101 Definitions.

245.102 Policy.

245.105 Contractor's property management system compliance.
245.107–70 Contract clause.

Subpart 245.1—General

245.101 Definitions.

As used in this part—

Facilities project means a Government project to provide, modernize, or replace real property for use by a contractor in performing a Government contract or subcontract.

Mapping, charting, and geodesy (MC&G) property is defined in the clause at 252.245–7000, Government-Furnished Mapping, Charting, and Geodesy Property.

245.102 Policy.

(1) *Facilities projects.*

(i) Comply with DoD Directive 4275.5, Acquisition and Management of Industrial Resources, in processing requests for facilities projects. Submit the request for approval to—

(A) The Secretary of the military department concerned, or the director of the defense agency concerned, if the project—

(1) Is a research and development funded effort not exceeding $3 million per fiscal year;

(2) Is funded from procurement appropriations, is approved on a location basis, and does not exceed $5 million for all property efforts during one fiscal year; or

(3) Is in support of a major system or subsystem (including ammunition-related projects) and the total investment will not exceed $25 million during the projected acquisition or maintenance effort; or

(B) The Deputy Under Secretary of Defense (Industrial Affairs and Installations) if the project exceeds the limitations in paragraph (1)(i)(A) of this section.

(ii) Departments and agencies shall submit reports of facilities projects to the House and Senate Armed Services Committees—

(A) At least 30 days before starting facilities projects involving real property (10 U.S.C. 2662); and

(B) In advance of starting construction for a facilities project regardless of cost. Use DD Form 1391, FY__Military Construction Project Data, to notify congressional committees of projects that are not included in the annual budget.

(2) *Mapping, charting, and geodesy property.* All Government-furnished mapping, charting, and geodesy (MC&G) property is under the control of the Director, National Geospatial Intelligence Agency.

(i) MC&G property shall not be duplicated, copied, or otherwise reproduced for purposes other than those necessary for contract performance.

(ii) Upon completion of contract performance, the contracting officer shall—

(A) Contact the Director, National Geospatial Intelligence Agency, 4600 Sangamore Road, Bethesda, MD 20816–5003, for disposition instructions;

(B) Direct the contractor to destroy or return all Government-furnished MC&G property not consumed during contract performance; and

(C) Specify the destination and means of shipment for property to be returned to the Government.

(3) *Government supply sources.* When a contractor will be responsible for preparing requisitioning documentation to acquire Government-furnished property from Government supply sources, include in the contract the requirement to prepare the documentation in accordance with DoD 4000.25–1–M, Military Standard Requisitioning and Issue Procedures (MILSTRIP). Copies are available from the address cited at PGI 251.102.

245.105 Contractor's property management system compliance.

The property administrator shall perform property administration in accordance with department or agency procedures.

245.107–70 Contract clause.

Use the clause at 252.245–7000, Government-Furnished Mapping, Charting, and Geodesy Property, in solicitations and contracts when mapping, charting, and geodesy property is to be furnished.

Subpart 245.3—Authorizing the Use and Rental of Government Property

Sec.
245.301 Use and rental.
245.302 Contracts with foreign governments or international organizations.

Subpart 245.3—Authorizing the Use and Rental of Government Property

245.301 Use and rental.

(1) *Government use*, as used in this subpart, includes use on contracts for foreign military sales. Also see 245.302.

(2) *Authorizing non-Government use.*

(i) Non-Government use of Government-owned equipment exceeding 25 percent of the total use for Government and commercial work requires prior approval of the—

(A) Assistant Secretary of the Army (AL&T);

(B) Assistant Secretary of the Navy (RD&A);

(C) Assistant Secretary of the Air Force (Acquisition); or

(D) Director, Defense Logistics Agency.

(ii) The authority in paragraph (2)(i) of this section may be delegated to the head of a contracting activity. Any redelegation requires the approval of the Deputy Under Secretary of Defense (Industrial Affairs and Installations).

(iii) To determine the percentage of non-Government use—

(A) Compute the percentage of non-Government use on time available for use. Use the contractor's normal work schedule as represented by the scheduled production shift hours;

(B) Use a base time period that is neither less than three months nor more than one year; and

(C) Use may be averaged at a single plant for all items costing less than $25,000.

(iv) Contractors should submit requests for non-Government use of Government-owned equipment to the contract administration office at least six weeks before the projected use. The request shall include—

(A) The total number of items of Government equipment requested for use and the acquisition cost of each item; and

(B) For each item of Government equipment with an acquisition cost of $100,000 or more, an itemized list including nomenclature, item unique identification (IUID) number if known, condition, year of manufacture, and acquisition cost.

(v) Approving officials shall retain for periodic review, documentation of the circumstances justifying non-Government use of Government property.

245.302 Contracts with foreign governments or international organizations.

(1) *General.*

(i) *Approval.* A contractor may use Government property on work for foreign governments and international organizations only when approved in writing by the contracting officer having cognizance of the property. The contracting officer shall grant approval only if—

(A) The use will not interfere with foreseeable requirements of the United States;

(B) The work is undertaken as a DoD foreign military sale; or

(C) For a direct commercial sale, the foreign country or international organization would be authorized to contract with the department concerned under the Arms Export Control Act.

(ii) *Use charges.*

(A) The Use and Charges clause is applicable on direct commercial sales to

foreign governments or international organizations.

(B) When a particular foreign government or international organization has funded the acquisition of specific production and research property, do not assess the foreign government or international organization rental charges or nonrecurring recoupments for the use of such property.

(2) *Special tooling and special test equipment.*

(i) DoD normally recovers a fair share of nonrecurring costs of special tooling and special test equipment by including these costs in its calculation of the nonrecurring cost recoupment charge when major defense equipment is sold by foreign military sales or direct commercial sales to foreign governments or international organizations. ''Major defense equipment'' is defined in DoD Directive 2140.2, Recoupment of Nonrecurring Costs on Sales of U.S. Items, as any item of significant military equipment on the United States Munitions List having a nonrecurring research, development, test, and evaluation cost of more than $50 million or a total production cost of more than $200 million.

(ii) When the cost thresholds in paragraph (2)(i) of this section are not met, the contracting officer shall assess rental charges for use of special tooling and special test equipment pursuant to the Use and Charges clause if administratively practicable.

(3) *Waivers.*

(i) Rental charges for use of U.S. production and research property on commercial sales transactions to the Government of Canada are waived for all commercial contracts. This waiver is based on an understanding wherein the Government of Canada has agreed to waive its rental charges.

(ii) Requests for waiver or reduction of charges for the use of Government property on work for foreign governments or international organizations shall be submitted to the contracting officer, who shall refer the matter through contracting channels. In response to these requests, approvals may be granted only by the Director, Defense Security Cooperation Agency, for particular sales that are consistent with paragraph (1)(i)(C) of this section.

Subparts 245.4 and 245.5 [Removed]

6. Subparts 245.4 and 245.5 are removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.217–7005 [Amended]

7. Section 252.217–7005 is amended as follows:

a. By revising the clause date to read ''(XXX 2008)''; and

b. In paragraph (e)(7) by removing ''(Fixed-Price Contracts)''.

252.217–7010 [Amended]

8. Section 252.217–7010 is amended as follows:

a. By revising the clause date to read ''(XXX 2008)''; and

b. In paragraph (c)(3) by removing ''(Fixed Price Contracts)''.

252.242–7004 [Amended]

9. Section 252.242–7004 is amended as follows:

a. By revising the clause date to read ''(XXX 2008)''; and

b. In paragraph (e)(9) introductory text, in the first sentence, by removing ''Regardless of the provisions of FAR 45.505–3(f)(1)(ii), have'' and adding in its place ''Have''.

252.245–7000 [Amended]

10. Section 252.245–7000 is amended as follows:

a. By revising the clause date to read ''(XXX 2008)''; and

b. In the introductory text by removing ''245.310–70'' and adding in its place ''245.107–70''.

[FR Doc. E8–22419 Filed 9–23–08; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 080226310–81205–01]

RIN 0648–AU20

Fisheries of the Exclusive Economic Zone Off Alaska; Revised Management Authority for Dark Rockfish in the Bering Sea and Aleutian Islands Management Area and the Gulf of Alaska

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would implement Amendment 73 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 77 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (collectively, Amendments 73/77). If approved, Amendments 73/77 would remove dark rockfish (*Sebastes ciliatus*) from both fishery management plans (FMPs). The State of Alaska (State) would then assume management of dark rockfish catch by State–permitted vessels in the Bering Sea and Aleutian Islands Management Area and the Gulf of Alaska. This action is necessary to allow the State of Alaska to implement more responsive, regionally based management of dark rockfish than is currently possible under the FMPs. This action would improve conservation and management of dark rockfish and is intended to promote the goals and objectives of the Magnuson–Stevens Fishery Conservation and Management Act, the FMPs, and other applicable laws.

DATES: Comments must be received no later than November 17, 2008.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by RIN 0648–AU20, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at *http://www.regulations.gov*.
- Mail: P. O. Box 21668, Juneau, AK 99802.
- Fax: (907) 586–7557.
- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (e.g., name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

Copies of Amendments 73/77 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory

Flexibility Analysis (EA/RIR/IRFA) prepared for this action are available from the Alaska Region NMFS at the address above or from the Alaska Region NMFS website at *http://alaskafisheries.noaa.gov/regs/summary.htm*.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands Management Area (BSAI) and the Gulf of Alaska (GOA) under their respective FMPs. The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson–Stevens Fishery Conservation and Management Act (Magnuson–Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600 and 679.

The Council has submitted Amendments 73/77 for review by the Secretary of Commerce, and a Notice of Availability (NOA) of the FMP amendments was published in the **Federal Register** on September 17, 2008 (73 FR 53816) with comments on the FMP amendments invited through November 17, 2008. All written comments received by November 17, 2008, whether specifically directed to the FMP amendments, this proposed rule, or both, will be considered in the approval/disapproval decision on the FMP amendments.

Management Background and Need for Action

Dark rockfish (*Sebastes ciliatus*) currently are managed as part of the ''other rockfish'' complex in the BSAI and as part of the pelagic shelf rockfish (PSR) complex in the GOA. Dusky rockfish (*Sebastes variabilis*) and thornyhead rockfish (*Sebastolobus* species) comprise the majority of the biomass of the BSAI ''other rockfish'' complex. The biomass of the GOA PSR complex is dominated by dusky rockfish.

The proposed action would remove dark rockfish from the FMPs to allow the State of Alaska (State) to assume management authority for dark rockfish catch by State–permitted vessels in Federal waters off Alaska, in addition to its existing authority in State waters. The Council recommended removal of dark rockfish from the FMPs in April 2007 for the following reasons: (1) in 2004, dark rockfish was identified as a separate rockfish species, (2) data in the stock assessments for the PSR complex in the GOA and the ''other rockfish'' complex in the BSAI are predominantly from dusky rockfish, not dark rockfish, (3) dark rockfish are distributed in nearshore habitats that are not specifically assessed by the NMFS trawl surveys, and (4) the possibility of overfishing dark rockfish in local areas given the relatively high total allowable catch (TAC) for the PSR and ''other rockfish'' complexes as a whole.

Two types of dusky rockfish previously recognized as ''light dusky rockfish'' and ''dark dusky rockfish'' are now recognized by fishery scientists as two species. *Sebastes variabilis*, or dusky rockfish, is the variably colored deeper–water species, and *Sebastes ciliatus*, or dark rockfish, is the dark colored shallow–water species. Dark rockfish is the focus of Amendments 73/77 and this proposed rule.

The TAC for all PSR species is based on a NMFS biannual or triennial trawl survey. Based on NMFS surveys conducted from 1997 through 2006, dark rockfish averaged 2 percent of the total biomass of the ''other rockfish'' complex in the Aleutian Islands (AI) and less than 1 percent in the Eastern Bering Sea (EBS). Based on observer data from 1997 through 2006, the average catch of dark rockfish was 1.6 percent of the total ''other rockfish'' catch in the AI and 0.7 percent in the EBS. Based on NMFS surveys conducted from 1996 through 2005, dark rockfish constituted an average of 3.5 percent of the total biomass of the PSR complex in the GOA. Based on observer data from 1996 though 2005, the average catch of dark rockfish was 0.6 percent of the total PSR catch in the GOA. However, the trawl surveys used to estimate the abundance of rockfish in the GOA and BSAI only sample fish that are on or near a smooth bottom. Most dark rockfish occur in rocky nearshore reef habitats that are not sampled in these surveys. Therefore, the NMFS surveys are not the most satisfactory means to assess dark rockfish abundance. In addition, including dark rockfish in the TAC for a group of rockfish (the ''other rockfish'' complex in the BSAI and the PSR complex in the GOA) is not appropriate for less abundant stocks such as dark rockfish because it could lead to overfishing of the less abundant species in the species groups.

Section 306(a)(3)(A) of the Magnuson–Stevens Act allows a state to regulate a fishing vessel outside the boundaries of the state if the fishing vessel is registered under the law of that state, and no fishery management plan or other applicable Federal fishing regulations exist for the fishery in which the vessel is operating. Removing dark rockfish from the FMPs and regulations at 50 CFR part 679 would provide the necessary conditions for the State to manage dark rockfish in Federal waters off Alaska.

Management by the State would better address localized assessment and harvest requirements for this nearshore species than is currently provided by Federal management under the larger PSR complex in the GOA and the ''other rockfish'' complex in the BSAI. Assessment of dark rockfish is difficult under either Federal or State management. As stated earlier, the Federal trawl surveys do not adequately assess dark rockfish. And, as noted in the EA, the State does not have the resources to conduct large scale stock assessment surveys for rockfish. However, the State's management of this species in Federal waters would provide several benefits. First, the State would develop a fishery management plan for dark rockfish that would specify guideline harvest levels, allowable gear types, seasons, and locations for the directed fishery. Also, the State can manage dark rockfish in smaller area fisheries than can be managed by NMFS. In addition, the State would be able to conduct periodic and localized stock assessment surveys when budgets allow and monitor fishing effort data available from fish tickets and logbooks. State port sampling would continue to be used to collect biological data on rockfish and to improve species identification by fishermen and processing plant workers. The State also would continue to evaluate data on dark rockfish from the NMFS surveys and data collected by observers onboard vessels catching dark rockfish. These efforts by the State would provide stronger protection of dark rockfish from overfishing than Federal management of dark rockfish as part of a larger rockfish species complex.

If Amendments 73/77 are approved, the State would be authorized to regulate State–permitted vessels fishing for dark rockfish in both State and Federal waters. The directed fishery for dark rockfish under the PSR complex quota category currently occurs in State waters. This fishery is relatively small and all vessels directly participating in it are permitted under the laws of the State. Typically, the vessels also are small and participants land their catch at shoreside processing plants in Alaska.

Dark rockfish also are taken as incidental catch in other federally managed fisheries, including trawl and jig gear fisheries targeting pelagic shelf rockfish in the GOA, the trawl Atka mackerel fishery in the Aleutian Islands, and the hook–and–line and trawl gear

fisheries for Pacific cod in the Bering Sea. Under Amendments 73/77, the State would develop management plans and regulations for dark rockfish similar to those that currently exist for black rockfish (*Sebastes melanops*) and blue rockfish (*Sebastes mystinus*), which were removed from NMFS' GOA groundfish FMP in 1998 under Amendment 46 (63 FR 11167, March 6, 1998). Notably, no adverse impacts or difficulties managing the groundfish fisheries off Alaska have occurred as a result of removing these two rockfish species from the GOA FMP.

In managing black rockfish and blue rockfish, the State limits the gear types and areas open for directed fishing. It also limits the retention of black rockfish and blue rockfish to 5 percent of the retained catch of other groundfish species open for directed fishing. Similar gear, area, and incidental catch limits likely would be implemented by the State for dark rockfish. The retention of dark rockfish by a vessel permitted by the State in either State or Federal waters would be limited by State regulation.

In 2007, all catcher vessels and 123 catcher/processors with Federal Fishery Permits (FFPs) participating in the groundfish fisheries off Alaska also held permits issued by the State. However, 21 additional catcher/processors with FFPs that participated in the Alaska groundfish fisheries did not hold State permits in 2007. These 21 catcher/processors would not be subject to State regulations governing dark rockfish caught in Federal waters off Alaska, and no Federal regulations governing the retention of dark rockfish would exist if dark rockfish were removed from the FMPs and Federal regulations. However, none of the catcher/processors has targeted dark rockfish and their incidental catch of this species is historically much lower (less than 1 percent) than the incidental catch limit the State would likely establish. NMFS does not expect these catcher/processors to target dark rockfish in the EEZ in the future because of the low abundance of these species in the EEZ. However, if concerns develop about the conservation of dark rockfish as a result of unregulated targeting on dark rockfish in the EEZ, NMFS would evaluate the circumstances to determine if emergency action were warranted. This situation, however, has not occurred with the removal of black rockfish and blue rockfish from the GOA FMP.

To implement Amendments 73/77, NMFS proposes to revise the definition of ''rockfish'' under § 679.2 to exclude dark rockfish in both the GOA and BSAI. The definition for ''other rockfish'' would be amended to add a reference to Table 11 to part 679 because the quota category for ''other rockfish'' exists in both the BSAI and GOA and is referred to in the maximum retainable amounts tables for both areas (Tables 10 and 11). In addition, the definition of ''other red rockfish'' would be removed from § 679.2 because this rockfish quota category would no longer exist and the term is not used anywhere else in 50 CFR part 679.

NMFS also proposes to correct the Latin name of dusky rockfish (*Sebastes variabilis*), species code 172, in Table 2a to part 679, and to add dark rockfish (*Sebastes ciliatus*), species code 173, to the non–FMP species listed in Table 2d to part 679.

In Table 10 to part 679 (Gulf of Alaska Retainable Percentages), footnote 5 would be revised to correct the Latin name for dusky rockfish (*Sebastes variabilis*). Footnote 8 would be revised to remove reference to *Sebastes* and *Sebastolobus* and to refer to the definition of ''rockfish'' at § 679.2.

The proposed rule also would make minor editorial revisions to Table 10. The words ''shallow water'' and ''deep water'' would be revised to ''shallow–water'' and ''deep–water'' to standardize the preferred spelling of these terms. In note 1 to Table 10, the term ''shortraker/rougheye'' (171) would be removed because NMFS no longer has a species category or code in Table 2a to part 679 for the combination of shortraker and rougheye rockfish. Note 10 to Table 10 lists the species included in the aggregated forage fish category. The word ''families'' in the parentheses following the term ''Aggregated forage fish'' would be replaced with the word ''taxa'' because all species of the order Euphausiacea (krill) also are included in the list of aggregated forage fish. The word ''taxa'' refers to more general groupings of similar organisms and includes taxonomic families and orders.

In Table 11 to part 679 (BSAI Retainable Percentages), footnotes 3 and 6 would be revised to remove reference to *Sebastes* and *Sebastolobus* and to refer to the definition of ''rockfish'' at § 679.2. This revision would exclude dark rockfish from these rockfish categories in the BSAI because dark rockfish are excluded from the definition of rockfish in § 679.2.

Classification

Pursuant to sections 304(b)(1)(A) and 305(d) of the Magnuson–Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 73 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, Amendment 77 to the Fishery Management Plan for Groundfish of the Gulf of Alaska, other provisions of the Magnuson–Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined not to be a significant regulatory action for the purposes of Executive Order 12866.

An initial regulatory review analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action were contained earlier in this preamble to this proposed rule. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

In 2006, one year immediately preceding the Council action recommending the removal of dark rockfish from the FMPs, there were 81 small catcher vessels that made landings of pelagic shelf rockfish from the GOA, taken as either targeted or incidental catch fish. No small catcher/processors made such landings. The 81 small catcher vessels included 74 that used hook–and–line, pot, or jig gear, and seven that used pelagic or non–pelagic trawl gear. The 81 small catcher vessels averaged about $400,000, in gross ex–vessel revenues from all sources.

In 2006, one small catcher/processor and 36 small catcher vessels made incidental catch landings of pelagic shelf rockfish in the BSAI. All together, 35 vessels used hook–and–line, pot, or jig gear, and two used trawl gear. The 37 small vessels averaged about $1.4 million in gross revenues from all sources.

The RFA requires that an IRFA contain a description of any significant alternatives to the proposed rule that would accomplish the stated objectives of the proposed action, consistent with applicable statutes, and that would minimize any significant economic impact of the proposed rule on small entities.

Two alternatives were analyzed: the status quo and the preferred alternative presented in this proposed rule. The preferred alternatives may have adverse impacts on operations targeting pelagic shelf rockfish in the Central GOA and in the West Yakutat District. However these impacts, if any, are expected to be small. The reductions in TACs will be modest; the preliminary specifications for 2009 suggest a drop of about 6% in

the Central GOA and about 7% in the West Yakutat District for the pelagic shelf rockfish complex as a result of removing dark rockfish from the complex. NMFS does not expect the action to have adverse impacts on operations targeting rockfish in the Southeast Outside and Western regions of the GOA, or in the BSAI because targeting does not appear to have been significant in these two areas. NMFS does not expect the action to have adverse impacts on operations taking dark rockfish as incidental catch because so few dark rockfish has been taken as incidental catch historically and because the State likely will continue to allow some retention of dark rockfish. In the Central GOA, most of the adverse impact would fall on participants in the Central GOA Rockfish Pilot Project. Because of the affiliations these operations have with cooperatives or large business entities through the quota management and allocation features of the pilot project, NMFS does not believe these operations can be considered small entities for the purpose of the RFA. However, it is possible that they would experience some adverse impact as described in the RIR because of the reduction in the TAC for pelagic shelf rockfish as a result of removing dark rockfish from the complex. For example, the ex–vessel price for dusky rockfish is currently about $0.25 per pound, and the potential loss of gross revenue in the Central GOA could range from $19,000 up to $171,000 as a result of removing dark rockfish from the complex.

The primary alternative considered here, Alternative 1 – No Action, would not have these adverse impacts, but would not remove dark rockfish from the FMPs and, thus, does not accomplish the stated objective for the action to allow the State to assume management authority for dark rockfish catch by State–permitted vessels in State and Federal waters.

The Council also considered a third alternative to the proposed action, but it was not carried forward for analysis. This alternative was to transfer management authority of dark rockfish to the State of Alaska while retaining the species under the Federal FMPs. Demersal shelf rockfish in Southeast Alaska is under a similarly delegated management program with the State of Alaska. A similar alternative was considered and rejected for black rockfish and blue rockfish under Amendment 46 to the GOA groundfish FMP. This alternative was not carried forward for dark rockfish because (1) State personnel would be required to comply with additional Federal management processes that may not be consistent with State procedures; (2) the State would need to meet both State and Federal requirements, which often prescribe different time–frames for management actions (e.g., notice, public meetings, and reports); and (3) the State did not believe it could meet the costly assessment requirements for managing a nearshore species, mandated under a Federal management plan.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries.

Dated: September 18, 2008.

Samuel D. Rauch III

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 679 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, 3631 *et seq.*; Pub. L. 108–447.

2. In § 679.2, remove the definition for ''Other red rockfish'' and revise the definitions for ''Other rockfish'' and ''Rockfish'' to read as follows:

§ 679.2 Definitions.

* * * * *

Other rockfish (see Tables 10 and 11 to this part pursuant to § 679.20(c); see also ''rockfish'' in this section.)

* * * * *

Rockfish means:

(1) *For the Gulf of Alaska:* Any species of the genera *Sebastes* or *Sebastolobus* except *Sebastes ciliatus* (dark rockfish); *Sebastes melanops* (black rockfish); and *Sebastes mystinus* (blue rockfish).

(2) *For the Bering Sea and Aleutian Islands Management Area:* Any species of the genera *Sebastes* or *Sebastolobus* except *Sebastes ciliatus* (dark rockfish).

* * * * *

3. Table 2a to part 679 is revised to read as follows:

TABLE 2A TO PART 679 — SPECIES CODES: FMP GROUNDFISH

Species Description	Code
Atka mackerel (greenling)	193
Flatfish, miscellaneous (flatfish species without separate codes)	120
FLOUNDER	
Alaska plaice	133
Arrowtooth and/or Kamchatka	121
Starry	129
Octopus	870
Pacific cod	110
Pollock	270
ROCKFISH	
Aurora (*S. aurora*)	185
Black (BSAI) (*S. melanops*)	142
Blackgill (*S. melanostomus*)	177
Blue (BSAI) (*S. mystinus*)	167
Bocaccio (*S. paucispinis*)	137
Canary (*S. pinniger*)	146
Chilipepper (*S. goodei*)	178
China (*S. nebulosus*)	149
Copper (*S. caurinus*)	138
Darkblotched (*S. crameri*)	159
Dusky (*S. variabilis*)	172
Greenstriped (*S. elongatus*)	135
Harlequin (*S. variegatus*)	176
Northern (*S. polyspinis*)	136
Pacific Ocean Perch (*S. alutus*)	141
Pygmy (*S. wilsoni*)	179
Quillback (*S. maliger*)	147
Redbanded (*S. babcocki*)	153

TABLE 2A TO PART 679 — SPECIES CODES: FMP GROUNDFISH—Continued

Species Description	Code
Redstripe (*S. proriger*)	158
Rosethorn (*S. helvomaculatus*)	150
Rougheye (*S. aleutianus*)	151
Sharpchin (*S. zacentrus*)	166
Shortbelly (*S. jordani*)	181
Shortraker (*S. borealis*)	152
Silvergray (*S. brevispinis*)	157
Splitnose (*S. diploproa*)	182
Stripetail (*S. saxicola*)	183
Thornyhead (all *Sebastolobus* species)	143
Tiger (*S. nigrocinctus*)	148
Vermilion (*S. miniatus*)	184
Widow (*S. entomelas*)	156
Yelloweye (*S. ruberrimus*)	145
Yellowmouth (*S. reedi*)	175
Yellowtail (*S. flavidus*)	155
Sablefish (blackcod)	710
Sculpins	160
SHARKS	
Other (if salmon, spiny dogfish or Pacific sleeper shark – use specific species code)	689
Pacific sleeper	692
Salmon	690
Spiny dogfish	691
SKATES	
Big	702

TABLE 2A TO PART 679 — SPECIES CODES: FMP GROUNDFISH—Continued

Species Description	Code
Longnose	701
Other (If longnose or big skate – use specific species code)	700
SOLE	
Butter	126
Dover	124
English	128
Flathead	122
Petrale	131
Rex	125
Rock	123
Sand	132
Yellowfin	127
Squid	875
Turbot, Greenland	134

4. Table 2d to part 679 is revised to read as follows:

TABLE 2D TO PART 679 — SPECIES CODES: NON–FMP SPECIES

Species Description	Code
Abalone	860
Albacore	720
Arctic char, anadromous	521
CLAMS	
Butter	810
Cockle	820
Eastern softshell	842
Geoduck	815
Little–neck	840
Razor	830
Surf	812
Coral	899
CRAB	
Box	900
Dungeness	910

TABLE 2D TO PART 679 — SPECIES CODES: NON–FMP SPECIES—Continued

Species Description	Code
Korean horsehair	940
Multispina (*Paralomis multispina*)	951
Verrilli (*Paralomis verilli*)	953
Dolly varden, anadromous	531
Eels or eel–like fish	210
Giant grenadier	214
GREENLING	
Kelp	194
Rock	191
Whitespot	192
Grenadier (rattail)	213
Jellyfish	625
Lamprey, pacific	600
Lingcod	130
Lumpsucker	216
Mussel, blue	855
Pacific flatnose	260
Pacific hagfish	212
Pacific hake	112
Pacific saury	220
Pacific tomcod	250
Prowfish	215
Rockfish, black (GOA)	142
Rockfish, blue (GOA)	167
Rockfish, dark	173
Sardine, Pacific (pilchard)	170
Scallop, weathervane	850
Scallop, pink (or calico)	851
Sea cucumber	895
Sea urchin, green	893
Sea urchin, red	892
Shad	180
SHRIMP	
Coonstripe	964
Humpy	963

TABLE 2D TO PART 679 — SPECIES CODES: NON–FMP SPECIES—Continued

Species Description	Code
Northern (pink)	961
Sidestripe	962
Spot	965
Skilfish	715
Smelt, surf	515

TABLE 2D TO PART 679 — SPECIES CODES: NON–FMP SPECIES—Continued

Species Description	Code
Snails	890
Sturgeon, general	680

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5. Tables 10 and 11 to part 679 are revised to read as follows:

Table 10 to Part 679—Gulf of Alaska Retainable Percentages

Table 10 to Part 679 - Gulf of Alaska Retainable Percentages

BASIS SPECIES		INCIDENTAL CATCH SPECIES (for DSR caught on catcher vessels in the SEO, see § 679.20 (j)[6])														
Code	Species	Pollock	Pacific cod	DW flat[2]	Rex sole	Flathead sole	SW Flat (3)	Arrowtooth	Sablefish	Aggregated rockfish[8]	SR/RE ERA (1)	DSR SEO (C/Ps only) (6)	Atka mackerel	Aggregated forage fish[10]	Skates (11)	Oth-er spec-ies (7)
110	Pacific cod	20	na[9]	20	20	20	20	35	1	5	(1)	10	20	2	20	20
121	Arrowtooth	5	5	20	20	20	20	na[9]	1	5	0	0	20	2	20	20
122	Flathead sole	20	20	20	20	na[9]	20	35	7	15	7	1	20	2	20	20
125	Rex sole	20	20	20	na[9]	20	20	35	7	15	7	1	20	2	20	20
136	Northern rockfish	20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
141	Pacific ocean perch	20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
143	Thornyhead	20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
152/151	Shortraker/rougheye (1)	20	20	20	20	20	20	35	7	15	na[9]	1	20	2	20	20
193	Atka mackerel	20	20	20	20	20	20	35	1	5	(1)	10	na[9]	2	20	20
270	Pollock	na[9]	20	20	20	20	20	35	1	5	(1)	10	20	2	20	20
710	Sablefish	20	20	20	20	20	20	35	na[9]	15	7	1	20	2	20	20
Flatfish, deep-water (2)		20	20	na[9]	20	20	20	35	7	15	7	1	20	2	20	20
Flatfish, shallow-water (3)		20	20	20	20	20	na[9]	35	1	5	(1)	10	20	2	20	20
Rockfish, other (4)		20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
Rockfish, pelagic (5)		20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
Rockfish, DSR-SEO (6)		20	20	20	20	20	20	35	7	15	7	na[9]	20	2	20	20
Skates[11]		20	20	20	20	20	20	35	1	5	(1)	10	20	2	na[9]	20
Other species (7)		20	20	20	20	20	20	35	1	5	(1)	10	20	2	20	na[9]
Aggregated amount of non-groundfish species		20	20	20	20	20	20	35	1	5	(1)	10	20	2	20	20

Notes to Table 10 to Part 679					
1	Shortraker/rougheye rockfish				
		SR/RE	shortraker rockfish (152)		
			rougheye rockfish (151)		
		SR/RE ERA	shortraker/rougheye rockfish in the Eastern Regulatory Area.		
	Where numerical percentage is not indicated, the retainable percentage of SR/RE is included under Aggregated Rockfish				
2	Deep-water flatfish	Dover sole, Greenland turbot, and deep-sea sole			
3	Shallow-water flatfish	Flatfish not including deep-water flatfish, flathead sole, rex sole, or arrowtooth flounder			
4	Other rockfish	Western Regulatory Area	means slope rockfish and demersal shelf rockfish		
		Central Regulatory Area			
		West Yakutat District			
		Southeast Outside District	means slope rockfish		
		Slope rockfish			
		S. aurora (aurora)	S. variegatus (harlequin)	S. brevispinis (silvergrey)	
		S. melanostomus (blackgill)	S. wilsoni (pygmy)	S. diploproa (splitnose)	
		S. paucispinis (bocaccio)	S. babcocki (redbanded)	S. saxicola (stripetail)	
		S. goodei (chilipepper)	S. proriger (redstripe)	S. miniatus (vermilion)	
		S. crameri (darkblotch)	S. zacentrus (sharpchin)	S. reedi (yellowmouth)	
		S. elongatus (greenstriped)	S. jordani (shortbelly)		
		In the Eastern GOA only, Slope rockfish also includes S. polyspinous (northern)			
5	Pelagic shelf rockfish	S. variabilis (dusky)	S. entomelas (widow)	S. flavidus (yellowtail)	
6	Demersal shelf rockfish (DSR)	S. pinniger (canary)	S. maliger (quillback)	S. ruberrimus (yelloweye)	
		S. nebulosus (china)	S. helvomaculatus (rosethorn)		
		S. caurinus (copper)	S. nigrocinctus (tiger)		
		DSR-SEO = Demersal shelf rockfish in the Southeast Outside District The operator of a catcher vessel that is required to have a Federal fisheries permit, or that harvests IFQ halibut with hook and line or jig gear, must retain and land all DSR that is caught while fishing for groundfish or IFQ halibut in the SEO. Limits on sale and requirements for disposal of DSR are set out at § 679.20 (j).			
7	Other species	sculpins	octopus	sharks	squid
8	Aggregated rockfish	Means rockfish as defined at § 679.2 except in:			
		Southeast Outside District (SEO)	where DSR is a separate category for those species marked with a numerical percentage		
		Eastern Regulatory Area (ERA)	where SR/RE is a separate category for those species marked with a numerical percentage		

Notes to Table 10 to Part 679			
9	N/A	not applicable	
10	Aggregated forage fish (all species of the following taxa)		
		Bristlemouths, lightfishes, and anglemouths (family Gonostomatidae)	209
		Capelin smelt (family Osmeridae)	516
		Deep-sea smelts (family Bathylagidae)	773
		Eulachon smelt (family Osmeridae)	511
		Gunnels (family Pholidae)	207
		Krill (order Euphausiacea)	800
		Laternfishes (family Myctophidae)	772
		Pacific herring (family Clupeidae)	235
		Pacific sand fish (family Trichodontidae)	206
		Pacific sand lance (family Ammodytidae)	774
		Pricklebacks, war-bonnets, eelblennys, cockscombs, and Shannys (family Stichaeidae)	208
		Surf smelt (family Osmeridae)	515
11	Skates Species and Groups		
		Big Skates	702
		Longnose Skates	701
		Other Skates	700

Table 11 to Part 679—BSAI Retainable Percentages

Table 11 to Part 679 - BSAI Retainable Percentages

BASIS SPECIES		INCIDENTAL CATCH SPECIES[5]															
		Pollock	Pacific cod	Atka mackerel	Alaska plaice	Arrow-tooth	Yellow fin sole	Other flatfish[2]	Rock sole	Flathead sole	Green-land turbot	Sable-fish[1]	Short-raker/ rougheye	Aggregated rockfish[6]	Squid	Aggregated forage fish[7]	Oth-er Spe-cies[4]
110	Pacific cod	20	na[5]	20	20	35	20	20	20	20	1	1	2	5	20	2	20
121	Arrow-tooth	0	0	0	0	na[5]	0	0	0	0	0	0	0	0	0	2	0
122	Flathead sole	20	20	20	35	35	35	35	35	na5	35	15	7	15	20	2	20
123	Rock sole	20	20	20	35	35	35	35	na[5]	35	1	1	2	15	20	2	20
127	Yellowfin sole	20	20	20	35	35	na[5]	35	35	35	1	1	2	5	20	2	20
133	Alaska Plaice	20	20	20	na[5]	35	35	35	35	35	1	1	2	5	20	2	20
134	Greenland turbot	20	20	20	20	35	20	20	20	20	na[5]	15	7	15	20	2	20
136	Northern	20	20	20	20	35	20	20	20	20	35	15	7	15	20	2	20
141	Pacific ocean perch	20	20	20	20	35	20	20	20	20	35	15	7	15	20	2	20
152 / 151	Shortraker/ Rougheye	20	20	20	20	35	20	20	20	20	35	15	na[5]	5	20	2	20
193	Atka mackerel	20	20	na[5]	20	35	20	20	20	20	1	1	2	5	20	2	20
270	Pollock	na[5]	20	20	20	35	20	20	20	20	1	1	2	5	20	2	20
710	Sablefish[1]	20	20	20	20	35	20	20	20	20	35	na[5]	7	15	20	2	20
875	Squid	20	20	20	20	35	20	20	20	20	1	1	2	5	na[5]	2	20
Other flatfish[2]		20	20	20	35	35	35	na[5]	35	35	1	1	2	5	20	2	20
Other rockfish[3]		20	20	20	20	35	20	20	20	20	35	15	7	15	20	2	20
Other species[4]		20	20	20	20	35	20	20	20	20	1	1	2	5	20	2	na[5]
Aggregated amount non-groundfish species		20	20	20	20	35	20	20	20	20	1	1	2	5	20	2	20

NOTES to Table 11 to Part 679	
1	Sablefish: for fixed gear restrictions, see 50 CFR 679.7(f)(3)(ii) and 679.7(f)(11).
2	Other flatfish includes all flatfish species, except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Alaska plaice, and arrowtooth flounder.
3	Other rockfish includes all "rockfish" as defined at § 679.2, except Pacific ocean perch; and northern, shortraker, and rougheye rockfish. The CDQ reserves for shortraker, rougheye, and northern rockfish will continue to be managed as the "other red rockfish" complex for the BS.
4	Other species includes sculpins, sharks, skates and octopus. Forage fish, as defined at Table 2 to this part are not included in the "other species" category.
5	na = not applicable
6	Aggregated rockfish includes all "rockfish" as defined at § 679.2, except shortraker and rougheye rockfish.
7	Forage fish are defined at Table 2 to this part.

[FR Doc. E8–22441 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–22–C

Notices

Federal Register

Vol. 73, No. 186

Wednesday, September 24, 2008

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.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Executive Director of the Joint Board for the Enrollment of Actuaries gives notice of a closed meeting of the Advisory Committee on Actuarial Examinations.

DATES: The meeting will be held on October 27, 2008, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at Mercer, 1717 Arch Street, 27th Floor, Philadelphia, PA.

FOR FURTHER INFORMATION CONTACT: Patrick W. McDonough, Executive Director of the Joint Board for the Enrollment of Actuaries, 202–622–8225.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at Mercer, 1717 Arch Street, 27th Floor, Philadelphia, PA on Friday, October 27, 2008, from 8:30 a.m. to 5 p.m.

The purpose of the meeting is to discuss questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the subject of the meeting falls within the exception to the open meeting requirement set forth in Title 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: September 16, 2008.

Patrick W. McDonough,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. E8–22385 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

Chequamegon-Nicolet National Forest; Wisconsin, Grub Hoe Vegetation and Transportation Management Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Eagle River-Florence Ranger District intends to prepare an environmental impact statement (EIS) to disclose the environmental consequences of proposed vegetation and transportation management activities. The Grub Hoe Vegetation and Transportation Management Project (Grub Hoe Project) area is approximately 11,640 acres in size; about 8,500 acres of this is National Forest System land. The project area is located in Florence County, 15 miles southwest of Florence, Wisconsin. The legal description is T39N, R15E, Sections 1, 2, 8–17, 22–24; T39N, R16E, Sections 5–7, 18, 19. See the **SUPPLEMENTARY INFORMATION** section for the purpose and need for the action.

DATES: Comments concerning the scope of the analysis should be received by October 24, 2008, to receive timely consideration. The draft environmental impact statement is expected January 2009, and the final environmental impact statement is expected March 2009.

ADDRESSES: Send written comments to District Ranger Joel Skerven, Eagle River-Florence Ranger District, Chequamegon-Nicolet National Forest, 1247 East Wall Street, Eagle River, WI 54521. For further information, mail correspondence to Christine Brunner, NEPA Coordinator, Eagle River-Florence Ranger District, 1247 East Wall Street, Eagle River, WI 54521.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The overall purpose of the Grub Hoe Project is to implement land management activities consistent with the direction in the 2004 Chequamegon-Nicolet National Forest Land and Resource Management Plan (Forest Plan). One purpose for this proposal is to maintain or restore upland forest communities and opening to their desired conditions as described in Chapter 3 of the Forest Plan; a second purpose is to provide an efficient road system. Based on the Forest Plan desired future conditions for the area, the following nine needs were identified: (1) Increase the diversity of northern hardwood forest structure and composition; (2) reduce fragmentation in larger patches of northern hardwood forest; improve aquatic ecosystems; (4) improve upland forest type composition; (5) improve the aspen age class distribution; (6) promote healthy forests; (7) improve habitat for early-successional forest dependent wildlife species; (8) contribute toward satisfying the demand for wood products; (9) provide a safe, efficient, and effective transportation system.

Proposed Action

In order to address the needs identified above, approximately 3326 acres of various forest types would be harvested using selection, removal, shelterwood, patch clearcut, clearcut, and thin harvest methods. As a result of clearcutting three contiguous aspen stands, this alternative would result in a temporary opening of approximately 73 acres. This deviates from a Forest Plan guideline to limit temporary openings to 40 acres.

The second purpose for this proposal is to provide an efficient road system that meets the long-term transportation needs of the Forest. In order to address need 9 above, approximately 20.8 miles of unclassified roads would be decommissioned; 3.9 miles would be reconstructed and classified; and 1.4 miles of new road would be constructed but closed after project activities are completed.

Possible Alternatives

Two alternatives to the Proposed Action have been developed in response to public comments received. One alternative would result in the following changes to the Proposed Action: Eliminate aspen conversions to other forest types in all but three stands, clearcutting and regenerating them to aspen instead; clearcut and regenerate the two stands identified for patch

clearcutting under the Proposed Action; clearcut and regenerate an additional three aspen stands. This alternative would also result in a temporary opening of approximately 73 acres.

Under a second alternative the following activities would be deferred: harvesting stands of aspen forest type; potential salvage harvesting; harvesting within 124 acres of historic or current goshawk or red-shouldered hawk nest sites (the Forest Plan requires at minimum a 30-acre nest buffer); road construction and reconstruction.

Responsible Official

The responsible official for this project is Joel Skjerven, Eagle River-Florence District Ranger, 1247 E. Wall Street, Eagle River, WI 54521.

Nature of Decision To Be Made

The decision will be limited to answering the following questions based on the environmental analysis: (1) What actions would be used to address the purpose and need; (2) where and when will these actions occur; and (3) what mitigation measures and monitoring requirements would be required.

Scoping Process

The Chequamegon-Nicolet Forest began the scoping process for this project as an environmental assessment during May 2008. Persons and organizations on the District's mailing list were sent information packages, and a notice was placed in the newspaper of record. The project is listed in the Chequamegon-Nicolet Schedule of Proposed Actions, and is viewable on the Forest Web page at *http://www.fs.fed.us/r9/cnnf/*. Click on ''Project Proposals and Decisions,'' then ''Grub Hoe Vegetation and Transportation Management Project.''

Preliminary Issues

The following issues will be analyzed in the EIS: Effects of the proposed activities on soils, water, Regional Forester Sensitive Species plants and wildlife, and non-native invasive species.

Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21.

Dated: September 15, 2008.

Jeanne M. Higgins,

Forest Supervisor.

[FR Doc. E8–22340 Filed 9–23–08; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Final Flat Fee Policy for Outfitting and Guiding Land Use Fees in the Alaska Region

AGENCY: Forest Service, USDA.

ACTION: Notice of final policy.

SUMMARY: The Alaska Region of the Forest Service is publishing a final regional flat fee policy. The initial proposal was published in the **Federal Register** on September 15, 2006 (71 FR 54454). The revised policy published April 18, 2008 (73 FR 21098) differed enough from the initial proposed policy to merit public notice and comment.

FOR FURTHER INFORMATION CONTACT: Trish Clabaugh, (907) 586–8855.

SUPPLEMENTARY INFORMATION:

Background

In *The Tongass Conservancy* v. *Glickman,* No. J97–029–CV, slip op. (D. Alaska Sept. 19, 1998), the court held that the Forest Service's land use fee system must be fair to the plaintiff outfitter and guide, as well as based on the market value of the use of National Forest System (NFS) lands. In addition, based on a concern that different fees were being charged for the same type of commercial use of NFS lands, the court held that there was ''insufficient evidence in the record to support a conclusion that the fees charged plaintiff were both fair and based upon the value of the use of Forest Service lands available to the plaintiff.'' *The Tongass Conservancy,* slip op. at 2. The court ordered the Alaska Region of the Forest Service to undertake actions consistent with the court's ruling and applicable law.

In response, on July 21, 1999, the Alaska Region published in the **Federal Register** for public notice and comment a proposed interim flat fee policy for all outfitting and guiding in the Alaska Region (Alaska Region Interim Flat Fee Policy or ARIFFP) (64 FR 39114, July 21, 1999). The notice for the final interim ARIFFP was published in the **Federal Register** and went into effect on February 14, 2000 (65 FR 1846, January 12, 2000).

In August 2003, the Anchorage-based appraisal firm Black-Smith and Richards, Inc. (BSR) completed its phase II market study (Final Phase II Report) on development of a land use fee system for outfitting and guiding in the Alaska Region that is both fair to the outfitters and guides, and based on market value of the use of NFS lands for outfitting and guiding. The Final Phase II Report

identified two possible methods for land use fee schedule development in this context: (1) The modified ARIFFP, which relates fees to gross revenues from outfitting and guiding conducted on NFS lands, and (2) the bottom-up pricing method (BUPM), which ties outfitting and guiding land use fees to fees charged for comparable unguided recreational uses on non-federal lands (Final Phase II Report at 19).

On September 15, 2006, the Alaska Region published a notice of a proposed flat fee policy in the **Federal Register** (71 FR 54454) with a 90-day comment period. The agency received two requests for an extension of the comment period. The Forest Service extended the comment period until March 15, 2007 (71 FR 74896). The Alaska Region received 40 comments from individuals, outfitters and guides, the travel industry, and the Southeast Alaska Conservation Council.

The initial proposal published on September 15, 2006, was based on the modified ARIFFP. The Alaska Region developed the revised proposal based on the BUPM and review of comments received on the initial proposal; BSR market survey data; recommendations from a working group tasked to review comments on the initial proposal; the need to simplify administration of the land use fee program in the Alaska Region for outfitters and guides and the Forest Service; and application of sound business management principles.

The revised proposal was published in the **Federal Register** on April 18, 2008. The Forest Service received 15 comments during the comment period, which ended June 2, 2008. This notice addresses those comments and establishes the final flat fee policy for outfitting and guiding land use fees in the Alaska Region, consistent with *The Tongass Conservancy* case.

Comments Received on the Revised Proposed Flat Fee Policy

Comments Related to Activities

Comment. One respondent commented that the increased fee for road-based nature tours is excessive.

Response. Road-based nature tours visit NFS lands that are similar in character to those visited by remote-setting nature tours; they differ mainly in their modes of access. The two activities were combined in the general recreation group because the market does not recognize a high level of stratification in setting fees for general recreation. The general recreation activity is consistent with *The Tongass Conservancy* v. *Glickman,* which holds that to be fair to outfitters and guides, the Alaska Region's outfitting and guiding land use fee system must establish similar fees for similar uses of NFS lands. *The Tongass Conservancy,* slip op. at 8. In addition, combining nine activities from the initial proposal into one general recreation category in the final policy reduces the potential for charging for the level of service provided and mode of transportation used to access NFS lands and assures greater fairness to a larger segment of outfitters and guides.

Comment. One respondent questioned why the remote-setting nature tour fee is higher than the road-based fee.

Response. Both remote-setting nature tours and road-based nature tours are now included in the general recreation category and are charged the same fee.

Comment. One respondent questioned why the fee for over-snow vehicle tours was $10, identical to the fee charged for heli-skiing, given that the daily rate for heli-skiing is $900, compared to $180 to $225 for over-snow vehicle tours, and given that over-snow vehicle tours average two to three hours on NFS lands. Another respondent stated that over-snow vehicle tours should be included in the general recreation category because of their low cost and environmental impacts, lack of add-on costs, and short duration on NFS lands.

Response. The difference in price charged for over-snow vehicle and heli-skiing tours is primarily a function of the cost of transporting guests to NFS lands and is not attributable to significant differences in the quality or quantity of NFS lands used. A higher land use fee for helicopter skiing and over-snow vehicle tours than for general recreation is justified because of the more limited amount of NFS lands available for safe motorized winter sports. The $10 fee is consistent with market observations of prices charged for unguided off-road motor sports, as reported in the BSR market survey (Final Phase II Report at 26). The market does not differentiate between partial day and whole day use. Under the Independent Offices Appropriations Act of 1952, Office of Management and Budget Circular No. A–25, and Forest Service regulations, the standard for determining land use fees charged by the Forest Service is the market value of the use of NFS lands, not the impact of the use on NFS lands. Therefore, it is not appropriate to take into account the resource impacts of outfitting and guiding activities in setting land use fees.

Comment. One respondent commented that the fee for general recreation should be $4.00, rather than $5.00, and questioned the Forest Service's determination that a charge of $5.00 per day is fair based upon available market data for unguided use.

Response. BSR prepared an Interim Phase II report dated July 12, 2002. Additional market data were used for the Final Phase II Report dated August 5, 2003. Based on reconciliation of available market data for unguided uses, the Final Phase II Report concludes that a fee of $5.00 per day is appropriate for general recreation use (Final Report Phase II at 23). The Final Phase II Report further states that the market does not distinguish between partial days and whole days, the point of origin, or the mode of transportation used to conduct an activity.

Comment. One respondent commented that freshwater fishing should be categorized with general recreation because fish-bearing streams are not limited in supply in Alaska, and there is not a high demand for Forest Service outfitting and guiding permits for freshwater fishing.

Response. According to the BSR market survey, the value of an individual unit of unguided use for fishing in the Alaska Region is $10 per day (Final Phase II Report at 27). In general, in the Alaska Region, in comparison with NFS lands available for general recreation, NFS lands available for freshwater fishing in streams where a guide would take a client for a quality experience are more limited in extent than other general recreation uses.

Short-Stop Fees

Comment. One respondent stated that his use qualifies for a short-stop fee.

Response. Short-stop fees are charged for trips that use NFS lands incidental to the purpose of the trip (Forest Service Handbook (FSH) 2709.11, sec. 37.05). The attraction of the Chugach and Tongass National Forests is not incidental to the purpose of outfitted and guided trips in Alaska. In general, nonfederal landowners charge the same rate for unguided recreational uses, regardless of the time per day spent on their lands. Therefore, the Alaska Region believes that a short-stop fee is not appropriate for outfitting and guiding land uses in Alaska.

Comments Related to Fees Charged

Comment. One respondent questioned how the Forest Service balances the market value of an activity with charging similar fees for similar activities, using as an example black and brown bear hunting, which are similar activities, but are charged different fees. The respondent also

asked how big game hunting fees are determined.

Response. The fees charged for big game hunting depend on the relative scarcity of NFS lands available for hunting particular species. For example, in the Alaska Region, the amount of NFS lands available for trophy coastal brown bear hunting is much smaller than the amount of NFS lands available for black bear hunting. Thus the fee for brown bear hunting is proportionally higher than the fee for black bear hunting. Deer habitat is the most plentiful of any habitat for big game species in the Alaska Region. The BSR market survey supports a fee for an unguided, multi-day deer hunt of approximately $100. Due to the more limited market data, the fees for the other big game species are derived from the ratio between the tag fee charged by the Alaska Department of Fish and Game for each species and the fees for the corresponding species reflected in the BSR market survey (Final Phase II Report at 41–53). These ratios are further supported by ratios of per hunt revenues for the big game species reported by outfitters and guides in 2002.

Comment. One respondent stated that the fees for outfitters and guides operations are unreasonably high.

Response. The Alaska Region developed the final fee policy for outfitting and guiding based review of comments received on the revised proposal; BSR market survey data; recommendations from a working group tasked to review comments on the initial proposal; the need to simplify administration of the land use fee program in the Alaska Region for outfitters and guides and the Forest Service; and application of sound business management principles.

Comment. One respondent noted that it is not sound business practice to charge the same fee to both small and large businesses, which have a large disparity in the cost of their tours.

Response. The Forest Service is directed by *The Tongass Conservancy* ruling to devise a fee schedule ''that is fair and will not result in the assessment of disparate fees charged TTC and other similarly situated users for similar use of National Forest lands.'' *The Tongass Conservancy,* slip op. at 8. The differences in fees charged for the different activities in the final flat fee policy are a function of the characteristics of the NFS lands used for those activities and the value of comparable unguided recreational uses. The fees in the final flat fee policy are not tied to outfitters' and guides' gross revenues, which in the Alaska Region are often a function of the cost to transport clients to NFS lands and the different level of services provided by outfitters and guides. Basing the flat fees on the costs of outfitters and guides in the Alaska Region would result in disparate fees for similar uses of NFS lands, and therefore would not be consistent with *The Tongass Conservancy* ruling.

Fees Charged For Multiple Activities

Comment. One respondent stated that hunts for multiple species should continue to be charged a fee only for the species with the highest fee. Another respondent stated that for big game hunting, the Forest Service should charge the full fee for the species with the highest fee and charge a reduced fee for all other species involved.

Response. Fees for hunts involving multiple species will be charged only for the species with the highest fee. For example, an outfitter and guide authorized to conduct hunts for both brown bear and deer will be charged a fee only for brown bear hunting when the hunt includes both species.

Comment. One respondent questioned how the fees will be determined if they are based on actual use reports and how prepayment will be determined if more than one activity is authorized under a permit. Another respondent wanted clarification on determination of the fee when an outfitter or guide is authorized to conduct multiple activities on the same day.

Response. The current practice of prepayment of outfitter and guide fees based on the total amount of use authorized in permits will not change. If an outfitter or guide is authorized for more than one activity, estimates of use will be based on past actual use records or anticipated use.

When an outfitter or guide conducts more than one authorized activity on a given day, the Alaska Region charges the outfitter or guide only one fee, and that fee is whatever activity has the highest fee. For example, if an outfitter or guide conducts hiking and freshwater fishing, the fee will be the charge for freshwater fishing, since it is higher than the fee for hiking (which is included in general recreation).

Comments Requesting Clarification

Comment. The State of Alaska requested clarification of the Alaska Department of Fish and Game's responsibility for maintaining the sustainability of fish and wildlife pursuant to section 1314 of Alaska National Interest Lands Conservation Act (ANILCA) and affirmation of the fact that the fees in the revised policy will not diminish that responsibility.

Response. Nothing in the final flat fee policy diminishes the State's responsibility for managing fish and wildlife in Alaska's National Forests pursuant to section 1314 of ANILCA. The Alaska Region affirms that responsibility in Forest Service Manual Supplement 2323.32, which states that ''the taking of fish and wildlife shall be conducted in accordance with the provisions of ANILCA, Section 1314, and other applicable State and Federal laws.''

Basis of Forest Service Fees

Comment. Some respondents stated that the purpose of land use fees is to cover administrative costs and help the Service offset any impacts that activities may have on the land.

Response. Under the Independent Offices Appropriations Act of 1952, OMB Circular No. A–25, and Forest Service regulations, the standard for determining land use fees charged by the Forest Service is the market value of the use of NFS lands, not the impact of the use on NFS lands. Forest Service regulations state that the fees charged to outfitters and guides are ''based on the fair market value of the rights and privileges authorized, as determined by appraisal or other sound business management principles'' [36 CFR 251.57(a)(1)]. Therefore, it would not be appropriate to take into account the impacts of outfitting and guiding activities in setting land use fees.

Implementation

Comment. Some respondents suggested a phased-in implementation for the fee policy. One respondent believed that the proposed flat fee system would pose an undue burden for lower-priced tour operators. Another respondent requested a waiver or reduced fee for outfitting and guiding services that were contracted prior to implementation of the fee policy.

Response. The Forest Service is delaying implementation of the final flat fee policy until January 1, 2010, to give outfitters and guides in the Alaska Region time to make price adjustments based on the policy. Once it is implemented, the fee schedule in the final policy will be updated in accordance with the Implicit Price Deflator-Gross Domestic Product (IPD) and periodic market surveys of unguided land use fees.

Comparison of the Current and Final Outfitting and Guiding Land Use Fees

Table 1 displays the Alaska Region outfitting and guiding activities in

column 1. The activities that are shown in bold are the final flat fee policy activities. Column 2 shows the 2008 fees charged for those activities. The fees for the final policy for outfitting and guiding land use in the Alaska Region that will be effective January 1, 2010, are shown in column 3. These fees apply to both temporary and priority use permits. The minimum fee for outfitting and guiding, regardless of the size of their business, is $100.

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Table 1: Alaska Region Outfitting and Guiding Land Use Fees

Activity	2008 Fees	Fees Under the Final Policy
General Recreation [1]		$ 5.00
Road-Based Nature Tours	$ 0.61	$ 5.00
Remote-Setting Nature Tours	$ 3.03	$ 5.00
Flight-Seeing Landing Tours	$ 2.42	$ 5.00
Helicopter Landing Tours	$ 3.03	$ 5.00
Nonmotorized freshwater boat trips	$ 1.51	$ 5.00
Dog Sled Tours	$ 3.03	$ 5.00
Camping	$ 4.85	$ 5.00
Road-Based Wildlife Viewing	$ 0.61	$ 5.00
Remote Wildlife Viewing	$ 3.03	$ 5.00
Visitor Centers [2]	$ 0.61	$ 1.50
Over-Snow Vehicle Tours	$ 4.85	$10.00
Heli-Skiing Tours	$ 9.39	$10.00
Freshwater Fishing	$ 3.03	$10.00
Waterfowl and Small Game (Including Wolf) Hunting	$ 6.06	$10.00
Brown Bear: Day Use	$169.54	$330.00
Camping	$236.13	per hunt [4]
Black Bear: Day Use	$ 84.76	$150.00
Camping	n/a [3]	per hunt [4]
Elk: Day Use	n/a [3]	$200.00
Camping	n/a [3]	per hunt [4]
Moose: Day Use	n/a [3]	$200.00
Camping	$ 145.32	per hunt [4]
Mountain: Goats Day Use	$127.15	$200.00
Camping	$157.42	per hunt [4]
Dall Sheep Day Use	n/a [3]	$200.00
Camping	n/a [3]	per hunt [4]
Deer: Day Use	$ 36.32	$100.00
Camping	$ 84.76	per hunt [4]
Delivery and/or Pick-Up of Motorized and Nonmotorized Equipment, Such as Kayaks, Over-Snow Vehicles, and Camping Equipment, to National Forest System Lands	$ 1.51 per equipment per day	$ 10.00 total per day – no limit on equipment numbers, or numbers of trips

[1] General recreation includes road-based nature tours, remote-setting nature tours, flight-seeing landing tours, helicopter landing tours, dog-sled tours, nonmotorized freshwater boat trips, camping, road-based wildlife viewing, and remote wildlife viewing activities that are in the current fee schedule.

[2] Visitor center flat fees do not include fees paid by visitors authorized under the Federal Lands Recreation Enhancement Act.

[3] n/a – not on the current fee schedule

[4] Fees for big game hunts are charged by the hunt and include camping.

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Implementation

The final land use fee policy will become effective January 1, 2010. The Alaska Region intends to conduct a market review approximately every five years to update the land use fees for outfitting and guiding based on a market survey of fees charged by non-federal landowners for unguided recreational activities that are comparable to those conducted by outfitters and guides in the Alaska Region. As part of the market survey, the Alaska Region will evaluate market data regarding comparable unguided recreational activities conducted on non-federal land that are submitted by the outfitting and guiding industry, and outfitters and guides in the Alaska Region.

Regulatory Certifications

Environmental Impact

This proposed policy will establish administrative fee categories and procedures for calculating land use fees for outfitters and guides operating in the Alaska Region of the Forest Service. Section 31.12 of FSH 1909.15 (57 FR 43180, September 18, 1992) excludes from documentation in an environmental assessment or environmental impact statement ''rules, regulations or policies to establish Service-wide administrative procedures, program processes or instructions.'' The Alaska Region's preliminary assessment is that this final policy falls within this category of actions and that no extraordinary circumstances exist that would require preparation of an environmental assessment or environmental impact statement.

Regulatory Impact

This final policy has been reviewed under USDA procedures and Executive Order 12866 on regulatory planning and review. The Office of Management and Budget has determined that this not a significant policy. The final policy cannot and may not reasonably be anticipated to lead to an annual effect of $100 million or more on or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; raise novel legal or policy issues; or materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of beneficiaries of those programs. Accordingly, this final policy is not subject to OMB review under Executive Order 12866, as amended by Executive Order 13422.

This final policy has also been considered in light of the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et. seq.*). The final policy will affect a substantial number of small entities. However, the impact on those entities will not be significant. The final fee increases are not significant when compared to the amounts charged by these entities to their clients and can readily be absorbed. Accordingly, the final policy will not affect the competitive position of small entities in relation to large entities, nor will the final policy substantially affect small entities' cash flow, liquidity, or ability to remain in the market. In addition, the final policy will not impose new record-keeping requirements on small business holders of special use authorizations. To the contrary, the greater efficiency and consistency achieved by the final policy in simplifying the fee categories and the method for updating fees will benefit both outfitters and guides in the Alaska Region and the Forest Service. Therefore, no further analysis is required under the Regulatory Flexibility Act.

No Takings Implications

This final policy has been analyzed in accordance with the principles and criteria contained in Executive Order 12630. The Alaska Region has determined that the final policy will not pose the risk of a taking of private property.

Civil Justice Reform

This final policy has been reviewed under Executive Order 12988 on civil justice reform. Upon adoption of the final policy, (1) all state and local laws and regulations that are in conflict with this final policy or that will impede its full implementation will be preempted; (2) no retroactive effect will be given to this final policy; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), which the President signed into law on March 22, 1995, the Alaska Region has assessed the effects of the final policy on state, local, and tribal governments and the private sector. This final policy will not compel the expenditure of $100 million or more by any state, local, or tribal government or anyone in the private sector. Therefore, a statement under Section 202 of the act is not required.

Federalism and Consultation and Coordination With Indian Tribal Governments

The Alaska Region has considered this final policy under the requirements of Executive Order 13132 on federalism and has determined that the final policy conforms with the federalism principles set out in this Executive Order; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, the relationship between the Federal government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the Alaska Region has determined that no further assessment of federalism implications is necessary.

Moreover, this final policy will not have Tribal implications as defined by Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' and therefore advance consultation with Tribes is not required.

Energy Effects

This final policy has been reviewed under Executive Order 13211 of May 18, 2001, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' The Alaska Region has determined that this final policy will not constitute a significant energy action as defined in the Executive Order.

Controlling Paperwork Burdens on the Public

This final policy does not contain any record-keeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. The information collection being requested as a result of this action has been approved by OMB. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

Dated: September 11, 2008.

Paul K. Brewster,

Deputy Regional Forester Alaska Region.

[FR Doc. E8–22424 Filed 9–23–08; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Lake Tahoe Basin Federal Advisory Committee

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of charter renewal.

SUMMARY: The Secretary of Agriculture has renewed the charter of the Lake Tahoe Federal Advisory Committee. Chartered under the Federal Advisory Committee Act, the Committee provides advice to the Secretary of Agriculture and to the Federal Interagency Partnership on how the Partnership can best fulfill its duties, pursuant to Executive Order 13057, to protect the extraordinary natural, recreational, and ecological resources in the Lake Tahoe Region.

DATES: The charter renewal was effective August 5, 2008. As provided by law, the charter will expire 24 months from the date of renewal.

FOR FURTHER INFORMATION CONTACT: Terri Marceron, Forest Supervisor, Lake Tahoe Basin Management Unit, telephone (530) 573–2773.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Secretary of Agriculture has renewed the charter of the Lake Tahoe Basin Federal Advisory Committee (Committee). The purpose of the Committee is to provide advice to the Secretary of Agriculture and to the Federal Interagency Partnership (Partnership) on how the Partnership can best fulfill its duties to protect the extraordinary natural, recreational, and ecological resources in the Lake Tahoe Region. The Partnership was established in accordance with Executive Order 13057, ''Federal Actions in the Lake Tahoe Region.'' The Secretary has determined that the work of the Committee is in the public interest and relevant to the duties of the Department of Agriculture.

The Committee will meet on a quarterly basis, conduct public meetings to discuss management strategies, gather information and review Federal agency accomplishments, and prepare a progress report every 6 months for submission to regional Federal executives. Three members of the Committee have been selected as members-at-large. The others have been selected to represent each of the following interests: Gaming, environmental, national environmental, ski resorts, North Shore economic/recreation, South Shore economic/recreation, resort associations, education, property rights advocates, science and research, local government, Washoe Tribe, State of California, State of Nevada, Tahoe Regional Planning Agency, labor, and transportation. The Committee Chair will be recommended by the Committee and approved by the Secretary. A vacancy on the Committee will be filled in the manner in which the original appointments were made.

The appointment of members to the Committee was made by the Secretary of Agriculture. Equal opportunity practices, in line with USDA policies, will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership includes to the extent practicable individuals with demonstrated ability to represent minorities, women, persons with disabilities, and senior citizens.

Dated: September 17, 2008.

Boyd K. Rutherford,

Assistant Secretary for Administration.

[FR Doc. E8–22342 Filed 9–23–08; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Availability of the Record of Decisions (ROD) for Texas Gas Transmission, LLC (Texas Gas) Fayetteville/Greenville Expansion Project

AGENCY: Natural Resources Conservation Service (NRCS), USDA.

ACTION: Notice of availability of the Record of Decision (ROD) for the Texas Gas Transmission, LLC (Texas Gas) Fayetteville/Greenville Expansion Project.

SUMMARY: This notice presents the Record of Decision (ROD) regarding the Natural Resources Conservation Service (NRCS) decided to subordinate its rights, acquired under the Wetland Reserve Program (WRP), to allow the Texas Gas Transmission, LLC (Texas Gas) to cross NRCS held conservation easements associated with the Arkansas Fayetteville Lateral to Mississippi Greenville Lateral Expansion Project in Humphreys County, Mississippi. The project will affect approximately one NRCS held WRP easement in Mississippi creating a 50-foot permanent right-of-way, being 5 feet on each side of the center of the pipeline, and the temporary right-of-way shall be no greater than 25 feet wide. The Federal Energy Regulatory Commission (FERC) prepared a final environmental impact statement (EIS) to fulfill requirements of the National Environmental Policy Act (NEPA). FERC issued the order of issuing certificate on May 2, 2008.

ADDRESSES: Copies of the ROD and EIS are available upon request from the Natural Resource Conservation Service, Suite 1321, Federal Building, 100 West Capitol Street, Jackson, MS 39269.

FOR FURTHER INFORMATION CONTACT: Decunda Duke-Bozeman, State WRP Coordinator, Natural Resources Conservation Service, Suite 1321, Federal Building, 100 West Capitol Street, Jackson, MS 39269, or by telephone at (601) 965–4139, extension 120.

SUPPLEMENTARY INFORMATION: The alternatives analysis is the final EIS found no reasonable routes alternatives that would be environmentally preferable to the proposed routes. The final EIS determined that the proposed Fayetteville/Greenville Expansion Project as modified by the recommended mitigation measures is the preferred alternative. Potential impacts to wetlands will be avoided, minimized and mitigated through Texas Gas Transmission of numerous route variations, implementation of agency recommendations and requirements, and development of site-specific crossing plans.

Homer L. Wilkes,

State Conservationist.

[FR Doc. E8–22332 Filed 9–23–08; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Denbury Onshore, LLC 24″ CO_2 Delhi Pipeline, Madison and Richland Parishes, LA, and Issaquena, Warren and Yazoo Counties, MS

AGENCY: Natural Resources Conservation Service.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40

CFR part 1500); and the Natural Resources Conservation Service Guidelines (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Denbury Onshore, LLC 24″ CO_2 Delhi Pipeline—Madison and Richland Parishes, Louisiana and Issaquena, Warren and Yazoo Counties, Mississippi.

FOR FURTHER INFORMATION CONTACT: Kevin D. Norton, State Conservationist, Natural Resources Conservation Service, 3737 Government Street, Alexandria, Louisiana 71302; telephone (318) 473–7751.

SUPPLEMENTARY INFORMATION: The environmental assessment of the federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Kevin D. Norton, State Conservationist, has determined that preparation and review of an environmental impact statement is not needed for this project.

Denbury is proposing to construct a 24″ CO_2 pipeline approximately 81.0 miles in length located within Issaquena, Warren, and Yazoo Counties, Mississippi and Madison and Richland Parishes, Louisiana. The proposed pipeline will transport CO_2 to the Delhi Field for the purpose of tertiary oil recovery. The proposed 24″ CO_2 pipeline will cross existing federal Wetland Reserve Program (WRP) easements held by the USDA–NRCS in Madison Parish, Louisiana and Warren County, Mississippi. The affected WRP properties in Louisiana are the Little Tensas Bayou Farm/Pilgrims Place and Charles Fondren WRPs. The affected WRP properties in Mississippi are the Willow Break, LLC and the M. James Chaney, Jr. WRP.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy request at the above address. Basic data collected during the environmental assessment are on file and may be reviewed by contacting Kevin D. Norton.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Kevin D. Norton,

State Conservationist.

[FR Doc. E8–22331 Filed 9–23–08; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Alaska Region Logbook Family of Forms.

Form Number(s): None.

OMB Approval Number: 0648–0213.

Type of Request: Regular submission.

Burden Hours: 43,332.

Number of Respondents: 899.

Average Hours per Response: Daily fishing logbooks (DFLs), 18 and 28 minutes; daily cumulative production logbooks (DCPLs), 30 and 41 minutes; check-in/check-out reports, 7 minutes; weekly production reports, 17 minutes; vessel activity reports, 14 minutes; buying station reports, 23 minutes; product transfer reports, 20 minutes; fish tickets, 35 minutes.

Needs and Uses: As part of fishery management plans whose development was authorized by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and the Northern Pacific Halibut Act of 1982 (16 U.S.C 773 *et seq.*), NMFS Alaska Region provides free logbooks for harvesters (DFLs) and processors (DCPLs) to record groundfish information. The longline or pot gear logbooks for catcher vessels and catcher/processors also may be used to record Pacific halibut and sablefish Individual Fishing Quota information as well as crab rationalization program information. NMFS is submitting a renewal for this collection.

Affected Public: Business or other for-profit organizations.

Frequency: Daily, weekly and on occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov)*.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: September 18, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–22230 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Permits for Incidental Taking of Endangered or Threatened Species.

Form Number(s): None.

OMB Approval Number: 0648–0230.

Type of Request: Regular submission.

Burden Hours: 472.

Number of Respondents: 13.

Average Hours per Response: Permit applications, 80 hours; permit reports, 8 hours; and transfer of permits, 40 hours.

Needs and Uses: The Endangered Species Act (ESA) prohibits the taking of endangered species. Section 10 of the ESA allows for certain exceptions to the prohibitions, such as a ''take'' that is incidental to an otherwise lawful activity. The corresponding regulations provide application and reporting requirements for such exceptions. The required information, for which renewal of approval is being requested, is used to evaluate the proposed activity (application) and ongoing activities (reports) and is necessary for NMFS to ensure the conservation of the species under the ESA.

Affected Public: Business or other for-profit organizations; State, Local or Tribal Government.

Frequency: Annually, on occasion and one-time only.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: September 18, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–22231 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Atlantic Highly Migratory Species Permit Family of Forms.

Form Number(s): None.

OMB Approval Number: 0648–0327.

Type of Request: Regular submission.

Burden Hours: 8,571.

Number of Respondents: 40,810.

Average Hours per Response: Initial vessel permit applications other than shark and swordfish, 30 minutes; renewals, 6 minutes; shark and swordfish permit applications, 20 minutes; dealer Atlantic Tunas permits: initial, 15 minutes and renewal, 5 minutes; dealer shark and swordfish and international trade permits, 5 minutes.

Needs and Uses: This information collection, for which renewal is requested, consists of a mandatory vessel permit program for commercial tuna, swordfish and shark fisheries, recreational highly migratory species (HMS) fisheries and charter//headboat HMS fisheries, and mandatory dealer permits for purchase of HMS from vessels and for international trade of several HMS. These permits provide the basis for catch monitoring and collection of catch and effort statistics in these fisheries as required under the Atlantic Tuna Conventions Act and the Magnuson-Stevens Fishery Conservation and Management Act. Such information is essential for the United States to meet its reporting obligations to the International Commission for the Conservation of Atlantic Tunas.

Affected Public: Business or other for-profit organizations.

Frequency: Annually, biweekly and on occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: September 18, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–22232 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Atlantic Highly Migratory Species Observer Notification Requirements.

Form Number(s): None.

OMB Approval Number: 0648–0374.

Type of Request: Regular submission.

Burden Hours: 166.

Number of Respondents: 241.

Average Hours per Response: 5 minutes.

Needs and Uses: Under current regulations, NMFS may select for observer coverage any fishing trip by a vessel that has a permit for Atlantic Highly Migratory Species (HMS). National Marine Fisheries Service (NMFS) notifies vessel owners, in writing, when their vessels have been selected. The owners of those vessels are then required to notify NMFS before commencing any fishing trip for Atlantic HMS. Such notification allows NMFS to arrange for observer placements and assignments.

Vessels are selected randomly from a list of active vessels that have reported landings of targeted species during the previous year. Observers are placed aboard vessels to collect, among other things, information on species caught, catch disposition, gear, effort, and bycatch. The information is used in stock assessments to estimate rates of bycatch of non-targeted and protected species such as sea turtles, and to improve overall management of the fishery.

A Biological Opinion (BiOp) issued on June 1, 2004, under the Endangered Species Act, requires a minimum of eight percent observer coverage in the pelagic longline fishery. In order to better monitor incidental landings of bluefin tuna in the Gulf of Mexico, during bluefin tuna spawning season, pelagic longline vessels fishing in the gulf will be subject to 100 percent observer coverage from March 9–June 9 (41 vessels).

The shark bottom longline observer program has set a target of five percent observer coverage in the shark bottom longline fishery. A BiOp issued in October 2003 requires NMFS to maintain or increase this level of observer coverage. Additionally, upcoming management measures will establish a shark research fishery including approximately 10 vessels with 100 percent coverage throughout the year. Observer coverage for the shark gillnet fishery fluctuates from approximately 50 percent to 100 percent, depending on the time of year. Although technically not required, vessels operating in other HMS fisheries may be selected for observer coverage depending on factors including limited funding. Burden estimates include a ten percent adjustment upward from current levels to account for future expansion of observer coverage in other fisheries.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and

Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Fax number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: September 18, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–22233 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Pacific Islands Region Seabird-Fisheries Interaction Recovery Reporting.

Form Number(s): None.

OMB Approval Number: 0648–0456.

Type of Request: Regular submission.

Burden Hours: 3.

Number of Respondents: 1.

Average Hours per Response: 3 hours.

Needs and Uses: Seabird mitigation measures to reduce interactions between seabirds and the Hawaii-based pelagic longline fishery include a requirement for longline vessel operators to notify NMFS in the event an endangered short-tailed albatross (STAL) is hooked or entangled during fishing operations. Following the retrieval of a STAL from the ocean, as required by Federal regulations, the vessel captain must record the condition of the injured STAL on a recovery data form. The information is used by a veterinarian in providing advice to the captain caring for the STAL. If the albatross is dead, the vessel captain must attach an identification/information tag to the STAL carcass, as well as the specimen bag, to assist the U.S. Fish and Wildlife Service (FWS) biologists in follow-up studies on the specimen. This collection is one of the terms and conditions contained in a biological opinion issued by FWS.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: September 18, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–22234 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Survey of Housing Starts, Sales and Completions.

Form Number(s): SOC–Q1/SF.1, SOC–Q1/MF.1.

OMB Control Number: 0607–0110.

Type of Request: Revision of a currently approved collection.

Burden Hours: 14,615.

Number of Respondents: 22,200.

Average Hours Per Response: 5 minutes.

Needs and Uses: Government agencies and private companies use statistics from the Survey of Housing Starts, Sales, and Completions, otherwise known as the Survey of Construction (SOC) to monitor and evaluate the large and dynamic housing construction industry. Data for two principal economic indicators are produced from the SOC: New Residential Construction (housing starts and housing completions) and New Residential Sales. In addition, a number of other statistical series are produced, including extensive information on the physical characteristics of new residential buildings, and indexes measuring rates of inflation in the price of new buildings. These statistics are based on a sample of residential buildings in permit-issuing places and a road canvass in a sample of land areas not covered by building permit systems.

The field representatives (FRs) mail forms SOC–QI/SF.1 and SOC–QI/MF.1 to new respondents to complete. A few days later, the FRs either call or visit the respondents to enter their survey responses into a laptop computer using the Computer-Assisted Personal Interviewing (CAPI) software formatted for the SOC–QI/SF.1 and SOC–QI/MF.1 forms. The respondents are homebuilders, real estate agents, rental agents, or new homeowners of sampled residential buildings. FRs contact respondents multiple times based on the number of projects in the sample and the number of months required to complete the project.

The CAPI software for all SOC data collection has been rewritten and modernized to work on laptop computers with the Microsoft Windows operating system. The new software has been used in the field since May 2008. The new software provides the opportunity to modify the questionnaire to introduce new data items that are of interest to data users. After working with key data users and testing potential new data items, we identified seven new data items to be added to the single-family questionnaire and three new items for the multi-family questionnaire. We request approval to add these questions to the electronic questionnaire in December 2008 to allow tabulation of these characteristics for buildings started, completed, or sold in 2009.

The Census Bureau also worked with key data users to review the existing data items for relevance and determined that information about whether closing costs are included in the sales price is of limited usefulness because the dollar value of these costs is not collected. Data users had little interest in the data so the question has been eliminated.

The previous SOC questionnaire software required that all characteristics of new single-family units be re-asked at time of completion to identify any changes that occurred during the construction process. Census staff studied the data and determined that the square footage of the house and basement were the only characteristics that changed significantly upon completion of the house and need to be re-asked. Data users requested updates to the sale price, contract price, and intent at time of completion, so these questions will also be re-asked. Because several questions will no longer be re-

asked, the overall length of the average interview will not change.

The Census Bureau uses the information collected in the SOC to publish estimates of the number of new residential housing units started, under construction, completed, and the number of new houses sold and for sale. The Census Bureau also publishes many financial and physical characteristics of new housing units. Government agencies use these statistics to evaluate economic policy, measure progress towards the national housing goal, make policy decisions, and formulate legislation. For example, the Board of Governors of the Federal Reserve System uses data from this survey to evaluate the effect of interest rates in this interest-rate sensitive area of the economy. The Bureau of Economic Analysis uses the data in developing the Gross Domestic Product (GDP). The private sector uses the information for estimating the demand for building materials and the many products used in new housing and to schedule production, distribution, and sales efforts. The financial community uses the data to estimate the demand for short-term (construction loans) and long-term (mortgages) borrowing.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 9(b), 161, and 182.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: September 19, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–22412 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Generic Clearance for the 2010 Census Program for Evaluations and Experiments

AGENCY: U.S. Census Bureau.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before November 24, 2008.

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(s) and instructions should be directed to Jason Machowski, Bureau of the Census, HQ–3H470C, Washington, DC 20233; (301) 763–4173.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau will conduct the 2010 Census Program for Evaluations and Experiments (CPEX) to evaluate the current census and to build a foundation on which to make early and informed decisions for planning the next one in 2020. Program planners designed CPEX to measure the effectiveness of the 2010 Census design (including operations, systems, and processes), in addition to determining how the design impacts data quality.

The 2010 CPEX consists of assessments, experiments, and evaluations. Assessments document final volumes, rates, and costs for individual operations or processes; they do not involve unique data collections, and therefore will not be submitted for clearance. Experiments are quantitative studies that occur during a decennial census. The decennial environment is required for experimental studies because it provides the best conditions to learn about the value of new methods and to accurately measure their effectiveness and feasibility. Finally, evaluation studies analyze, interpret, and synthesize the effectiveness of census components, and their impact on data quality and coverage. Evaluation studies use data collected from census operations, processes, systems, and auxiliary data collections.

The 2010 CPEX program will operate as a generic clearance. This public notice specifically accounts for data collection plans for four experiments and three evaluations. The balance of evaluations that potentially require independent data collections in the 2010 CPEX will be submitted to the Office of Management and Budget (OMB) on a flow basis, as more detail of the activities are known. The estimated number of respondents and annual reporting hours being requested cover both the known and yet to be submitted experiments and evaluations.

The Census Bureau plans four experimental designs: Alternative Questionnaire Experiment (AQE); 2010 Nonresponse Followup (NRFU) Contact Strategy Experiment; 2010 Deadline Messaging (DM) Experiment, and 2010 Privacy Notification (PN) Experiment. Most of the experimental designs have been developed to test more than one research objective, resulting in multiple treatments per study. All experimental questionnaires received will be treated as the respondents' official census form. This public notice also includes three evaluations: 2010 AQE Reinterview Evaluation; 2010 Content Reinterview Evaluation; and 2010 Alternative Group Quarters (GQ) Questionnaire Evaluation.

Alternative Questionnaire Experiment (AQE)

The AQE has several objectives. The overall goal of the study is to continue efforts to develop a user-friendly mailout questionnaire that can be accurately completed by respondents. This experiment will test various designs on how the Census Bureau asks respondents to provide their data on the paper form. A large focus of the 2010 AQE is on methods to improve the completeness and accuracy for reporting of race and Hispanic origin. Four panels will test the performance of a combined race and Hispanic origin question (these data are currently collected by asking two separate questions: one on race and one on Hispanic origin). In addition to testing a combined question on race and Hispanic origin, seven panels will be devoted to potential refinements of the current separate-question approach, for a total of eleven panels devoted to race and Hispanic origin research. Other topics covered by the AQE include an examination of true residence status by

collecting additional information on the initial census return pertaining to household coverage (one panel) and an examination of the effectiveness of all questionnaire changes made since Census 2000 (one panel). The Census Bureau accomplishes the latter by administering the Census 2000 form to a subset of the 2010 universe.

The AQE comprises fourteen panels, including a control panel. The estimated sample size for each panel dealing with race and Hispanic origin is 30,000. The estimated sample size of the panel examining alternative designs of the undercount (and overcount) questions in the mail form, to effectively identify census coverage errors for follow-up is 30,000. The estimated sample size of the panel examining combined effects on the data of all questionnaire changes made in the 2010 mail questionnaire is 10,000. For all panels, a national sample of households will be selected with a stratified sample design. Sample households will receive one of thirteen experimental forms instead of the standard 2010 Census form. For the control panel, the estimated sample size is 30,000. These households will receive the standard 2010 Census form.

The performance of the experimental treatments will be measured in two ways. First, researchers will compare item nonresponse statistics and overall mail response rates to the 2010 Census ''control'' panel (*i.e.,* the standard 2010 census form which excludes experimental factors). The statistics include mail response rate, data item nonresponse rates, data item distributions, ''correctness'' of the household count question, and the rate at which respondents incorrectly skip questions that they should answer. Second, researchers will analyze findings from the AQE Reinterview Evaluation described later in this document.

2010 Nonresponse Followup (NRFU) Contact Strategy Experiment

The primary objective of this experiment is to understand the effects of changing the number of NRFU contacts in a census environment. This study has the potential to provide large cost savings through a possible reduction in NRFU contacts. In recent decennial censuses, enumerators have attempted six contacts. The goal is to determine whether cost savings can be realized by reducing the number of NRFU contacts, while maintaining the same level of data quality.

The 2010 NRFU Contact Strategy Experiment comprises three panels (including a control panel), with an estimated sample size of 40,000 each, for an estimated total sample of 120,000. Three Local Census Offices (LCOs) will be chosen. In each of these three, one field office supervisor district (FOSD) will be selected for this experiment. Within the selected FOSDs, the panels (that is, number of contacts) will be assigned to whole crewleader districts (CLDs). Panels are split into two enumerator form treatments (allowing a maximum four contacts, or a maximum five contacts) and a ''control'' (that is, a maximum of six contacts). There are up to eight CLDs in each FOSD. All enumerators in a particular CLD will use the same enumerator form.

2010 Deadline Messaging (DM) Experiment

The goal of the 2010 DM Experiment is to assess alternatives for increasing mail response by including a deadline message for questionnaire return on various mailing pieces in addition to implementing a delayed mailing schedule (building on previously successful testing). The Deadline Messaging experiment tests three different messages, which are implemented both in combination with the compressed schedule and without the compressed schedule. The experiment also implements the standard mailing materials (no deadline message) sent on the compressed schedule, for a total of seven treatments. The treatments are as follows: *Deadline Messaging 1:* Tests a ''mild'' set of deadline messages on the advance letter, initial questionnaire cover letter, and outgoing envelope of the initial questionnaire package (*i.e.,* uses a mild set of messages that simply indicates the date that the form should be mailed back by); *Deadline Messaging 2:* Tests a set of deadline messages with ''progressive urgency'' on the advance letter, initial questionnaire cover letter and outgoing envelope of the initial questionnaire package (*i.e.,* uses a stricter and progressively more urgent message wording that emphasizes the ''deadline'' date and also provides a reminder that census response is required by law); *Deadline Messaging 3:* Tests a ''NRFU motivation'' set of deadline messages on the advance letter, initial questionnaire cover letter, and outgoing envelope of the initial questionnaire package (*i.e.,* people are reminded about the inconvenience of interviewers coming to their home); *Compressed Schedule:* 2010 Census standard materials mailed on a ''compressed schedule''. That is, the advance letter, initial questionnaire package and reminder postcard are all slightly delayed, to reach the respondent closer to Census Day; and the three combination treatments. A control panel will receive the standard set of 2010 mailing materials sent on the standard mailing schedule. The estimated sample size for all panels is 10,000 each, for a total of 80,000.

2010 Privacy Notification (PN) Experiment

The goal of the 2010 PN Experiment is to improve alternatives for increasing mail response by testing alternative presentation and placement of privacy messages in the initial questionnaire cover letter, reminder postcards, and envelopes. A sample of households will receive the alternative wording included on the cover letter that arrives with their 2010 Census questionnaire in one of two treatments: *Privacy 1:* Tests an added administrative records use message on the initial questionnaire cover letter; and *Privacy 2:* Tests an added administrative records use message and alternative statistical purpose message on the initial questionnaire cover letter. A control panel will receive the standard set of 2010 mailing materials. The estimated sample size is 10,000 for each panel, for a total of 20,000. (**Note:** The control panel for the PN Experiment is shared with the control panel for the DM Experiment. Therefore the sample size for it is not shown here to avoid counting it twice.)

2010 AQE Reinterview Evaluation and 2010 Content Reinterview Evaluation

While they are technically two separate evaluations, the Census Bureau will combine the 2010 AQE Reinterview Evaluation and the 2010 Content Reinterview Evaluation into one statistical design for purposes of operational efficiency. The overall sample for the 2010 AQE Reinterview Evaluation and the 2010 Content Reinterview Evaluation is 58,500. As planners finalize the sample design for these evaluations, the Census Bureau will divide the 58,500 into three subsamples. The Census Bureau will use the first two subsamples for the 2010 AQE Reinterview Evaluation and the remaining subsample for the 2010 Content Reinterview Evaluation.

In addition to the eleven panels devoted to race and Hispanic origin research, the Census Bureau will collect data via a follow-up reinterview from a subset of AQE respondents that focuses on the race and Hispanic origin questions. This reinterview will ask probing questions in addition to the various race and Hispanic origin treatments tested in the AQE. The data obtained in the probing reinterview will be critical to producing bias measures for the experimental AQE race and

Hispanic origin questions. As mentioned above, the AQE Reinterview Evaluation will be administered to two subsamples. The first subsample will ask probing questions on the design of separate race and Hispanic Origin questions, while the second subsample will ask probing questions on the design of a combined race and Hispanic Origin question.

The Census Bureau will also conduct a Content Reinterview Evaluation. The Census Bureau conducts this evaluation to measure response error (including an examination of the reliability and accuracy of responses to the census questionnaire). In short, the reinterview consists of asking respondents the same set of questions on the Decennial Census Short Form (D–1) to determine if questions are worded sufficiently to produce consistent responses.

2010 Alternative Group Quarters (GQ) Questionnaire Evaluation

By collecting an alternative address for all GQ respondents, this test examines additional ways of correcting duplicates and other erroneous enumerations in the Census without a costly follow-up operation. The address, previously asked of only GQ respondents who are allowed to claim a ''usual home elsewhere,'' would be asked of everyone. Results will be compared against the ''control,'' which consists of the standard 2010 Census individual GQ forms. This test is comprised of one treatment with an estimated sample size of 2,500. For this test, researchers will select whole GQs rather than selecting a subsample of residents from many GQs. For example, an entire college dormitory would be in sample as opposed to sampling residents of the dormitory who stay in rooms ending with an even number.

II. Method of Collection

For experiments, the information will be collected through a variety of forms (delivered by mail or an enumerator) or face-to-face interviews. For evaluations, the information will be collected during personal visits by enumerators using paper forms or telephone interviews.

The range of methods that may be needed for the balance of evaluations include customer satisfaction surveys, telephone surveys, field personal visits, and/or focus groups with respondents. The detailed methods will be provided in the separate OMB clearance submissions.

III. Data

OMB Control Number: None.

Form Numbers: The forms are too numerous to list here (if needed, see contact information above).

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 700,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 10,000. (Please note that this only reflects burden hours that are in addition to what is already accounted for in the 2010 Census forms clearance package. Experimental forms replace the official 2010 Census for households in the experimental sample).

Estimated Total Annual Cost: $0.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. 141 and 193.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 19, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–22417 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; 2010 Coverage Follow-up Telephone Operation

AGENCY: U.S. Census Bureau.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before November 24, 2008.

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(s) and instructions should be directed to Frank Vitrano, U.S. Census Bureau, Room 3H174, Washington, DC 20233–9200, 301–763–3961 (or via e-mail at *frank.a.vitrano@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau has completed four studies designed to evaluate the efficacy of modified procedures for improving coverage through the use of a coverage follow-up of the population and its housing: (1) The 2004 Census Test Coverage Research Follow-up (OMB Control Number 0607–0910); (2) the 2005 National Census Test Coverage Follow-up (OMB Control Number 0607–0916); (3) the 2006 Census Test Coverage Follow-up (OMB Control Number 0607–0923); and (4) the 2008 Census Dress Rehearsal Coverage Follow-up Telephone Operation (OMB Control Number 0607–0946).

Historically, the decennial census has been affected by undercounts that affect certain demographic groups (such as babies and minorities), and people in certain living situations (such as renters who move often and people whose residence is complicated or ambiguous). The 2010 Coverage Follow-up (CFU) telephone operation will serve to clarify initial enumeration responses in an effort to improve within-household coverage.

Coverage interviews in the decennial censuses traditionally involve a second interview with the respondent to determine if changes should be made to their household roster as reported on their initial census return. The questions in the CFU interview attempt to determine if people were omitted and/or erroneously enumerated. Corrections to the roster are made,

where necessary, and are based on the residence rule for 2010 Census.

The 2010 CFU telephone operation will be conducted April 26, 2010 through August 13, 2010.

II. Method of Collection

The CFU telephone operation will be administered using computer-assisted telephone interviews. It is estimated that 6,000,000 households will be included in the 2010 CFU telephone universe. This universe is selected based on the following criteria:

- Initial census housing unit returns that responded ''yes'' to either coverage question;
- Initial census returns that have a count discrepancy between the reported household population count and the actual number of persons recorded on the census form;
- Initial census returns containing more than six persons;
- Initial returns that are matched against an administrative records database to identify potential undercount; and
- Initial census returns that are computer-matched to determine possible duplicate person links.

The CFU interview includes probes about any of the following situations that seem applicable based on the household's responses on the questionnaire:

- Types of missing people,
- Where college students live,
- Where children in custody arrangements spend most of their time,
- Where those who vacation spend most of their time,
- If anyone else in the household stays anywhere else any part of the time, and
- If anyone stayed in a facility where groups of people stay.

When anyone is identified as potentially counted or omitted in error, Census then ask questions to establish the appropriate census residence of that person according to the residence rules in effect for the 2010 Census.

We will contact respondents using telephone numbers provided by respondents on the initial census questionnaire and/or provided through a phone number look-up service through a commercial vendor. These interviews will be conducted at commercial call centers using computer-assisted telephone interviewing (CATI). The CATI instrument will be in English and Spanish. As in previous censuses, we will not conduct field interviews as part of this effort due to the extremely high cost.

III. Data

OMB Control Number: 0607–0946.

Form Number: D–1302I, Coverage Follow-Up Telephone Interview Instrument (English, Spanish).

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 6,000,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 1,000,000.

Estimated Total Annual Cost: $0.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 of the United States Code, Sections 141 and 193.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 19, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–22414 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Order No. 1570

Approval of Manufacturing Authority, Within Foreign–Trade Zone 38, Spartanburg County, SC, Kittel Supplier USA, Inc. (Automotive Roof/Luggage Racks)

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u) (the Act), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the South Carolina State Ports Authority, grantee of FTZ 38, has requested authority under Section 400.28 (a)(2) of the Board's regulations on behalf of Kittel Supplier USA, Inc., to assemble automotive roof/luggage racks under FTZ procedures within FTZ 38 Site 3, Duncan, South Carolina (FTZ Docket 4–2008, filed 1–28–2008);

Whereas, notice inviting public comment has been given in the **Federal Register** (73 FR 7250, 2–7–2008);

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for the assembly of automotive roof/luggage racks within FTZ 38 for Kittel Supplier USA, Inc., as described in the application and **Federal Register** notice, subject to the Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 10th day of September 2008.

David M. Spooner,

Assistant Secretary of Commerce,for Import Administration,Alternate Chairman,Foreign–Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. E8–22461 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–351–841

Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 24, 2008.

SUMMARY: The Department of Commerce (the Department) determines that imports of polyethylene terephthalate film, sheet and strip (PET film) from Brazil are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final dumping margins are listed below in the section entitled ''Final Determination of Investigation.''

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Robert James, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington,

DC 20230; telephone: (202) 482–4475, or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 5, 2008, the Department published the preliminary determination of sales at less than fair value (LTFV) in the antidumping investigation of polyethylene terephthalate film, sheet and strip from Brazil. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from Brazil*, 73 FR 24560 (May 5, 2008) (Preliminary Determination). On June 5, 2006 we extended the due date for issuing our final determination to September 17, 2008. *See Postponement of Final Determination of Antidumping Duty Investigations: Polyethylene Terephthalate Film, Sheet and Strip from the People's Republic of China, Brazil, and Thailand*. 73 FR 31964, June 5, 2006. We invited parties to comment on the *Preliminary Determination*. We received no comments.

Period of Investigation

The period of investigation is July 1, 2006, through June 30, 2007.

Scope of Investigation

The products covered in this investigation are all gauges of raw, pre–treated, or primed PET film, whether extruded or co–extruded. Excluded are metalized films and other finished films that have had at least one of their surfaces modified by the application of a performance–enhancing resinous or inorganic layer more than 0.00001 inches thick. Also, excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this investigation is dispositive.

Adverse Facts Available

For the final determination, we continue to find that by failing to respond to sections A through E of our questionnaire and by withdrawing from the proceeding, Terphane Ltda, (Brazil) (Terphane) did not cooperate to the best of its ability in this investigation. *See Preliminary Determination*, 73 FR at 24562–24563. Thus, the Department continues to find the use of adverse facts available is warranted for this company in accordance with sections 776(a)(2) and (b) of the Act. As we explained in the Preliminary Determination, the rate of 44.36 percent we selected as the adverse facts–available rate is the highest margin alleged in the petition and we corroborated the adverse facts–available rate pursuant to section 776(c) of the Act.

All–Others Rate

As explained in the *Preliminary Determination*, we continue to assign as the all–others rate a simple average of the rates in the petition, that is, 28.72 percent. *See Preliminary Determination*, 73 FR at 24564.

Final Determination of Investigation

We determine that the following weighted–average dumping margins exist for the period April 1, 2006, through March 31, 2007:

Producer/Exporter	Weighted–Average Margin (Percentage)
Terphane	44.36
All Others	28.72

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act and 19 CFR 351.210(d)(1), we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of subject merchandise from Brazil entered, or withdrawn from warehouse, for consumption on or after May 5, 2008, the date of the publication of the *Preliminary Determination*. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted–average margin, as indicated in the chart above, as follows: (1) the rate for Terphane will be the rate we have determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 28.72 percent. These suspension–of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative, and in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, 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. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: September 17, 2008.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

[FR Doc. E8–22449 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–803]

Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Final Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On May 5, 2008, the Department of Commerce (Department) published its preliminary determination of sales at less than fair value (LTFV) in the antidumping investigation of polyethylene terephthalate film, sheet and strip (PET film) from the United Arab Emirates (UAE). On August 4, 2008, the Department issued a decision memorandum concerning the targeted dumping allegation by petitioners. *See* Memorandum to Stephen Claeys,

Deputy Assistant Secretary for Import Administration, from Barbara E. Tillman, Director, AD/CVD Operations, Office 6, *Antidumping Duty Investigation of Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from the United Arab Emirates: Analysis of Petitioners' Allegation of Targeting Dumping*, dated August 4, 2008 (*Targeted Dumping Memorandum*). In that memorandum, we found that petitioners had not provided sufficient information to warrant a targeted dumping analysis. We invited interested parties to comment on our preliminary determination of sales at LTFV and on our targeted dumping decision. Based on our analysis of the comments received, we have made changes to our calculations for the sole respondent. See ''Changes Since the Preliminary Determination'' section below. We determine that PET film from the UAE is being, or is likely to be, sold in the United States at LTFV as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final dumping margins for this investigation are listed in the ''Final Determination Margins'' section below.

EFFECTIVE DATE: September 24, 2008.

FOR FURTHER INFORMATION CONTACT: Douglas Kirby or Myrna Lobo, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3782 or (202) 482–2371, respectively.

SUPPLEMENTARY INFORMATION: The Department published its preliminary determination of sales at LTFV on May 5, 2008. *See Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 73 FR 24547 (May 5, 2008) (*Preliminary Determination*). Additionally, the Department postponed the deadline for the final determination to the 135th day following publication of the *Preliminary Determination. See id.* at 24548. As a result, the deadline for this final determination is September 17, 2008. *See id.* The petitioners are DuPont Teijin Films, Mitsubishi Polyester Film of America, Inc., SKC, Inc. and Toray Plastics (America), Inc. (collectively, the petitioners). The respondent for this investigation is Flex Middle East FZE (Flex UAE).

On March 21, 2008, the petitioners submitted a timely allegation that Flex UAE engaged in targeted dumping during the POI in accordance with 19 CFR 351.301(d)(5). On March 31, 2008, Flex UAE submitted comments in response to the petitioners' targeted dumping allegation. On April 11, 2008, the Department requested additional information from the petitioners regarding their targeted dumping allegation, which was submitted on April 21, 2008. Since there was not sufficient time to analyze the information and fully consider the petitioners' allegation before the preliminary determination, the Department stated in the *Preliminary Determination* that it would issue a decision regarding targeted dumping following the issuance of the preliminary determination, and would allow parties to comment on it prior to the final determination. After reviewing petitioners' April 21, 2008 supplemental information, the Department determined that additional information was needed from petitioners and issued a second request for information on June 6, 2008. Petitioners filed their submission on June 9, 2008. On August 4, 2008 the Department issued the *Targeted Dumping Memorandum* in which we determined that petitioners had not provided sufficient information to warrant a targeted dumping analysis. *See* ''Targeted Dumping'' section below for additional information.

Cost and sales verifications of Flex UAE were conducted by the Department in May 2008, and a sales verification of Flex UAE's U.S. affiliate, Flex America Inc. (Flex America) was conducted in July 2008. *See* the ''Verification'' section below for additional information.

Upon the release of the last verification report on August 11, 2008, we invited parties to comment on the *Preliminary Determination*, the targeted dumping decision, and the verification reports. On August 18, 2008, petitioners and respondents filed timely case briefs. On August 22, 2008, both parties filed rebuttal briefs. No parties requested a hearing.

Period of Investigation

The period of investigation (POI) is July 1, 2006 through June 30, 2007.

Scope of the Investigation

The products covered by this investigation are all gauges of raw, pre–treated, or primed PET film, whether extruded or co–extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance–enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is Roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and U.S. Customs and Border Protection (CBP) purposes, our written description of the scope of this investigation is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the memorandum from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, *Issues and Decision Memorandum for the Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates (UAE)* (*Issues and Decision Memorandum*), dated concurrently with this notice and which is hereby adopted by this notice. A list of the issues which parties raised and to which we respond in the *Issues and Decision Memorandum* is attached to this notice as an appendix. The *Issues and Decision Memorandum* is a public document and is on file in the Central Records Unit (CRU), Main Commerce Building, Room 1117, and is accessible on the World Wide Web at *http://ia.ita.doc.gov/frn* . The paper copy and electronic version of the memorandum are identical in content.

Targeted Dumping

On August 4, 2008, the Department issued its *Targeted Dumping Memorandum*, finding that the petitioners' allegation did not provide sufficient information and analysis to warrant the conduct of a targeted dumping analysis. The Department therein recommended applying the standard methodology of comparing weighted–average normal values to weighted–average export prices (or constructed export prices) for purposes of calculating the dumping margin for the final determination. After considering comments received in the case and rebuttal briefs, the Department continues to find that petitioners' allegations of targeted dumping do not provide a reasonable basis to find a pattern of export prices for comparable merchandise that differ significantly among purchasers. We determine further that petitioners did not demonstrate that any such differences could not be taken into account using the average–to-average methodology,

pursuant to section 777A(d)(1)(B) of the Act. We therefore conclude that, for this final determination, we will continue to utilize the average–to-average methodology in calculating the final margin for respondent. For further discussion, see Comment 12 in the *Issues and Decision Memorandum*.

Changes Since the Preliminary Determination

Based on our analysis of information on the record of this investigation, and comments received from the interested parties, we have made changes to the margin calculations for Flex UAE. We have also considered information received in response to our April 25, 2008 questionnaire and information obtained at verification. As a result, we have reclassified certain channel 2 and channel 3 sales as channel 1 (direct) sales. Further, we have revised the date of sale for Flex UAE's channel 1 sales and recalculated credit expenses and inventory carrying costs for the different channels as necessary. We have also made adjustments to normal value (NV) for customs clearance fees and export credit insurance, and to CEP for bank charges, sample sales expenses and cash discounts as required. In addition, we have made corrections to Flex UAE's cost of production. All of these changes are fully discussed in the *Issues and Decision Memorandum*, the *Analysis Memorandum for the Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates*, dated September 17, 2008, and the Memorandum to Neal M. Halper, Director, Office of Accounting, *Cost of Production and Constructed Value Calculation Adjustments for the Final Determination – Flex Middle East FZE*, dated September 17, 2008.

Verification

As provided in section 782(i) of the Act, we verified the sales and cost information submitted by Flex UAE for use in our final determination. We also conducted a sales verification of Flex UAE's U.S. affiliate Flex America. We used standard verification procedures including an examination of relevant accounting and production records, and original source documents provided by Flex UAE and Flex America. *See* Memorandum to the File, *Verification of the Sales Response of Flex Middle East (FZE) in the Antidumping Investigation of Polyethylene Terephthalate Film, Sheet and Strip (PET film) from the United Arab Emirates (UAE)*, dated July 23, 2008; Memorandum to Neal M. Halper, Director, Office of Accounting, *Verification of the Cost of Production and Constructed Value Data Submitted by Flex Middle East FZE in the Antidumping Duty Investigation of Polyethylene Terephthalate (PET) Film, Sheet, and Strip from United Arab Emirates*, dated July 8, 2008; and Memorandum to the File, *Verification of the Sales Response of Flex America Inc. in the Antidumping Investigation of Polyethylene Terephthalate Film, Sheet and Strip (PET Film) from the United Arab Emirates (UAE)*, dated August 11, 2008.

All–Others Rate

Pursuant to section 735(c)(5)(A) of the Act, the all–others rate is equal to the weighted average of the dumping margins of each respondent investigated, excluding zero or *de minimis* margins and any margins determined exclusively under section 776 of the Act. Flex UAE is the only respondent in this investigation for which the Department has calculated a rate. Therefore, for purposes of determining the all–others rate and pursuant to section 735(c)(5)(A) of the Act, we are using the rate calculated for Flex UAE as the all–others rate, as referenced in the ''Final Determination Margins'' section below.

Final Determination Margins

We determine that the weighted–average dumping margins are as follows:

Producer/Exporter	Weighted–Average Margin
Flex Middle East FZE ...	4.80%
All Others	4.80%

Disclosure

We will disclose the calculations performed in reaching this final determination within five days of the date of public announcement of this determination to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation of all entries of subject merchandise from the UAE entered, or withdrawn from warehouse, for consumption on or after May 5, 2008, the date of publication of the *Preliminary Determination*. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted–average dumping margins, as indicated in the chart above, as follows: (1) the rate for the firm listed above will be the rate we have determined in this final determination; (2) if the exporter is not a firm identified in this investigation, but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 4.80 percent. The suspension of liquidation will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative, and in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, 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. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Return or Destruction of Proprietary Information

This notice will serve as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act.

Dated: September 17, 2008.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

Appendix - Issues in Decision Memorandum

Comment 1: Date of Sale/Credit Expenses for U.S. Channel 1 Sales
Comment 2: Calculation of Inventory Carrying Costs for U.S. Sales
Comment 3: Reclassification of Direct Sales Reported as Channel 3 Sales
Comment 4: Correction to Erroneous Calculation for a U.S. Credit Expense
Comment 5: Treatment of Bank Charges Incurred on U.S. Sales

Comment 6: Unreported Cash Discounts for a U.S. Sale
Comment 7: Treatment of U.S. Sample Sales
Comment 8: Whether to Adjust Normal Value for Customs Clearance Fees Incurred on Home Market Sales
Comment 9: Whether to Adjust Normal Value for Export Credit Insurance Incurred on Home Market Sales
Comment 10: Whether to Include the Surrogate Cost for a Domestic Product Sold but Not Produced During the POI
Comment 11: Corrections to Flex UAE's Reported Cost of Production
Comment 12: Targeted Dumping

[FR Doc. E8–22453 Filed 9–23–08; 8:45 am]
BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–924]

Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 24, 2008.

SUMMARY: On May 5, 2008, the Department of Commerce (''Department'') published its preliminary determination of sales at less than fair value (''LTFV'') in the antidumping investigation of polyethylene terephthalate film, sheet, and strip (''PET Film'') from the People's Republic of China (''PRC''). The period of investigation (''POI'') is January 1, 2007, through June 30, 2007. We invited interested parties to comment on our preliminary determination of sales at LTFV. Based on our analysis of the comments we received, we have made changes to our calculation for the mandatory respondent. The final dumping margins for this investigation are listed in the ''Final Determination Margins'' section below.

FOR FURTHER INFORMATION CONTACT: Erin Begnal or Toni Dach, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1442 or (202) 482–1655, respectively.

FINAL DETERMINATION

We determine that PET Film from the PRC is being, or is likely to be, sold in the United States at LTFV as provided in section 735 of the Tariff Act of 1930, as amended (''the Act''). The estimated margins of sales at LTFV are shown in the ''Final Determination Margins'' section of this notice.

SUPPLEMENTARY INFORMATION:

Case History

The Department published its preliminary determination of sales at LTFV on

May 5, 2008. *See Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value*, 73 FR 24552 (May 5, 2008) (''*Preliminary Determination*'').

On May 2, 2008, DuPont Teijin Films China Limited (''DTFC''), the sole active mandatory respondent, along with its affiliates DuPont Teijin Hongji Films Ningbo Co., Ltd. (''DTHFN'') and DuPont–Hongji Films Foshan Co., Ltd. (''DPHJ''), (collectively the DuPont Group), requested a 60-day extension of the final determination. On June 2, 2008, the Department published the postponement of the final determination. *See Postponement of Final Determinations of Antidumping Duty Investigations: Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China, Brazil, and Thailand*, 73 FR 31964 (June 5, 2008).

Between June 5, 2008, and June 20, 2008, the Department conducted verifications of DTFC and DPHJ, and their U.S. affiliate, DuPont Teijin Films U.S. Limited Partnership (''DTFUS''). *See* the ''Verification'' section below for additional information. Upon the July 28, 2008, release of the verification reports for DPHJ, DTFUS, and DTFC, parties were allotted seven days to comment on the *Preliminary Determination*. On August 5, 2008, the DuPont Group filed a case brief. No other interested parties submitted case briefs or rebuttal briefs.

Analysis of Comments Received

All issues raised in the DuPont Group's case brief are addressed in the ''Issues and Decision Memorandum for the Final Determination of Sales at Less than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China,'' dated September 17, 2008 (''I&D Memo''), which is hereby adopted by this notice. A list of the issues which the DuPont Group raised and to which we respond in the I&D Memo is attached to this notice as an appendix. The I&D Memo is a public document and is on file in the Central Records Unit (''CRU''), Main Commerce Building, Room 1117, and is accessible on the world wide web at http://www.trade.gov/ia. The paper copy and electronic version of the memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of information on the record of this investigation, and comments received from the interested parties, we have made changes to the margin calculations for the DuPont Group. We have revalued some of the surrogate values used in the *Preliminary Determination*. The values that were modified for this final determination are those for surrogate financial ratios and PET chips. For further details see I&D Memo at Comments 1 and 3, and Memorandum to the File from Erin Begnal, through Scot T. Fullerton, Program Manager, AD/CVD Operations, Office 9, and James C. Doyle, Director, AD/CVD Operations, Office 9; Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Surrogate Values for the Final Determination, dated September 17, 2008 (''*Final Surrogate Value Memo*'').

In addition, we have made some company–specific changes since the *Preliminary Determination*. Specifically, we have incorporated, where applicable, post–preliminary clarifications based on verification for DTFC. For further details on these company–specific changes, *see* Memorandum to the File, through Scot T. Fullerton, Program Manager, AD/CVD Operations, Office 9, from Erin Begnal, Senior International Trade Analyst, AD/CVD Operations, Office 9, regarding ''Program Analysis for the Final Determination of Antidumping Duty Investigation of Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China,'' dated September 17, 2008 (''*DTFC Analysis Memorandum*'').

Scope of Investigation

The products covered by this investigation are all gauges of raw, pre–treated, or primed PET Film, whether extruded or co–extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance–enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is Roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET Film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (''HTSUS''). While HTSUS subheadings are provided for

convenience and Customs purposes, our written description of the scope of this investigation is dispositive.

Affiliations

In the *Preliminary Determination*, the Department preliminarily found, based on the evidence on the record in this investigation and based on the evidence presented in the questionnaire responses, that DTFC, DPHJ, and DTHFN, are affiliated parties within the meaning of section 771(33)(E) of the Act, due to common ownership. *See Preliminary Determination*, 73 FR at 24555. No other information has been placed on the record since the *Preliminary Determination* to contradict the information upon which we based our finding that these companies are affiliated. Therefore, for the final determination, we continue to find that DTFC, DPHJ, and DTHFN are affiliated parties pursuant to section 771(33)(E) of the Act, based on common ownership.

Verification

As provided in section 782(i) of the Act, we verified the information submitted by the DuPont Group for use in our final determination. *See* Memorandum to the File, through Scot T. Fullerton, Program Manager, AD/CVD Operations, Office 9, from Erin Begnal, Senior International Trade Compliance Analyst, AD/CVD Operations, Office 9, and Toni Dach, International Trade Compliance Analyst, AD/CVD Operations, Office 9, regarding, ''Verification of the Sales Response of DuPont–Hongji Films Foshan Co., Ltd. in the Antidumping Duty Investigation of Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China,'' dated July 28, 2008; Memorandum to the File, through Scot T. Fullerton, Program Manager, AD/CVD Operations, Office 9, from Erin Begnal, Senior International Trade Compliance Analyst, AD/CVD Operations, Office 9, and Toni Dach, International Trade Compliance Analyst, AD/CVD Operations, Office 9, regarding, ''Verification of the Sales Response of DuPont Teijin Films China Ltd. in the Antidumping Duty Investigation of Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China,'' dated July 28, 2008; and Memorandum to the File, through Scot T. Fullerton, Program Manager, AD/CVD Operations, Office 9, from Erin Begnal, Senior International Trade Compliance Analyst, AD/CVD Operations, Office 9, and Toni Dach, International Trade Compliance Analyst, AD/CVD Operations, Office 9, regarding, ''Verification of the Sales Response of DuPont Teijin Films U.S. Limited Partnership in the Antidumping Duty Investigation of Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China,'' dated July 28, 2008. For all verified companies, we used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by respondents.

Surrogate Country

In the *Preliminary Determination*, we stated that we had selected India as the appropriate surrogate country to use in this investigation for the following reasons: (1) it is at a similar level of economic development pursuant to section 773(c)(4) of the Act (2); it is a significant producer of identical merchandise; (3) and we have reliable data from India that we can use to value the factors of production. *See Preliminary Determination*, 73 FR at 24554–24555. For the final determination, we received no comments and, therefore, made no changes to our findings with respect to the selection of a surrogate country.

Separate Rates

In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's practice to assign all exporters of merchandise subject to an investigation 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 (''SR''). *See, e.g., 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 amplified by *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*''), and Section 351.107(d) of the Department's regulations.

In the *Preliminary Determination*, we found that because there is no PRC ownership of DTFC and Fuwei Films (Shandong) Co., Ltd. (''Fuwei Films''), *i.e.*, they are wholly foreign–owned, a separate rates analysis was not necessary to determine whether these companies were independent from government control, and we preliminarily granted them a separate rate. *See Preliminary Determination*, 73 FR at 24556. For Shaoxing Xiangyu Green Packing Co., Ltd., Tianjin Wanhua Co., Ltd., Sichuan Dongfang Insulating Material Co., Ltd., and Shanghai Uchem Co., Ltd. (collectively, ''SR Applicants'') we found that each demonstrated their eligibility for separate–rate status. *Id*. For the final determination, we continue to find that the evidence placed on the record of this investigation by the SR Applicants demonstrate both a *de jure* and *de facto* absence of government control, with respect to their respective exports of the merchandise under investigation, and, thus they are eligible for separate rate status. We also continue to find, based on evidence placed on the record by DTFC and Fuwei Films, that DTFC and Fuwei Films are eligible for separate rate status.

For the final determination, we have established a margin for the SR Applicants based on the rate we calculated for the cooperating mandatory respondent, DTFC.[1]

The PRC–Wide Rate

In the *Preliminary Determination*, the Department found that Jiangyin Jinzhongda New Material Co., Ltd. (''JJ New Material''), which was selected as a mandatory respondent, did not respond to the Department's questionnaire and informed the Department that it would not participate in the investigation. In the *Preliminary Determination* we treated JJ New Material as part of the PRC–wide entity because it did not demonstrate that it operates free of government control over its export activities. *See Preliminary Determination*, 73 FR at 24557. No additional information has been placed on the record with respect to JJ New Material after the *Preliminary Determination*. The PRC–wide entity, which includes JJ New Material, has not provided the Department with the requested information; therefore, pursuant to section 776(a)(2)(A),(B) and (C) of the Act, the Department continues to find that the use of facts available is appropriate to determine the PRC–wide rate. Section 776(b) of the Act provides that, in selecting from among the facts otherwise available, the Department may employ an adverse inference if an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information. *See Notice of Final Determination of Sales*

[1] *See, e.g., Preliminary Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People's Republic of China*, 71 FR 77373, 77377 (December 26, 2006), unchanged in *Final Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People's Republic of China*, 72 FR 19690 (April 19, 2007).

at Less Than Fair Value: Certain Cold–Rolled Flat–Rolled Carbon–Quality Steel Products from the Russian Federation, 65 FR 5510, 5518 (February 4, 2000). *See also* Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Doc. 103–316, vol. 1 (1994) (''*SAA*'') at 870. We determined that, because the PRC–wide entity did not respond to our requests for information and stated that it would not participate in the investigation, it has failed to cooperate to the best of its ability. Therefore, the Department finds that, in selecting from among the facts otherwise available, an adverse inference is appropriate for the PRC–wide entity.

Because we begin with the presumption that all companies within a NME country are subject to government control and because only the companies listed under the ''Final Determination Margins'' section below have overcome that presumption, we are applying a single antidumping rate - the PRC–wide rate - to all other exporters of subject merchandise from the PRC. Such companies did not demonstrate entitlement to a separate rate. *See, e.g., Synthetic Indigo from the People's Republic of China: Notice of Final Determination of Sales at Less Than Fair Value*, 65 FR 25706, 25707 (May 3, 2000). The PRC–wide rate applies to all entries of subject merchandise except for entries from the respondents which are listed in the ''Final Determination Margins'' section below.

Corroboration

In the Preliminary Determination, the Department assigned to the PRC–wide entity a rate of 76.72 percent, the highest calculated rate from the petition. *See Preliminary Determination*, 73 FR at 24557. Section 776(c) of the Act provides that, when the Department relies on secondary information in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. We have interpreted ''corroborate'' to mean that we will, to the extent practicable, examine the reliability and relevance of the information submitted. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold–Rolled Flat–Rolled Carbon–Quality Steel Products From Brazil*, 65 FR 5554, 5568 (February 4, 2000). *See also Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 61 FR 57391, 57392 (November 6, 1996), unchanged in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan: Final Results of Antidumping Duty Administrative Reviews and Termination in Part*, 62 FR 11825 (March 13, 1997).

To corroborate the petition margin for use as adverse facts available for the PRC–wide entity, to the extent appropriate information was available, we reviewed the adequacy and accuracy of the information in the petition during our pre–initiation analysis. *See Initiation Checklist*. We examined evidence supporting the calculation in the petition to determine the probative value of the margin alleged in the petition for use as PRC–wide rate. During our pre–initiation analysis, we examined the key elements of the export–price and normal–value calculations used in the petition to derive the margin. Also, during our pre–initiation analysis, we examined information from various independent sources provided either in the petition or, based on our requests, in supplements to the petition, that corroborates key elements of the export–price and normal–value calculations used in the petition to derive the estimated margin. *See* 19 CFR 351.308(d).

We received no comments as to the relevance or probative value of this information. Therefore, the Department finds that the rate derived from the petition for purposes of initiation is reliable for the purpose of being selected as the adverse facts available rates assigned to the PRC–wide entity (including JJ New Material). Similar to our position in *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Light–Walled Rectangular Pipe and Tube From the Republic of Korea*, 73 FR 5794 (January 31, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Light–Walled Rectangular Pipe and Tube from the Republic of Korea*, 73 FR 35655 (June 24, 2008), 72 FR 1982 (January 17, 2007), because this is the first proceeding involving the PRC–wide entity (including JJ New Material) in this particular case, to which we are applying AFA, there are no probative alternatives.

Further, no information has been presented in the investigation that calls into question the relevance of this information. As such, we determine the highest margin in the petition, which we determined during our pre–initiation analysis was based on adequate and accurate information, and which we have corroborated for purposes of this final determination, is relevant as the adverse facts–available rate for the PRC–wide entity (including JJ New Material). Accordingly, by using information that was corroborated in the pre–initiation stage of this investigation and determined to be relevant to the PRC–wide entity (including JJ New Material) in this investigation, we have corroborated the adverse facts–available rate ''to the extent practicable.''

Final Determination Margins

The weighted–average dumping margins are as follows:

PET FILM FROM THE PRC

Exporter	Producer	Weighted–Average Margin
DuPont Teijin Films China Ltd.	DuPont Hongji Films Foshan Co. Ltd.	3.49 %
DuPont Teijin Films China Ltd.	DuPont Teijin Hongji Films Ningbo Co., Ltd.	3.49 %
Fuwei Films (Shandong) Co., Ltd.	Fuwei Films (Shandong) Co., Ltd.	3.49 %
Shaoxing Xiangyu Green Packing Co., Ltd.	Shaoxing Xiangyu Green Packing Co., Ltd.	3.49 %
Sichuan Dongfang Insulating Material Co., Ltd.	Sichuan Dongfang Insulating Material Co., Ltd.	3.49 %
Tianjin Wanhua Co., Ltd.	Tianjin Wanhua Co., Ltd.	3.49 %
Shanghai Uchem Co., Ltd.	Sichuan Dongfang Insulating Material Co., Ltd.	3.49 %
Shanghai Uchem Co., Ltd.	Shanghai Xishu Electric Material Co., Ltd.	3.49 %
PRC–wide (including Jiangyin Jinzhongda New Material Co., Ltd.)		76.72%

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

We will instruct U.S. Customs and Border Protection (''CBP'') to continue the suspension of liquidation required by section 735(c)(1)(B) of the Act, of all entries of subject merchandise from DTFC, the SR Applicants, and the PRC–wide entity entered, or withdrawn from warehouse, for consumption on or after May 5, 2008, the date of publication of the *Preliminary Determination*. CBP shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown above. *See* section 735(c)(1)(B)(ii) of the Act. The suspension of liquidation instructions will remain in effect until further notice.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (''ITC'') of our final determination of sales at LTFV. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, within 45 days the ITC will determine 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. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. *See* section 735(c)(2) of the Act. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation. *See id.*; section 736 of the Act.

Notification Regarding APO

This notice also serves as a reminder to the parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination and notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 17, 2008.

Stephen J. Claeys,

Acting Assistant Secretaryfor Import Administration.

Appendix I

DISCUSSION OF THE ISSUES:

Comment 1: Surrogate Value for PET Chips

Comment 2: Surrogate Value for Paper Cores

Comment 3: Revisions to Financial Ratio Calculations

[FR Doc. E8–22454 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Application To Amend an Export Trade Certificate of Review Issued to U.S. Shippers Association.

SUMMARY: Export Trading Company Affairs (''ETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or e-mail at *oetca@ita.doc.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a non-confidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be non-confidential. An original and five (5) copies, plus two (2) copies of the non-confidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7021–B H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, non-confidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 85–15A18.''

A summary of the application for an amendment follows.

Summary of the Application

Applicant: U.S. Shippers Association (''USSA''), 3715 East Valley Drive, Missouri City, Texas 77459.

Contact: John S. Chinn, Project Director to USSA, Telephone: (734) 927–4328.

Application No.: 85–15A18.

Date Deemed Submitted: September 17, 2008.

The original USSA Certificate was issued on June 3, 1986 (51 FR 20873, June 9, 1986) and last amended on January 16, 2008 (73 FR 3944, January 23, 2008).

Proposed Amendment: USSA seeks to amend its Certificate to:

1. Add each of the following companies as a new ''Member'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Guardian Industries Corp., Auburn Hills, Michigan; Alpharma Inc., Bridgewater, New Jersey; LyondellBasell Industries A.F.S.C.A., Rotterdam, The Netherlands; and Dawn K. Peterson, Katy, Texas;

2. Delete the following companies as ''Members'' of the Certificate: Arch

Chemicals, Inc., Norwalk, Connecticut; and Basell USA, Inc., Wilmington, Delaware (Controlling Entity: Basell NV, The Netherlands); and

3. Change the address of the current Member from ''JWC and Company LLC, of Macungie, Pennsylvania'' to ''JWC and Company, LLC, of Canton, Michigan''.

Dated: September 18, 2008.

Jeffrey Anspacher,

Director, Export Trading Company Affairs.

[FR Doc. E8–22494 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–923]

Raw Flexible Magnets From the People's Republic of China: Countervailing Duty Order

Correction

In notice document E8–21719 beginning on page 53849 in the issue of Wednesday, September 17, 2008 make the following correction:

On page 53849, in the third column, under **EFFECTIVE DATE**, ''December 17, 2008'' should read ''September 17, 2008''.

[FR Doc. Z8–21719 Filed 9–23–08; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–825]

Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from Thailand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 24, 2008.

SUMMARY: On May 5, 2008, the Department of Commerce (the Department) published its preliminary determination in the investigation of sales at less than fair value of polyethylene terephthalate film, sheet, and strip (PET Film) from Thailand. *See Notice of Preliminary Determination of Sales at Not Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from Thailand*, 73 FR 24565 (May 5, 2008) (*Preliminary Determination*).

The Department has determined that PET Film is being, or is likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted–average dumping margin is listed below in the section entitled ''Final Determination of Investigation.''

FOR FURTHER INFORMATION CONTACT: Stephen Bailey or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0193 or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

The preliminary determination in this investigation was published on May 5, 2008. *See Preliminary Determination*. Since then, we conducted sales and cost verifications of the responses submitted by Polyplex Thailand Public Company Limited and Polyplex Americas, Inc. (collectively Polyplex). *See* Memoranda to the File from Stephen Bailey, Case Analyst, through Angelica L. Mendoza, Program Manager, Office 7, titled ''Verification of the Sales Responses of Polyplex Thailand Public Company Limited in the Antidumping Investigation of Polyethylene Terephthalate (PET) Film, Sheet, and Strip from Thailand'' dated July 23, 2008 (Polyplex Verification Report); and ''Verification of the U.S. Sales Responses of Polyplex Thailand Public Company Limited and its U.S. Affiliate, Polyplex (Americas), Inc., in the Antidumping Investigation of Polyethylene Terephthalate (PET) Film, Sheet, and Strip from Thailand,'' dated July 23, 2008 (Polyplex Americas Verification Report); *see also* Memorandum to the File through Neal M. Halper, from Angela Strom, titled ''Verification of the Cost Response in the Investigation of Polyethylene Terephthalate (PET) Film, Sheet, and Strip from Thailand,'' dated July 15, 2008 (Polyplex Cost Verification Report). All verification reports are on file and available in the Central Records Unit (CRU), Room 1117, of the main Department of Commerce building.

Based on the Department's findings at verification, as well as the minor corrections presented by Polyplex at the start of the Thailand and U.S. verifications, we requested that respondent submit revised electronic sales databases for both the U.S. and comparison markets, and a revised cost database. *See* Letter from Angelica L. Mendoza, Program Manager, Office 7, to Polyplex, dated July 28, 2008. As requested, Polyplex submitted its revised sales and cost databases on July 30, 2008. On July 31, 2008, Polyplex informed the Department that its July 30, 2008, revised U.S. sales database contained a transcription error in the reported returned and net quantity fields relating to a sale that the Department instructed Polyplex to correct. *See* Letter from Angelica L. Mendoza, Program Manager, Office 7, to Polyplex, dated July 28, 2008, at question 13 and Polyplex's letter to the Department dated July 31, 2008. The error did not impact other data fields of the sale in question and the Department corrected the transcription error in the U.S. margin program. See lines 2257 through 2259 of the Department's margin calculation program.

We have also determined that an allegation of targeted dumping submitted by DuPont Teijin Films, Mitsubishi Polyester Film of America, Inc., SKC, Inc. and Toray Plastics (America), Inc. (collectively, petitioners) on March 28, 2008, and supplemented on April 17, 2008, and May 23, 2008, was inadequate. *See* Memorandum from Angelica L. Mendoza, Program Manager, Office 7, to Richard O. Weible, Director, Office 7, regarding ''Analysis on Targeting Dumping,'' dated June 30, 2008 (Targeted Dumping Memo); *see also* Targeted Dumping section below.

We received a case brief from petitioners on August 11, 2008, and a rebuttal brief from Polyplex on August 14, 2008.[1] On August 26, 2008, we rejected an argument, and part of an argument, contained in Polyplex's rebuttal case brief because they constituted new arguments and were not a rebuttal of petitioners' case brief. *See* the Department's August 26, 2008, letter to Polyplex. On August 28, 2008, we received Polyplex's revised rebuttal brief per our August 26, 2008, letter.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping investigation are addressed in the ''Issues and Decision Memorandum for the Final Determination of the Antidumping Duty Investigation of Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from Thailand'' (Decision Memorandum) from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated September 17, 2008, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have

[1] Polyplex submitted a letter to the Department on August 11, 2008, in which it agreed with the Department's *Preliminary Determination*.

responded, all of which are in the Decision Memorandum, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in the Decision Memorandum which is on file in the CRU. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at *http://ia.ita.doc.gov/*. The paper copy and electronic version of the Decision Memorandum are identical in content.

Targeted Dumping

We determined that petitioners' allegation of targeted dumping failed to address the Department's concerns regarding the significance of price differences between allegedly targeted and non–targeted customers. Therefore, petitioners' allegation did not allow the Department to determine whether observed price differences between allegedly targeted and non–targeted customers were significant. We concluded that for the final determination, we should continue to utilize the average–to-average methodology in calculating the final margins for Polyplex, which we are doing for the reasons set forth in the Decision Memorandum.

Scope of Investigation

The products covered by this investigation are all gauges of raw, pre–treated, or primed PET Film, whether extruded or co–extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance–enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is Roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET Film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and purposes of Customs and Border Protection (CBP), our written description of the scope of this investigation is dispositive.

Period of Investigation

The period of investigation (POI) is July 1, 2006, through June 30, 2007.

Verification

As provided in section 782(i) of the Act, we verified the information submitted by Polyplex for use in our final determination. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by Polyplex.

Changes since the Preliminary Determination

Based on our analysis of the comments received and our findings at both the sales and cost verifications, we have made certain changes to the margin calculation for Polyplex. With regard to cost, we have revised the amounts reported for direct materials, labor and fixed overhead costs associated with the production of PET Film. We have also recalculated the general and administrative (G&A) expense rate using our adjusted cost of sales figure as the denominator of the rate calculation. *See* Memorandum to the File from Angela Strom titled ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination Polyplex (Thailand) Public Company Ltd. (''Polyplex'')'' dated September 17, 2008 (Cost Calculation Memorandum).

With regard to sales, the Department determined that it is more appropriate to use sales of identical non–prime merchandise to certain U.S. customers as the basis of the margin for sales to a U.S. customer for whom we are applying the special rule, because all the transactions to that U.S. customer were of the same merchandise. Additionally, the Department has adjusted the indirect selling expense (ISE) ratio for Polyplex Thailand Public Company Limited because there was insufficient record evidence to support Polyplex's offset to ISE for storage of non–subject merchandise. The Department also adjusted the ISE ratio for Polyplex Americas, Inc. (PA) because expenses associated with one of Polyplex's product divisions, expenses which Polyplex removed from PA's ISE ratio, properly belong in the ISE expenses of PA as a whole. *See* Decision Memorandum at Comments 4, 5 and 6. For a discussion of these changes, *see* Memorandum to the File from Stephen Bailey, Case Analyst, through Angelica L. Mendoza, Program Manager, Office 7, titled ''Analysis Memorandum for the Final Determination of Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from Thailand: Polyplex Thailand Public Company Limited and Polyplex Americas, Inc.,'' dated September 17, 2008 (Sales Analysis Memorandum).

Final Determination of Investigation

We determine that the following weighted–average dumping margin exists for the company listed below for the period July 1, 2006, through June 30, 2007:

Manufacturer or Exporter	Weighted–Average Margin (Percentage)
Polyplex	6.07
All Others	6.07

Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we will instruct CBP to suspend liquidation of all entries of subject merchandise from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication of this final determination. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted–average margin, as indicated in the chart above, as follows: (1) the rate for Polyplex will be 6.07 percent; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 6.07 percent. These suspension–of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative and in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, 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. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance

with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: September 17, 2008.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

Appendix

Issues

Comment 1: Whether Polyplex Understated the Cost of Polymer Chips for PET Film Production
Comment 2: Whether Polyplex Understated Labor Costs associated with PET Film Production
Comment 3: Whether Polyplex Correctly Reported the Cost of Sales Denominator for the General and Administrative Expense Ratio
Comment 4: Whether Polyplex Understated Warehousing Expenses and Misclassified Warehousing Expenses as Indirect Selling Expenses
Comment 5: Whether Polyplex Understated the Indirect Selling Expenses Incurred by Polyplex America, Inc.
Comment 6: Whether the Department Should Apply the Dumping Margin Calculated on Sales of Identical Merchandise to the Further Manufactured Sales
Comment 7: Whether to Accept Petitioners' Targeted Dumping Allegation
Comment 8: Clerical Error

[FR Doc. E8–22472 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Feedback Survey for Annual Tsunami Warning Communications Tests

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 November 24, 2008.

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 Jeff Lorens, 801–524–4000 ext. 265 or *Jeffrey.Lorens@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

To assess the effectiveness of NOAA/National Weather Service's (NWS) Tsunami Warning System, this survey is needed to gather specific feedback following testing of the associated NWS communications systems. The tests are planned annually, March/April and September. Post-test feedback will be requested from emergency managers, the media, law enforcement officials, local government agencies/officials, and the general public. The responses will be solicited for a limited period immediately following completion of the tests, not to exceed seven days. This will be a Web-based survey and will allow for efficient collection of information regarding the effectiveness of the Tsunami Warning System.

II. Method of Collection

A Web-based survey will be used for electronic submission.

III. Data

OMB Number: 0648–0539.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Individuals or households, Federal Government, and State, local or tribal government.
Estimated Number of Respondents: 1,100.
Estimated Time per Response: 5 minutes.
Estimated Total Annual Burden Hours: 92.
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: September 19, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–22413 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–KE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XK45

Endangered and Threatened Species; Recovery Plans

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

ACTION: Notice of Availability; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) announces the availability of the Proposed Middle Columbia River Steelhead Recovery Plan (Plan) for public review and comment. The Plan addresses the Middle Columbia River Steelhead (*Oncorhynchus mykiss*) Distinct Population Segment (DPS), which spawns and rears in tributaries to the Columbia River in central and eastern Washington and Oregon. NMFS is soliciting review and comment from the public and all interested parties on the Proposed Plan.

DATES: NMFS will consider and address all substantive comments received during the comment period. Comments must be received no later than 5 p.m. Pacific daylight time on December 23, 2008.

ADDRESSES: Please send written comments and materials to Lynn Hatcher, National Marine Fisheries Service, 304 S. Water Street, Suite #

201, Ellensburg, WA 98926. Comments may also be submitted by e mail to: *MiddleColumbiaPlan.nwr@noaa.gov*. Include in the subject line of the e mail comment the following identifier: Comments on Middle Columbia Steelhead Recovery Plan. Comments may be submitted via facsimile (fax) to 503–872–2737.

Persons wishing to review the Plan can obtain an electronic copy (i.e., CD ROM) from Sharon Houghton by calling 503–230–5418 or by emailing a request to *sharon.houghton@noaa.gov* with the subject line ''CD ROM Request for Middle Columbia River Steelhead Plan.'' Electronic copies of the Plan are also available on line on the NMFS website, *www.nwr.noaa.gov/Salmon Recovery Planning/ESA Recovery Plans/ Draft Plans.cfm*

FOR FURTHER INFORMATION CONTACT: Lynn Hatcher, NMFS Middle Columbia Steelhead Salmon Recovery Coordinator, at 509–962–8911, or Elizabeth Gaar, NMFS Salmon Recovery Division, at 503 230 5434.

SUPPLEMENTARY INFORMATION:

Background

Recovery plans describe actions beneficial to the conservation and recovery of species listed under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). The ESA requires that recovery plans incorporate: (1) objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the plan's goals; and (3) estimates of the time required and costs to implement recovery actions. The ESA requires the development of recovery plans for each listed species unless such a plan would not promote its recovery.

NMFS is responsible for developing and implementing ESA recovery plans for listed salmon and steelhead. In so doing, NMFS' goal is to restore endangered and threatened Pacific salmonids to the point that they are again self-sustaining members of their ecosystems and no longer need the protections of the ESA. Local support of recovery plans by those whose activities directly affect the listed species, and whose actions will be most affected by recovery efforts, is essential. NMFS therefore supports and participates in locally led collaborative efforts to develop recovery plans that involve local communities, state, tribal, and Federal entities, and other stakeholders.

NMFS recognizes that to achieve recovery of ESA-listed salmon and steelhead in the Columbia River Basin, site-specific actions addressing all limiting factors and threats (habitat, hydropower, hatcheries, harvest, and ecological interactions including predation and competition) are necessary. This recovery plan identifies and evaluates the relative impacts of this full range of limiting factors and threats and recognizes that some sectors have the potential to make more immediate and significant contributions to recovery than do others. This plan contains recovery actions addressing all identified limiting factors and threats. At this time, however, site-specific management actions are more fully developed for tributary habitat and mainstem hydropower than for hatcheries and harvest.

The relative contribution of limiting factors and threats that impede recovery may differ among species. This recovery plan contains actions that address all threat categories and estimates their contribution to recovery. Given that habitat restoration actions generally take extended time frames to yield ecosystem responses and improvements in fish populations, it is important to implement actions with more immediate benefits, as well as habitat actions whose benefits will accrue in the future.

In summary, although site-specific actions in this plan may appear to be more fully developed for tributary habitat and mainstem hydropower, recovery will also be dependent on hatchery and harvest actions developed in other management processes. For example, mainstem fisheries in the Columbia River will be implemented consistent with the recently completed U.S v. Oregon Agreement, which extends through 2017. In other areas, management requirements for hatchery and harvest actions will be developed through Hatchery and Genetics Management Plan and Fishery Management and Evaluation Plan processes, many of which are now under review or scheduled for completion in the near future. Such plans have been and will be developed to be consistent with recovery plans, section 7(a)(2), and other ESA requirements. NMFS will continue to monitor these plans, using adaptive management, to assess implementation progress and consistency with recovery plans.

The Plan

This Plan is the product of a collaborative process initiated by NMFS with assistance from the Middle Columbia Recovery Forum, a bi-state group convened by NMFS to provide input on the development of the DPS recovery plan. Participants include representatives of the Oregon Department of Fish and Wildlife (ODFW), Washington Department of Fish and Wildlife (WDFW), the Yakama Nation, Confederated Tribes of the Warm Springs Indian Reservation, Confederated Tribes of the Umatilla Indian Reservation, Washington Governor's Salmon Recovery Office, Oregon Governor's Natural Resources Office, Snake River Salmon Recovery Board, Yakima Basin Fish and Wildlife Recovery Board, U.S. Bureau of Reclamation (BOR), U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service (USFS), U.S. Army Corps of Engineers (COE), U.S. Bureau of Land Management (BLM), Klickitat County, and NMFS Northwest Region. The goal was to produce a plan that meets ESA requirements for recovery plans as well as the State of Washington's recovery planning outline and guidance (*www.governor.wa.gov/gsro/*) and the State of Oregon's Native Fish Conservation Policy guidance (*http://ftp.dfw.state.or.us/fish/nfcp/nfcp.pdf*).

Recovery Domains and Technical Recovery Teams

For the purpose of recovery planning for the 18 ESA-listed species of Pacific salmon and steelhead in the Pacific Northwest, NMFS Northwest Region designated five geographically based ''recovery domains.'' The Middle Columbia steelhead DPS spawning range is in the Interior Columbia domain. For each domain, NMFS appointed a team of scientists, nominated for their geographic and species expertise, to provide a solid scientific foundation for recovery plans. The Interior Columbia Technical Recovery Team (ICTRT) includes biologists from NMFS, states, and academic institutions.

All the TRTs used the same biological principles for developing their recommendations for ESU/DPS and population viability criteria. These principles are described in a NMFS technical memorandum, *Viable Salmonid Populations and the Recovery of Evolutionarily Significant Units* (McElhany *et al.*, 2000). Viable salmonid populations (VSP) are defined in terms of four parameters: abundance, productivity or growth rate, spatial structure, and diversity. A viable ESU/DPS is naturally self-sustaining, with a high probability of persistence over a 100–year time period.

Management Units

In each domain, NMFS worked with state, tribal, local, and other Federal

entities to develop planning forums that build to the extent possible on ongoing, locally led recovery efforts. NMFS defined ''management units'' based on jurisdictional boundaries as well as areas where local planning efforts were underway. The Middle Columbia management units are the following: (1) Oregon; (2) Washington Gorge, which, in turn, is subdivided into three planning areas (White Salmon, Klickitat, and Rock Creek); (3) Yakima subbasin; and (4) Southeast Washington. A recovery plan was developed for each management unit; for the Washington Gorge management unit, however, there are three plans, one for each planning area.

The management unit plans, Appendices A-F, are the work of local groups and county, state, Federal, and tribal entities within the Middle Columbia River region. The management unit plans are as follows:

(1) Oregon. *Conservation and Recovery Plan for Oregon Steelhead Populations in the Middle Columbia River Steelhead Distinct Population Segment* (Appendix A).

(2) Washington Gorge: *Recovery Plan for the Klickitat Population of the Middle Columbia River Steelhead* (Appendix B); *Recovery Plan for the Rock Creek Population of the Middle Columbia River Steelhead* (Appendix C); *Recovery Plan for the White Salmon Population of the Middle Columbia River Steelhead* (Appendix D).

(3) Yakima Basin. *Yakima Steelhead Recovery Plan* (Appendix E).

(4) Southeast Washington. *The Snake River Salmon Recovery Plan for Southeast Washington* (Appendix F).

The proposed Plan, including the management unit plans, is now available for public review and comment. Two ICTRT reports (McClure *et al.*, 2003; ICTRT, 2007), which provide the scientific basis for the Plan, are also available for public review and comment. With approval of the final Plan, NMFS will commit itself to implement the actions in the Plan for which it has authority and funding, to work cooperatively on implementation of other actions, and to encourage other Federal agencies and tribal governments to implement Plan actions for which they have responsibility and authority.

NMFS expects the Plan to guide NMFS and other Federal agencies in evaluating Federal actions under ESA section 7 and other ESA decisions. For example, the Plan will provide greater biological context for evaluating the effects that a proposed action may have on a species. This context will be enhanced by using recovery plan information in section 7 consultations as well as ESA section 10 habitat conservation plans and other ESA decisions. Such information includes viability criteria for the DPS, better understanding of and information on limiting factors and threats facing the DPS, better information on priority areas for addressing specific limiting factors, and better geographic context for where the DPS can tolerate varying levels of risk.

At the time of a delisting decision for the Middle Columbia steelhead, NMFS will examine whether the section 4(a)(1) listing factors have been addressed. To assist in this examination, NMFS will use the listing factors (or threats) criteria described in Section 3.3 of the Plan, in addition to evaluation of biological recovery criteria and other relevant data and policy considerations. The threats should be addressed to the point that delisting is not likely to result in their re-emergence. It is possible that currently perceived threats will become insignificant in the future because of changes in the natural environment or changes in the way threats affect the entire life cycle of salmon. Consequently, NMFS expects that the relative priority of threats will change over time and that new threats may be identified. During the status reviews, NMFS will evaluate and review the listing factor criteria as they apply at that time. NMFS expects that if the proposed actions described in the Plan are implemented, they will make substantial progress toward meeting the listing factor (threats) criteria for the Middle Columbia steelhead.

DPS Addressed and Planning Area

''Steelhead'' is the name commonly applied to the anadromous (migratory) form of the biological species *Oncorhynchus mykiss*. The common name of the non-anadromous, or resident, form is rainbow trout. When NMFS originally listed the Middle Columbia River steelhead as threatened on March 25, 1999 (64 FR 14517), it was classified as an ''evolutionarily significant unit'' (ESU) of salmonids that included both the anadromous and resident forms. Recently, NMFS revised its species determinations for West Coast steelhead under the ESA, delineating anadromous, steelhead-only ''distinct population segments'' (DPS). NMFS listed the Middle Columbia River steelhead DPS as threatened on January 5, 2006 (71 FR 834). Rainbow trout are under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS). This recovery plan addresses steelhead and not rainbow trout, consistent with the 2006 ESA listing decision.

Middle Columbia River steelhead spawn and rear in tributaries to the Columbia River in the Columbia plateau of central and eastern Washington and Oregon. The DPS includes all naturally spawned populations of steelhead in streams from above (exclusive of) the Wind River, Washington, and the Hood River, Oregon, upstream to, and including, the Yakima River, Washington, excluding steelhead from the Snake River Basin (64 FR 14517; 71 FR 849). Most of these populations are summer run; however, the Middle Columbia River steelhead DPS also includes populations of inland winter steelhead in the Klickitat River, White Salmon River, Fifteenmile Creek, and possibly Rock Creek.

Four artificial propagation programs are considered part of the DPS: the Touchet River Endemic Summer Steelhead Program, the Yakima River Kelt Reconditioning Program, and the Umatilla River and Deschutes River steelhead hatchery programs.

The ICTRT (McClure *et al.*, 2003) identified 20 historical populations of Middle Columbia steelhead based on genetic information, geography, life history traits, morphological traits, and population dynamics. Seventeen of these populations are extant, and three extirpated (White Salmon River, Crooked River, and Willow Creek). Reintroduction of native steelhead or natural recolonization is planned for blocked areas of the Upper Deschutes and Crooked Rivers and the White Salmon River, respectively.

The ICTRT stratified the Middle Columbia River steelhead populations into major population groups (MPGs) based on ecoregion characteristics, life history types, and other geographic and genetic considerations. It identified four MPGs: Cascades Eastern Slope Tributaries, Yakima River, John Day River, and Umatilla/Walla Walla.

The Plan's Recovery Goals and Recovery Criteria

To meet the ESA requirement for objective, measurable criteria for delisting, the Plan provides biological recovery criteria based on the ICTRT viability criteria for Middle Columbia steelhead, as well as ''threats'' criteria based on the listing factors defined in ESA section 4(a)(1).

Biological Viability Criteria

Biological viability criteria describe DPS characteristics associated with a low risk of extinction for the foreseeable future. These criteria are expressed in terms of the VSP parameters of abundance, productivity, spatial structure, and diversity (McElhany *et*

al., 2000; ICTRT, 2007a). The ICTRT calculated varying levels of risk of extinction and related the risk levels to their criteria. The Plan shows the minimum abundance and productivity thresholds required for the Middle Columbia steelhead populations to have a 95 percent probability of persistence for the next 100 years.

Since MPGs are geographically and genetically cohesive groups of populations, they are critical components of ESU or DPS spatial structure and diversity. NMFS' criterion for long-term DPS viability, based on the ICTRT recommendations, is that all extant MPGs and any extirpated MPGs critical for proper functioning of the ESU/DPS should be at low risk (ICTRT, 2007a). MPG viability depends on the abundance, productivity, spatial structure, and diversity associated with its component populations.

The risk levels of the populations within the DPS collectively determine MPG viability and, in turn, the likely persistence of the DPS. The ICTRT recommended that all MPGs in a DPS should be viable; however, it may not be necessary for all of the populations to attain the lowest risk level. There may be more than one way for a DPS to meet the viability criteria. Combinations of viability status for individual populations that will meet the ICTRT criteria for overall DPS viability are called recovery scenarios. The ICTRT cautioned against closing off the options for any population prematurely, however, because of the many uncertainties in predicting the biological response to recovery actions (ICTRT, 2007a).

Threats Criteria

Listing factors (or threats) are those features that are evaluated under section 4(a)(1) when initial determinations are made whether to list species for protection under the ESA. They are as follows:

A. Present or threatened destruction, modification, or curtailment of [the species'] habitat or range;

B. Over-utilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. Inadequacy of existing regulatory mechanisms; or

E. Other natural or human-made factors affecting [the species'] continued existence.

At the time of a delisting decision for Middle Columbia steelhead, NMFS will examine whether the section 4(a)(1) listing factors have been addressed. To assist in this examination, NMFS will use the listing factors (or threats) criteria described in the Plan, in addition to evaluation of biological recovery criteria and other relevant data and policy considerations. The threats need to have been addressed to the point that delisting is not likely to result in their re-emergence. It is possible that currently perceived threats will become insignificant in the future due to changes in the natural environment or changes in the way threats affect the entire life cycle of salmon. Consequently, NMFS expects that the relative priority of threats will change over time and that new threats may be identified. During the status reviews, NMFS will evaluate and review the listing factor criteria as they apply at that time.

Current DPS Status

According to the ICTRT viability criteria, the majority of natural Middle Columbia steelhead populations are rated at moderate risk for abundance and productivity, but low to moderate risk for spatial structure and diversity. Currently, one population is ''highly viable'' (North Fork John Day) and two populations are viable (Deschutes Eastside and Fifteenmile); eleven are at moderate risk, with good prospects for improving. However, the three populations at high risk (Deschutes Westside, Naches, and Upper Yakima), are important to DPS viability. As a minimum, for the Cascades Eastern Slope Tributaries and the Yakima River MPG to meet viability criteria, the Deschutes Westside population and one of the two large Yakima populations should reach viable status, with the other large Yakima population at no more than moderate risk.

None of the MPGs meets the low risk criteria. Thus, the Middle Columbia steelhead DPS does not currently meet viability criteria based on the determination that the four component MPGs are not at low risk.

Limiting Factors and Threats

Based on information from the ICTRT, the four management unit plans, and the Estuary and Hydro modules, the major factors limiting the viability of Middle Columbia steelhead populations are degraded tributary habitat, impaired mainstem and tributary fish passage, hatchery-related effects, and predation/ competition/disease. The management unit plans contain detailed descriptions of tributary habitat limiting factors and threats, while the modules provide detailed examination of conditions in mainstem Columbia River and estuary.

Recovery Strategy

The recovery strategy for the Middle Columbia steelhead DPS is made up of the following elements:

- Address the limiting factors for each major population group and population, following the recommendations in the 2006 listing decision, making use of the strategies and actions developed in the management unit plans, in concert with the strategies and actions provided in the NMFS 2008 FCRPS Biological Opinion, NMFS Estuary Module, Hatchery and Genetic Management Plans (HGMPs) and *Artificial Production for Pacific Salmon* (Appendix C of Supplemental Comprehensive Analysis, NMFS 2008), and fishery management planning through *U.S.* v. *Oregon* for mainstem fisheries and Fisheries Management Evaluation Plans for tributary fisheries.
- Address and coordinate DPS-wide and basin-wide issues through the Middle Columbia Forum (a bi-state, tri-tribe group convened by NMFS to provide input on the development of the DPS recovery plan).
- Coordinate research, monitoring, and evaluation throughout the range of the DPS.
- Conduct periodic comprehensive reviews of new information generated through the research, monitoring, and evaluation program. Adapt management actions as appropriate to achieve the recovery goals.

If, as we believe, the decline of the Middle Columbia River steelhead DPS is caused by widespread tributary habitat degradation, impaired mainstem and tributary passage, hatchery effects, and predation/ competition/ disease, then actions taken to improve, change, mitigate, reduce those factors will result in increased survival and improvements in abundance, survival, spatial structure, and diversity. Regional coordination, research, monitoring, evaluation, and adaptive management are essential. The results of these actions must be monitored, evaluated, and communicated to managers to enable them to make informed decisions to continue or change their strategy.

Following are summaries of the recovery strategies for each MPG. In the next section, recovery strategies are summarized for DPS-level conditions affecting all MPGs (mainstem passage, hatchery effects, predation in mainstem and estuary).

Cascades Eastern Slope Tributaries MPG

Status

Viable - Fifteenmile Creek and Deschutes Eastside

Moderate risk - Klickitat (a provisional rating, based on insufficient abundance and productivity data and an unknown degree of diversity risk from hatchery influence)

High risk- Rock Creek (provisional, because of lack of data); and Deschutes Westside

Functionally extirpated - White Salmon

Extirpated - Crooked River

Primary Limiting Factors and Threats

- Degraded tributary habitat
- Mainstem passage
- Hatchery-related effects - evidence of hatchery fish from non-native broodstock straying and spawning in the Deschutes Basin
- Blocked migration to historically accessible habitat
- Predation, competition, disease - in mainstem and estuary; possibly also in Deschutes Westside as competition with resident rainbow trout.

Recovery Scenario

For the Eastern Cascades Slope Tributaries MPG to meet viability criteria based on the currently extant populations, the Klickitat, Fifteenmile, and both the Deschutes Eastside and Westside populations should reach viable status, with one highly viable. The Rock Creek population should reach ''maintained'' status (25 percent or less risk level). MPG viability could be further bolstered if reintroduction of steelhead into the Upper Deschutes and Crooked Rivers succeeds and if the White Salmon population is successfully reintroduced to its historical habitat.

Key Actions Proposed

- Protect, improve, and increase freshwater habitat for steelhead production. Improvements to freshwater habitat should be targeted to address specific limiting factors in specific areas as described in the Oregon Recovery Plan and the Washington Gorge plans.
- Improve survival in mainstem and estuary through actions detailed in NMFS Estuary Module (NMFS 2007) and FCRPS Biological Opinion (NMFS 2008).

Reduce straying of out-of-DPS hatchery fish onto natural spawning grounds within the Deschutes subbasin.

- Restore historical passage to Deschutes Westside tributaries to the Deschutes and Crooked Rivers above Pelton Round Butte dam complex and the White Salmon River above Condit Dam.
- Improve hatchery management to minimize impacts from hatchery releases on naturally produced steelhead within the Deschutes West and East and Klickitat subbbasins.
- Coordinate between scientists, planners, and implementers of recovery actions on both sides of the river for sequencing of recovery actions and monitoring for adaptive management.
- Fill data gaps for better assessment of Klickitat and Rock Creek steelhead populations.

John Day River MPG

Status

Highly viable - North Fork John Day

Moderate risk - John Day Upper Mainstem, John Day Lower Mainstem, Middle Fork John Day, South Fork John Day

Main Limiting Factors and Threats

- Degraded tributary habitat
- Mainstem passage
- Hatchery-related effects
- Predation/ competition/disease in mainstem and estuary

Recovery Scenario

For the John Day River MPG to meet viability criteria, the Lower Mainstem John Day River, North Fork John Day River, and either the Middle Fork John Day River or Upper Mainstem John Day River populations should achieve viable status, with one highly viable.

Key Actions Proposed

- Protect and improve freshwater habitat conditions and connectivity for steelhead production. Improvements to freshwater habitat should be targeted to address specific factors in specific areas as described in the Oregon Recovery Plan.
- Improve survival in mainstem and estuary through actions detailed in NMFS Estuary Module (NMFS 2007) and FCRPS Biological Opinion (NMFS 2008).
- Improve hatchery management to reduce straying from out-of-DPS hatchery fish onto natural spawning grounds within the John Day subbasin.

Yakima River MPG

Status

Moderate risk – Satus Creek , Toppenish Creek.

High risk - Naches River, Upper Yakima River

Main Limiting Factors and Threats

- Tributary habitat: Influence of major irrigation system development. Altered hydrology; degraded habitat loss of habitat; impaired fish passage; reduced outmigrant survival in Yakima mainstem.
- Mainstem passage (these fish must pass four dams)

Recovery Scenario

For the Yakima River MPG to meet viability criteria, two populations should be rated as viable, including at least one of the two classified as Large the Naches River and the Upper Yakima River and the other Large population meeting at least the ''maintained'' or moderate risk criteria. The remaining two populations should, at a minimum, meet the maintained criteria.

Key Actions Proposed

- Protect and enhance habitat in key tributary watersheds in the Yakima Basin.
- Restore passage to blocked areas in the Naches and Upper Yakima population areas.
- Alter irrigation delivery and storage operations in the Yakima Basin (a) to improve flow conditions for Middle Columbia steelhead and use managed high flows to maintain floodplain habitat.
- Improve channel and floodplain function and reduce predation through the mainstem Yakima and Naches Rivers.
- Improve survival in the mainstem Columbia and its estuary through actions detailed in NMFS Estuary Module (NMFS 2007) and FCRPS Biological Opinion (NMFS 2008).

Umatilla/Walla Walla MPG

Status

Moderate risk - Umatilla, Walla Walla

High risk - Touchet (a provisional rating because of insufficient data)

Main Limiting Factors and Threats

- Mainstem passage (Touchet and Walla Walla populations pass four major dams: the Umatilla population must pass three)
- Tributary habitat
- Hatchery related effects
- Predation/competition/disease

Recovery Scenario

For the Umatilla/Walla Walla MPG to meet viability criteria, two populations should be viable, and one should be highly viable. The Umatilla River is the only large population, and therefore needs to be viable. Either the Walla Walla River or Touchet River population also need to be viable.

Key Actions Proposed

- Protect and improve freshwater habitat conditions and access for

steelhead production. Improvements to freshwater habitat should be targeted to address specific factors in specific areas as described in the Southeast Washington Plan and the Oregon Recovery Plan.

- Improve hatchery management to reduce straying from out-of-DPS hatchery fish onto natural spawning grounds within the Umatilla/Walla Walla subbasins.
- Improve survival in mainstem and estuary through actions detailed in NMFS Estuary Module (NMFS 2007) and FCRPS Biological Opinion (NMFS 2008)
- Coordinate between planners, scientists and those implementing recovery actions in Washington and Oregon for sequencing, monitoring, and adaptive management

DPS-wide and Basin-wide Issues

DPS-wide issues include impaired fish passage on the mainstem Columbia River, hatchery-related effects, predation on steelhead in mainstem, estuary, and plume, and harvest.

Impaired Fish Passage – Mainstem Columbia River

Passage for juvenile steelhead migrating to the ocean and adult steelhead returning to their natal streams is limited primarily by the four Federal dams on the Lower Columbia River mainstem Bonneville, John Day, The Dalles, and McNary Dams which are part of the Federal Columbia River Power System (FCRPS). NMFS recently issued a new draft biological opinion on the effects of FCRPS operations on salmonids, including Middle Columbia River steelhead, and on the predicted results of current and planned improvements to the system that are intended to improve fish survival (NMFS 2008).

The plan for current mainstem hydro operations, as summarized in the Hydro Module, and any further improvements for fish survival that may result from the ongoing FCRPS collaborative process, represent the hydropower recovery strategy for all listed salmonids that migrate through the mainstem Columbia River, including the Middle Columbia steelhead populations.

These improvements are expected to increase the in-river survival of Middle Columbia River juvenile steelhead by 0.3 percent, 5.1 percent, 8.2 percent, and 10.2 percent, depending on the number of dams they must pass. The survival of steelhead adults through the four dams is thought to be relatively high at the present time (about 98.5 percent per project from Bonneville to McNary), and is expected to be maintained or improved.

Dissenting View of State of Oregon Regarding Mainstem Operations

At the time this proposed recovery plan is being finalized, August 2008, it is the position of the State of Oregon that additional or alternative actions should be taken in mainstem operations of the FCRPS for ESA-listed salmon and steelhead. Some additional or alternative actions recommended by Oregon, while considered, were not included in NOAA's FCRPS Biological Opinion. At this time, Oregon is a plaintiff in litigation against various Federal agencies, including NOAA, challenging the adequacy of the measures contained in the current FCRPS Biological Opinion. NOAA is not in agreement with Oregon regarding the need for, or efficacy of, Oregon's additional or alternative actions.

Hatchery-related Effects

The hatchery programs in the Middle Columbia River are managed under the Mitchell Act and the *U.S.* v. *Oregon* process, involving the fisheries co-managers and regulated by NMFS. NMFS is working with the funding agencies and hatchery operators to update and complete Hatchery and Genetic Management Plans (HGMPs) for every hatchery program in the Middle Columbia region as a means of organizing hatchery review and reform. The HGMPs are the basis for NMFS' biological opinions on hatchery programs under sections 7 and 10 and the 4(d) rule, which relate to incidental and direct take of listed species. The HGMPs describe each hatchery's operations and the actions taken to support recovery and minimize ecological or genetic impacts, such as straying and other forms of competition with naturally produced fish.

Artificial Propagation for Pacific Salmon

Appendix C of the 2008 FCRPS Biological Opinion (NMFS 2008), is a review of key factors for assessing the benefits and risks of hatchery programs relative to the conservation of Pacific salmon and to U.S. treaty responsibilities and sustainable fisheries mandates. The paper recommends strategies and practices to support salmon and steelhead conservation. The new FCRPS Biological Opinion (NMFS 2008) requires the hatchery operators and the Action Agencies to submit to NMFS updated HGMPs describing site-specific applications of the ''best management practices'' for the hatchery programs as described in Appendices C and D of the Supplemental Comprehensive Analysis (SCA) of the Biological Opinion for those mitigation hatchery programs funded by the FCRPS Action Agencies.

Evaluating the factors that influence interactions between hatchery fish and naturally produced fish under varying freshwater conditions and ocean conditions is an important area of future research.

Predation, Competition, and Disease

The Plan addresses major predation issues in the mainstem Columbia River and recommends research and monitoring to track trends in predator populations, understand their impacts on steelhead, and develop appropriate management techniques to reduce predation. Disease in salmonids is caused by multiple factors and probably cannot be directly addressed by recovery actions except in specific instances of known causal factors. It is more likely that nearly all of the recommended recovery actions that improve spawning, rearing, and passage conditions for steelhead and increase the survival, abundance, and productivity of naturally produced fish will result in decreasing incidence of disease.

Harvest

Although, in general, harvest is not considered a major threat for the Middle Columbia steelhead DPS, it is important to ensure that impacts from fisheries do not impede recovery, and to perform monitoring and evaluation to verify impacts and reduce existing uncertainties.

Site-specific Management Actions

The proposed site-specific management actions at the population level are described in detail in Appendices A through F of the Plan. Proposed site-specific actions for the mainstem Columbia River and estuary are described in detail in the FCRPS Biological Opinion (NMFS 2008), the Hydro Module (in preparation), the Estuary Module (NMFS 2007), and *Artificial Propagation for Pacific Salmon*, Appendix C of the Supplemental Comprehensive Analysis of the FCRPS Biological Opinion (NMFS 2008).

Time Required and Cost Estimates

There are unique challenges to estimating time and cost for salmon and steelhead recovery, given the complex relationship of these fish to the environment and to human activities on land. NMFS estimates that recovery of the Middle Columbia steelhead DPS,

like recovery for most of the ESA-listed Pacific Northwest salmon and steelhead, could take 50 to 100 years, although the optimistic view is that it could be much sooner. The management unit plans (Appendices A through F) contain extensive lists of actions to recover the Middle Columbia steelhead DPS populations. These projects were developed using the most up-to-date assessment of Middle Columbia steelhead recovery needs. The management unit plans focus, for the most part, on actions within the next 5 to 15 years. There are many uncertainties involved in predicting the course of recovery and in estimating total costs. Such uncertainties include biological and ecosystem responses to recovery actions as well as long-term and future funding.

Cost estimates for recovery projects were provided by the management unit entities where available information was sufficient to do so, using the methods described in each management unit plan. All applied guidance provided by NMFS and used similar cost calculation methodologies. However, the approaches vary to some degree given the local and independent nature of the planning groups. There are differences in the timeframes for cost estimates, whether administrative costs were included or not, and whether research, monitoring, and evaluation costs were calculated.

No cost estimates are provided for (1) baseline actions (programs that are already in existence and would occur regardless of this recovery plan), which are listed as Not Applicable (N/A); or (2) actions that need costs to be developed, need unit costs, and/or need project scale estimates these are listed as To Be Determined (TBD). Each management unit will work with regional experts to identify costs, scale, or unit costs for actions that require more information during the public comment period. Individual management unit costs will be updated with this new information for the final steelhead DPS recovery plan.

The total estimated cost of restoring habitat for the Middle Columbia steelhead DPS is approximately $235 million over the initial 5–year period, and approximately $970 million over 20 to 50 years for all DPS-wide recovery actions for which sufficient information exists upon which to base an estimate. This estimate includes expenditures by local, tribal, state, and Federal governments, private business, and individuals in implementing both capital projects and non-capital work. In most cases, administrative costs are embedded in the total management unit cost estimates. Preliminary research, monitoring and evaluation costs have, in some cases, been estimated at the management unit level; however, these costs are not included at this time, pending completion of research and monitoring plans and further development of each project.

Potential Effects of Proposed Recovery Actions

A quantitative analysis of the potential effects of all the proposed recovery actions on the abundance and productivity of Middle Columbia River steelhead was performed using two models, the Ecosystem Diagnosis and Treatment model and the All-H-Analyzer model. The analysis indicates, based on the suites of proposed actions in all the sectors, that all Middle Columbia River steelhead populations for which there are adequate data are expected to achieve 95 percent probability of survival (less than 5 percent risk of extinction within 100 years) for abundance/productivity if the most intensive (major) restoration scenarios are implemented and the projected habitat changes are realized. Under minimum restoration scenarios, three populations (Deschutes Westside, Satus, and Upper Yakima) may not achieve less than 5 percent risk for abundance/productivity. However, even under poor ocean conditions and minimum restoration actions, the abundance and productivity of these three populations are expected to increase considerably over the baseline.

Coordination/Governance

Coordination of actions and information-sharing among fisheries biologists, Tribes, local governments, citizen groups, and state and Federal agencies based in both Oregon and Washington is a key component of recovery for this DPS. Benefits of coordination include:

- Dealing with shared migration areas consistently
- Developing coherent MPG-level strategies where populations are in two states (Cascades Eastern Slope MPG; Umatilla/Walla Walla MPG), or the same population is in both states (Walla Walla population)
- Promoting consistent methods for setting recovery objectives, evaluating strategies, and monitoring progress across populations, MPGs, and the DPS

This coordination is under development. The recent creation of the Middle Columbia Recovery Forum, to be convened regularly by NMFS, is intended to facilitate such collaboration between scientists and recovery planners on both sides of the Columbia River. Chapter 11 of this plan describes in more detail the proposed roles and responsibilities.

Research, Monitoring, and Adaptive Management

The Plan identifies the many knowledge gaps and uncertainties involved in designing recovery actions for Middle Columbia steelhead. Because the proposed recovery actions are based on hypotheses about the relationships between fish, limiting factors, human activities, and the environment, the Plan recommends research and monitoring to determine progress in recovery. Monitoring is the basis for adaptive management the process of adjusting management actions and/or directions based on new information. Research, monitoring, and adaptive management will be built into the implementation plans for each management unit plan, after this Plan is approved.

Conclusion

NMFS concludes that the Plan meets the requirements of ESA section 4(f) and thus is proposing it as an ESA recovery plan.

Public Comments Solicited

NMFS is soliciting written comments on the Proposed Plan. All comments received by the date specified above will be considered prior to NMFS' decision whether to approve the Plan. Additionally, NMFS will provide a summary of the comments and responses through its Northwest Region web site and provide a news release for the public announcing the availability of the response to comments. NMFS seeks comments particularly in the following areas: (1) the analysis of, and hypotheses concerning, limiting factors and threats; (2) the recovery objectives, strategies, and actions; (3) the criteria for removing the DPS from the Federal list of endangered and threatened wildlife and plants; and (4) estimates of time and cost to implement recovery actions, including the intent to be even more specific by soliciting an implementation schedule.

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Authority: 16 U.S.C. 1531 *et seq.*
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Dated: September 10, 2008.

Therese Conant,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E8–21600 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–AS67

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Red Snapper Individual Fishing Quota Program

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

ACTION: Notice of determination of catastrophic conditions.

SUMMARY: In accordance with the regulations implementing the individual fishing quota (IFQ) program for the commercial red snapper fishery in the Gulf of Mexico, the Administrator, Southeast Region, NMFS (RA) has determined that catastrophic conditions exist in those parts of Texas and Louisiana from the mouth of the Mississippi River west to Freeport, Texas as a result of recent hurricanes. Consistent with those regulations, the RA has authorized IFQ participants within this affected area to use paper-based forms, if necessary, for basic required IFQ administrative functions, e.g., landing transactions, until October 24, 2008. This determination of catastrophic conditions and allowance of alternative methods for completing required IFQ administrative functions is intended to facilitate continuation of IFQ operations during the period of catastrophic conditions.

DATES: The RA is authorizing IFQ participants within this affected area to use paper-based forms until October 24, 2008.

FOR FURTHER INFORMATION CONTACT: Britni Tokotch, telephone 727–824–5305, fax 727–824–5308, e-mail *Britni.Tokotch@noaa.gov*.

SUPPLEMENTARY INFORMATION: Regulations implementing the IFQ program for the commercial red snapper fishery in the Gulf of Mexico (50 CFR 622.16) require that IFQ participants have access to a computer and Internet access and that they conduct administrative functions associated with the IFQ program, e.g., landing transactions, online. However, these regulations also specify that during catastrophic conditions, as determined by the RA, the RA can authorize IFQ participants in the affected area who are unable to submit information electronically to use paper-based forms to complete IFQ administrative functions for the duration of the catastrophic conditions. The RA must determine that catastrophic conditions exist, specify the duration of the catastrophic conditions, and specify which participants or geographic areas are deemed affected by the catastrophic conditions.

Hurricane Gustav made landfall near Cocodrie, Louisiana as a strong Category 2 hurricane on September 1, 2008. Twelve days later Hurricane Ike made landfall near Galveston, Texas as a Category 2 hurricane. Strong winds and flooding from these two hurricanes impacted coastal communities throughout Texas and Louisiana, resulting in power outages and loss of homes, businesses, and other infrastructure. As a result the RA has determined that catastrophic conditions exist in those areas of the states of Louisiana and Texas from the mouth of the Mississippi River west to Freeport, Texas. The RA is authorizing IFQ participants within this affected area to use paper-based forms until October 24, 2008. NMFS will provide additional notification to affected participants via NOAA weather radio, fishery bulletins, and other appropriate means.

NMFS previously provided each IFQ dealer the necessary paper forms (sequentially coded) and instructions in the event catastrophic conditions exist. Paper forms are also available from the RA upon request. The electronic system for submitting information to NMFS will continue to be available to all participants, and participants in the affected area are encouraged to continue using this system, if accessible.

The administrative program functions available to participants in the area affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1–866–425–7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

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

Dated: September 19, 2008.

Emily H. Menashes,

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

[FR Doc. E8–22406 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Limitations of Duty- and Quota-Free Imports of Apparel Articles Assembled in Beneficiary Sub-Saharan African Countries from Regional and Third-Country Fabric

September 19, 2008.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Publishing the New 12-Month Cap on Duty- and Quota-Free Benefits

EFFECTIVE DATE: October 1, 2008.

FOR FURTHER INFORMATION CONTACT: Don Niewiaroski, International Trade Specialist, Office of Textiles and

Apparel, U.S. Department of Commerce, (202) 482-4058.

SUPPLEMENTARY INFORMATION:

Authority: Title I, Section 112(b)(3) of the Trade and Development Act of 2000 (TDA 2000), P.L. 106-200, as amended by section 3108 of the Trade Act of 2002, P.L. 107-210; Section 7(b)(2) of the AGOA Acceleration Act of 2004, P.L. 108-274; Title VI, section 6002 of the Tax Relief and Health Care Act of 2006 (TRHCA 2006), P.L. 109-432; Presidential Proclamation 7350 of October 4, 2000 (65 FR 59321); Presidential Proclamation 7626 of November 13, 2002 (67 FR 69459).

Title I of TDA 2000 provides for duty- and quota-free treatment for certain textile and apparel articles imported from designated beneficiary sub-Saharan African countries. Section 112(b)(3) of TDA 2000 provides duty- and quota-free treatment for apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary countries from yarn originating in the U.S. or one or more beneficiary countries, subject to quantitative limitations. This preferential treatment is also available for apparel articles assembled in one or more lesser-developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric used to make such articles, subject to quantitative limitation. Title VI of the TRHCA 2006 extended this special rule for lesser-developed countries through September 30, 2012.

The AGOA Acceleration Act of 2004 provides that the quantitative limitation for the twelve-month period beginning October 1, 2008 will be an amount not to exceed 7 percent of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available. See Section 112(b)(3)(A)(ii)(II) of TDA 2000, as amended by Section 7(b)(2)(B) of the AGOA Acceleration Act. Of this overall amount, apparel imported under the special rule for lesser-developed countries is limited to an amount not to exceed 3.5 percent of all apparel articles imported into the United States in the preceding 12-month period. See Section 112(c)(1)(B)(ii) of TDA 2000, as amended by Section 6002(a) of TRHCA 2006. Presidential Proclamation 7350 directed CITA to publish the aggregate quantity of imports allowed during each 12-month period in the **Federal Register**. See Annex.

For the one-year period, beginning on October 1, 2008, and extending through September 30, 2009, the aggregate quantity of imports eligible for preferential treatment under these provisions is 1,711,900,006 square meters equivalent. Of this amount, 855,950,003 square meters equivalent is available to apparel articles imported under the special rule for lesser-developed countries. Apparel articles entered in excess of these quantities will be subject to otherwise applicable tariffs.

These quantities are calculated using the aggregate square meter equivalents of all apparel articles imported into the United States, derived from the set of Harmonized System lines listed in the Annex to the World Trade Organization Agreement on Textiles and Clothing (ATC), and the conversion factors for units of measure into square meter equivalents used by the United States in implementing the ATC.

R. Matthew Priest,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E8–22465 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–DS–S

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Activity—Notification Requirements for Coal and Wood Burning Appliances

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the July 3, 2008 **Federal Register** (73 FR 38187), the Consumer Product Safety Commission (CPSC or Commission) published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) (PRA), to announce the agency's intention to seek extension of its PRA approval of information collection requirements regarding certain coal and wood burning appliances pursuant to 16 CFR part 1406. The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information.

The Commission received no comments. The CPSC will use the information it obtains to monitor industry compliance with the requirements and to reduce risks of injuries from fires associated with the installation, operation, and maintenance of the appliances that are subject to the regulation.

Additional Information About the Request for Extension of Approval of Information Collection Activity

Title of information collection: Notification Requirements for Coal and Wood Burning Appliances.

Type of request: Extension of approval.

General description of respondents: Manufacturers or importers of coal and wood burning appliances.

Frequency of collection: Information will be submitted when there is any change to the required data or when a new model is introduced in the market.

Estimated number of respondents: 5 per year.

Estimated average number of responses per respondent: 1 per year.

Estimated number of responses for all respondents: 5 per year.

Estimated number of hours per response: 3 hours per response.

Estimated number of hours for all respondents: 15 hours per year.

Estimated annual cost of collection to all respondents: $387 per year.

Estimated total annual cost of the information collection requirements to the Federal Government: $1,773 per year.

Comments: Comments on this request for extension of approval of an information collection activity should be submitted by October 24, 2008 to (1) Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395–7340, and (2) e-mailed to the Office of the Secretary at *cpsc-os@cpsc.gov.* Comments may also be sent by facsimile to (301) 504–0127, or by mail to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT: Copies of this request for approval of an information collection activity is available from Linda Glatz, Division of Policy and Planning, Office of Information Technology and Technology Services, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7671 or by e-mail to *lglatz@cpsc.gov.*

Dated: September 18, 2008.

Todd Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E8–22446 Filed 9–23–08; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Activity—Notification Requirements for Sound Levels of Toy Caps

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the July 3, 2008 **Federal Register** (73 FR 38186), the Consumer Product Safety Commission (CPSC or Commission) published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) (PRA), to announce the agency's intention to seek extension of its PRA approval of information collection requirements regarding the sound levels of toy caps pursuant to 16 CFR 1500.18(a)(5). The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information.

The Commission received no comments. The CPSC will use the information it obtains to monitor industry efforts to reduce the sound levels of toy caps, and to ascertain which firms are currently manufacturing or importing toy caps with peak sound levels between 138 and 158 decibels.

Additional Information About the Request for Extension of Approval of Information Collection Activity

Title of information collection: Notification Requirements for Sound Levels of Toy Caps.

Type of request: Extension of approval.

Frequency of collection: Reports will be collected 4 times per year.

General description of respondents: Manufacturers or importers of toy caps.

Estimated number of respondents: 10 per year.

Estimated average number of responses per respondent: 4 per year.

Estimated number of responses for all respondents: 40 per year.

Estimated number of hours per response: 1 hour per response.

Estimated number of hours for all respondents: 40 hours per year.

Estimated annual cost of collection to all respondents: $1,002 per year.

Estimated total annual cost of the information collection requirements to the Federal Government: $10,321 per year.

Comments: Comments on this request for extension of approval of an information collection activity should be submitted by October 24, 2008 to (1) Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395–7340, and (2) e-mailed to the Office of the Secretary at *cpsc-os@cpsc.gov*. Comments may also be sent by facsimile to (301) 504–0127, or by mail to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT: Copies of this request for approval of an information collection activity are available from Linda Glatz, Division of Policy and Planning, Office of Information Technology and Technology Services, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7671 or by e-mail to *lglatz@cpsc.gov*.

Dated: September 18, 2008.

Todd Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E8–22474 Filed 9–23–08; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Real Property Agency; Exchange of Air Force Real Property for Military Construction

ACTION: Notice.

Authority: Title 10, United States Code, Section 2869(d)(1).

SUMMARY: This Notice identifies excess Federal property under the administrative jurisdiction of the United States Air Force that the Air Force intends to exchange for military construction beneficial to the Air Force.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Rupe, Office of the Air Force General Counsel (SAF/GCN–RPO), 143 Billy Mitchell Blvd., Suite 1, San Antonio, TX 78226–1816; telephone (210) 925–0227 (this telephone number is not toll-free).

SUPPLEMENTARY INFORMATION: In accordance with 10 U.S.C. 2869(d)(1), the Air Force is publishing this Notice to identify Federal real property that the Air Force intends to dispose of in exchange for military construction beneficial to the Air Force.

Description of the Air Force property: Buckley Annex CO.

Property Number:

Status: Excess.

Comments: Buckley Annex is located on the western side of the former Lowry AFB and currently houses the Defense Finance and Accounting Service (DFAS) and the Air Reserve Personnel Center (ARPC). In 2005, BRAC legislation directed the relocation of ARPC to Buckley AFB and the realignment of DFAS, resulting in the ultimate closure of the site. The approximate 70 acre parcel contains one 605,000 Square Foot building and several smaller buildings to include a warehouse and office building located at 6760 E. Irvington Pl., in the City and County of Denver.

Military construction sought: After completion of a competitive bid process, the Air Force will enter into an agreement with the selected offeror/property recipient to construct military construction projects. The specific projects that will be constructed will depend on the amount of construction value offered by the prospective property recipient.

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. E8–22348 Filed 9–23–08; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 24, 2008.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each

proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 19, 2008.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: Revision.

Title: Integrated Postsecondary Education Data System (IPEDS), Web-Based Collection System.

Frequency: Annually.

Affected Public: Not-for-profit institutions (primary); Businesses or other for-profit State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 58,090.

Burden Hours: 173,802.

Abstract: The National Center for Education Statistics (NCES) is requesting an amendment to its three-year clearance for the Integrated Postsecondary Education Data System (IPEDS) to run for the 2008–09, 2009–10, and 2010–2011 web-based data collections. Current authorization for IPEDS expires July 31, 2011 (OMB No. 1850–0582). The Higher Education Opportunity Act (HEOA), which became law on August 14, 2008, after OMB had already granted IPEDS a three-year clearance, has several implications for the IPEDS annual Web-based data collection. The law requires the immediate implementation of several new institutional reporting requirements so that the data may be made available on the College Navigator Web site by August 2009. A change memo was sent to OMB on August 19, 2008, that included a small number of non-substantive changes to the 2008–09 data collection based on the new requirements; OMB provided clearance for those changes in a notice on August 26, 2008. NCES now requests in this document a limited number of additional substantive changes to spring cycle of the 2008–09 IPEDS Web-based data collection, which opens on March 4, 2009, in order to implement HEOA requirements. These changes are to: (1) Make previously approved changes to financial aid reporting required, rather than optional, in spring 2009; (2) collect additional financial aid data; (3) collect data on students with disabilities; and (4) collect additional graduation rate data.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3823. 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 *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. E8–22480 Filed 9–23–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Fellowship Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

Catalog of Federal Domestic Assistance (CFDA) Number: 84.022A.

DATES: Applications Available: September 24, 2008.

Deadline for Transmittal of Applications: November 13, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Fellowship Program provides opportunities to doctoral candidates to engage in full-time dissertation research abroad in modern foreign languages and area studies. The program is designed to contribute to the development and improvement of the study of modern foreign languages and area studies in the United States.

Priorities: In accordance with 34 CFR 75.105(b)(2)(ii), this priority is from the regulations for this program (34 CFR 662.21(d)).

Absolute Priority: For FY 2009, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

A research project that focuses on one or more of the following geographic areas: Africa, East Asia, Southeast Asia and the Pacific Islands, South Asia, the Near East, East Central Europe and Eurasia, and the Western Hemisphere (excluding the United States and its territories). Please note that applications that propose projects focused on Western Europe are not eligible.

Within this absolute priority, we give competitive preference to applications that address the following priority.

Competitive Preference Priority: For FY 2009, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) and 34 CFR 662.21(d)(2)(iii), we award an additional five (5) points to an application that meets this priority.

This priority is:

A research project that focuses on any of the seventy-eight (78) languages deemed critical on the U.S. Department of Education's list of Less Commonly Taught Languages (LCTLs) found below.

This list includes the following: Akan (Twi-Fante), Albanian, Amharic, Arabic (all dialects), Armenian, Azeri (Azerbaijani), Balochi, Bamanakan (Bamana, Bambara, Mandikan, Mandingo, Maninka, Dyula), Belarusian, Bengali (Bangla), Berber (all languages), Bosnian, Bulgarian, Burmese, Cebuano (Visayan), Chechen, Chinese (Cantonese), Chinese (Gan), Chinese (Mandarin), Chinese (Min), Chinese (Wu), Croatian, Dari, Dinka, Georgian, Gujarati, Hausa, Hebrew (Modern), Hindi, Igbo, Indonesian, Japanese, Javanese, Kannada, Kashmiri, Kazakh, Khmer (Cambodian), Kirghiz, Korean, Kurdish (Kurmanji), Kurdish (Sorani), Lao, Malay (Bahasa Melayu or Malaysian), Malayalam, Marathi, Mongolian, Nepali, Oromo, Panjabi, Pashto, Persian (Farsi), Polish, Portuguese (all varieties), Quechua, Romanian, Russian, Serbian, Sinhala (Sinhalese), Somali, Swahili, Tagalog, Tajik, Tamil, Telugu, Thai, Tibetan, Tigrigna, Turkish, Turkmen, Ukrainian,

Urdu, Uyghur/Uigur, Uzbek, Vietnamese, Wolof, Xhosa, Yoruba, and Zulu.

Program Authority: 22 U.S.C. 2452(b)(6).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations for this program in 34 CFR part 662.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants redistributed as fellowships to individual beneficiaries. As part of its FY 2009 budget request, the Administration proposed to continue to allow funds to be used to support the applications of individuals who plan both to utilize their language skills in world areas vital to the United States national security and to apply their language skills and knowledge of these countries in the fields of government, international development, and various professions. Therefore, students planning to apply their language skills in such fields are eligible to apply for this program, in addition to those planning teaching careers. However, authority to use funds in this manner depends on final Congressional action. Applicants will be given an opportunity to amend their applications if such authority is not provided.

Estimated Available Funds: The Administration has requested $13,372,000 for International Education and Foreign Language Studies Overseas Programs, of which we propose to allocate $4,731,000 for new awards for this program for FY 2009. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Fellowship Awards: $15,000–$60,000.

Estimated Average Size of Fellowship Awards: $37,000.

Estimated Number of Fellowship Awards: 127.

Note: The Department is not bound by any estimates in this notice.

Project Period: The institutional project period is 18 months beginning July 1, 2009. Students may request funding for a period of no less than six months nor more than twelve months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs. As part of the application process, students submit individual applications to the IHE. The IHE then officially submits all eligible individual student applications with its grant application to the Department.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Both IHEs and student applicants can obtain an application package by contacting Carla White, International Education Programs Service, U.S. Department of Education, 1990 K Street, NW., room 6000, Washington, DC 20006–8521. *Telephone:* (202) 502–7700 or by *e-mail: carla.white@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative is where the student applicant addresses the selection criteria that reviewers use to evaluate the application. The student applicant must limit the application narrative to no more than 10 pages and the bibliography to no more than 2 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. However, student applicants may single space all text in charts, tables, figures, graphs, titles, headings, footnotes, endnotes, quotations, bibliography, and captions.
- Use a font that is either 12 point or larger; or, no smaller than 10 pitch (characters per inch). Student applicants may use a 10 point font in charts, tables, figures, graphs, footnotes, and endnotes. However, these items are considered part of the narrative and counted within the 10 page limit.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limits only apply to the application narrative and bibliography. The page limits do not apply to the Application for Federal Assistance face sheet (SF 424); the supplemental information form required by the Department of Education; and the assurances and certification. However, student applicants must include their complete responses to the selection criteria in the application narrative.

We will reject a student applicant's application if the student applicant exceeds the page limits.

3. *Submission Dates and Times:*

Applications Available: September 24, 2008.

Deadline for Transmittal of Applications: November 13, 2008.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-Grants system. For information (including dates and times) about how to submit an IHE's application electronically, or in paper format by mail or hand delivery if an IHE qualifies for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically, unless an IHE qualifies for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program, CFDA Number 84.022A, must be submitted electronically using e-Application available through the Department's e-Grants system, accessible through the e-Grants portal page at: *http://e-grants.ed.gov.*

We will reject an application if an IHE submits it in paper format unless, as described elsewhere in this section, the IHE qualifies for one of the exceptions to the electronic submission requirement *and* submits, no later than two weeks before the application deadline date, a written statement to the Department that the IHE qualifies for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

While completing the electronic application, both the IHE and the student applicant will be entering data online that will be saved into a database. Neither the IHE nor the student applicant may e-mail an electronic copy of a grant application to us.

Please note the following:

• The process for submitting applications electronically under the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program has several parts. The following is a brief summary of the process; however, all applicants should review and follow the detailed description of the application process that is contained in the application package. In summary, the major parts are as follows: (1) IHEs must e-mail the following information to *ddra@ed.gov:* Name of university, and full name and e-mail address of potential project director. We recommend that applicant IHEs submit this information as soon as possible to ensure that applicant IHEs obtain access to the e-Application system well before the application deadline date. We suggest that applicant IHEs send this information no later than two weeks prior to the closing date, in order to facilitate timely submission of their applications; (2) Students must complete their individual applications and submit them to their IHE's project director using e-Application; (3) Persons providing references for individual students must complete and submit reference forms for the students and submit them to the IHE's project director using e-Application; and (4) The IHE's project director must officially submit the IHE's application, which must include all eligible individual student applications, reference forms, and other required forms, using e-Application. Student transcripts, however, must be mailed or hand delivered to the Department on or before the application deadline date using the applicable mail or hand delivery instructions for paper applications in this notice.

• The IHE must complete the electronic submission of the grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The e-Application system will not accept an application for this program after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that both the IHE and the student applicant not wait until the application deadline date to begin the application process.

• The regular hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that the system is unavailable on Sundays after 8:00 p.m., and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time, for maintenance. Any modifications to these hours are posted on the e-Grants Web site.

• Student applicants will not receive additional point value because the student submits his or her application in electronic format, nor will we penalize the IHE or student applicant if the applicant qualifies for an exception to the electronic submission requirement, as described elsewhere in this section, and submits an application in paper format.

• IHEs must submit all documents, except for student transcripts, electronically, including the Application for Federal Assistance (SF 424), the Supplement to the SF 424, and all necessary assurances and certifications. Both IHEs and student applicants must attach any narrative sections of the application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If an IHE or a student applicant uploads a file type other than the three file types specified above or submits a password protected file, we will not review that material.

• Student transcripts must be mailed or hand delivered to the Department on or before the application deadline date in accordance with the applicable mail or hand delivery instructions for paper applications described in this notice.

• Both the IHE's and the student applicant's electronic application must comply with any page limit requirements described in this notice.

• Prior to submitting your electronic application, you may wish to print a copy of it for your records.

• After the individual student applicant electronically submits his or her application to the student's IHE, the student will receive an automatic acknowledgment. In addition, the applicant IHE's project director will receive a copy of this acknowledgment by e-mail. After a person submits a reference electronically, he or she will receive an online confirmation. After the applicant IHE submits its application, including all eligible individual student applications, to the Department, the applicant IHE will receive an automatic acknowledgment, which will include a PR/Award Number (an identifying number unique to the IHE's application).

• Within three working days after submitting the IHE's electronic application, the IHE must fax a signed copy of the SF 424 to the Application Control Center after following these steps:

(1) Print SF 424 from e-Application.

(2) The applicant IHE's Authorizing Representative must sign this form.

(3) Place the PR/Award Number in the upper right hand corner of the hard-copy signature page of the SF 424.

(4) Fax the signed SF 424 to the Application Control Center at (202) 245–6272.

• We may request that you provide us original signatures on the SF 424 and other forms at a later date.

Application Deadline Date Extension in Case of e-Application System Unavailability: If an IHE is prevented from electronically submitting its application on the application deadline date because the e-Application system is unavailable, we will grant the IHE an extension of one business day to enable the IHE to transmit its application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) The IHE is a registered user of e-Application and the IHE has initiated an electronic application for this competition; and

(2)(a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) The e-Application system is unavailable for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting the IHE an extension. To request this extension or to confirm our acknowledgement of any system unavailability, an IHE may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see section VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If the system is down and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of the Department's e-Application system.

Exception to Electronic Submission Requirement: An IHE qualifies for an exception to the electronic submission requirement, and may submit its application in paper format, if the IHE is unable to submit an application through the e-Application system because—

- The IHE or a student applicant does not have access to the Internet; or
- The IHE or a student applicant does not have the capacity to upload large documents to the Department's e-Application system; *and*
- No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), the IHE mails or faxes a written statement to the Department, explaining which of the two grounds for an exception prevents the IHE from using the Internet to submit its application. If an IHE mails a written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If an IHE faxes its written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax this statement to: Amy Wilson, U.S. Department of Education, 1990 K Street, NW., room 6000, Washington, DC 20006–8521. *FAX:* (202) 502–7860.

The IHE's paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If an IHE qualifies for an exception to the electronic submission requirement, the IHE may mail (through the U.S. Postal Service or a commercial carrier) its application to the Department. The IHE must mail the original and two copies of the application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:
U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.022A), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier:
U.S. Department of Education, Application Control Center—Stop 4260, *Attention:* (CFDA Number 84.022A), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address the IHE uses, the IHE must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If the IHE mails its application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If the IHE's application is postmarked after the application deadline date, we will not consider its application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, the IHE should check with its local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If an IHE qualifies for an exception to the electronic submission requirement, the IHE (or a courier service) may deliver its paper application to the Department by hand. The IHE must deliver the original and two copies of the application, by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.022A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If an IHE mails or hand delivers its application to the Department:

(1) The IHE must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA Number, and suffix letter, if any, of the competition under which the IHE is submitting its application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to the IHE. If the IHE does not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, the IHE should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *General:* For FY 2009, student applications are divided into seven categories based on the world area focus of their research projects, as described in the absolute priority listed in this notice. Language and area studies experts in seven discrete world area-based panels will review the student applications. Each panel reviews, scores, and ranks its applications separately from the applications assigned to the other world area panels. However, all fellowship applications will be ranked together from the highest to lowest score for funding purposes.

2. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 662.21 and are listed in the following paragraphs. The maximum score for all of the criteria, including the competitive preference priority, is 105 points. The maximum score for each criterion is indicated in parentheses.

Quality of proposed project (60 points): In determining the quality of the research project proposed by the applicant, the Secretary considers (1) The statement of the major hypotheses to be tested or questions to be examined, and the description and justification of the research methods to be used (10 points); (2) The relationship of the research to the literature on the topic and to major theoretical issues in the field, and the project's originality and importance in terms of the concerns of the discipline (10 points); (3) The preliminary research already completed in the United States and overseas or plans for such research prior to going overseas, and the kinds, quality and availability of data for the research in the host country or countries (10 points); (4) The justification for overseas field research and preparations to establish appropriate and sufficient research contacts and affiliations abroad (10 points); (5) The applicant's plans to share the results of the research in progress and a copy of the dissertation with scholars and officials of the host

country or countries (10 points); and (6) The guidance and supervision of the dissertation advisor or committee at all stages of the project, including guidance in developing the project, understanding research conditions abroad, and acquainting the applicant with research in the field (10 points).

Qualifications of the applicant (40 points): In determining the qualifications of the applicant, the Secretary considers (1) The overall strength of the applicant's graduate academic record (10 points); (2) The extent to which the applicant's academic record demonstrates strength in area studies relevant to the proposed project (10 points); (3) The applicant's proficiency in one or more of the languages (other than English and the applicant's native language) of the country or countries of research, and the specific measures to be taken to overcome any anticipated language barriers (15 points); and (4) The applicant's ability to conduct research in a foreign cultural context, as evidenced by the applicant's references or previous overseas experience, or both (5 points).

VI. Award Administration Information

1. *Award Notices:* If a student application is successful, we notify the IHE's U.S. Representative and U.S. Senators and send the IHE a Grant Award Notice (GAN). We may notify the IHE informally, also.

If a student application is not evaluated or not selected for funding, we notify the IHE.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates its approved application as part of its binding commitments under the grant.

3. *Reporting:* At the end of the project period, the IHE must submit a final performance report, including the final reports of all of the IHE's fellows, and financial information, as directed by the Secretary. The IHE and fellows are required to use the electronic reporting system International Resource Information System (IRIS) to complete the final report.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993, the objective for The Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Fellowship Program is to provide grants to colleges and universities to fund individual doctoral students to conduct research in other countries in modern foreign languages and area studies for periods of 6 to 12 months.

The Department will use the following DDRA measures to evaluate its success in meeting this objective:

Performance Measure 1: The average language competency score of Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Fellowship recipients at the end of their period of research minus their average score at the beginning of the period.

Performance Measure 2: Percentage of projects judged successful by program officers, based on information provided in annual performance reports.

Efficiency measure: Cost per fellow increasing language competency by at least one level in one (or all three) area.

The information provided by grantees in their performance report submitted via IRIS will be the source of data for this measure. Reporting screens for institutions and fellows may be viewed at: *http://www.ieps-iris.org/iris/pdfs/DDRA_fellow.pdf* and *http://www.ieps-iris.org/iris/pdfs/DDRA_director.pdf.*

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Amy Wilson, International Education Programs Service, U.S. Department of Education, 1990 K Street, NW., room 6000, Washington, DC 20006–8521. *Telephone:* (202) 502–7700 or by *e-mail: amy.wilson@ed.gov.*

If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, 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. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

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: September 19, 2008.

Cheryl A. Oldham,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. E8–22421 Filed 9–23–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Availability of the Bonneville Purchasing Instructions (BPI) and Bonneville Financial Assistance Instructions (BFAI)

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of document availability.

SUMMARY: Copies of the Bonneville Purchasing Instructions (BPI), which contain the policy and establish the procedures that BPA uses in the solicitation, award, and administration of its purchases of goods and services, including construction, are available in printed form for $30, or without charge at the following Internet address: *http://www.bpa.gov/corporate/business/bpi.* Copies of the Bonneville Financial Assistance Instructions (BFAI), which contain the policy and establish the procedures that BPA uses in the solicitation, award, and administration of financial assistance instruments (principally grants and cooperative agreements), are available in printed form for $15 each, or available without charge at the following Internet address: *http://www.bpa.gov/corporate/business/bfai.*

ADDRESSES: Unbound copies of the BPI or BFAI may be obtained by sending a check for the proper amount to the Head of the Contracting Activity, Routing DGP–7, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208–3621.

FOR FURTHER INFORMATION CONTACT: Manager, Communications, 1–800–622–4519.

SUPPLEMENTARY INFORMATION: BPA was established in 1937 as a Federal Power Marketing Agency in the Pacific Northwest. BPA operations are financed from power revenues rather than annual appropriations. BPA's purchasing

operations are conducted under 16 U.S.C. 832 *et seq.* and related statutes. Pursuant to these special authorities, the BPI is promulgated as a statement of purchasing policy and as a body of interpretative regulations governing the conduct of BPA purchasing activities. It is significantly different from the Federal Acquisition Regulation, and reflects BPA's private sector approach to purchasing the goods and services that it requires. BPA's financial assistance operations are conducted under 16 U.S.C. 839 *et seq.* and 16 U.S.C. 839 *et seq.* The BFAI express BPA's financial assistance policy. The BFAI also comprise BPA's rules governing implementation of the principles provided in the following OMB circulars:

A–21 Cost Principles for Educational Institutions.

A–87 Cost Principles for State, Local and Indian Tribal Governments.

A–102 Grants and Cooperative Agreements with State and Local Governments.

A–110 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations.

A–122 Cost Principles for Non-Profit Organizations.

A–133 Audits of States, Local Governments and Non-Profit Organizations.

BPA's solicitations and contracts include notice of applicability and availability of the BPI and the BFAI, as appropriate, for the information of offerors on particular purchases or financial assistance transactions.

Issued in Portland, Oregon, on September 15, 2008.

Damian J. Kelly,

Manager, Purchasing/Property Governance.

[FR Doc. E8–22357 Filed 9–23–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–34–001]

Atmos Pipeline and Storage, LLC; Notice of Application

September 17, 2008.

Take notice that on September 10, 2008, Atmos Pipeline and Storage, LLC (Atmos), 5420 LBJ Freeway, Dallas, Texas 75240, filed in Docket No. CP08–34–001, a petition for Exemption of Temporary Acts and Operations from Certificate Requirements, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure, and section 7(c)(1)(B) of the Natural Gas Act, seeking approval of an exemption from certificate requirements to perform temporary activities in order to: (1) Conduct a 3D seismic survey; and (2) drill two brine disposal test wells in order to test brine disposal capabilities of the underlying Sparta and Wilcox sand formations to further assess the optimal manner in which to develop an underground natural gas storage facility in the vicinity of Fort Necessity, Franklin Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Counsel for Atmos Pipeline and Storage, LLC, James H. Jeffries IV, Moore & Van Allen PLLC, 100 North Tryon Street, Charlotte, North Carolina 28202–4003, or via telephone at (704) 331–1079, facsimile number (704) 339–5879, or e-mail *jimjeffries@mvalaw.com.*

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: October 14, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22287 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1509–000]

Burgess Capital LLC; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

September 17, 2008.

This is a supplemental notice in the above-referenced proceeding of Burgess Capital LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is October 7, 2008.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22274 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–469–000]

Tennessee Gas Pipeline Company; Notice of Request Under Blanket Authorization

September 17, 2008.

Take notice that on September 5, 2008, Tennessee Gas Pipeline Company (Tennessee), 1001 Louisiana, Houston, Texas 77002, filed in Docket No. CP08–469–000, a prior notice request pursuant to sections 157.205 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act for authorization to abandon in place approximately 8.35 miles of an inactive 16-inch diameter offshore supply lateral, Line No. 507K–800, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, Tennessee proposes to abandon in place approximately 8.35 miles of an inactive 16-inch supply lateral pipeline designated as Line No. 507K–800 extending from West Cameron Block 137 to an interconnection with Tennessee's Line No. 507K–700, located in West Cameron Block 141, offshore Louisiana. Tennessee states that the abandonment of this inactive supply lateral will have no operational impact on Tennessee nor will it adversely affect Tennessee's ability to meet any of its existing contractual obligations. Tennessee avers that no firm or interruptible transportation services will be affected by the abandonment.

Any questions regarding the application should be directed to Jay V. Allen, Senior Counsel, Tennessee Gas Pipeline Company, 1001 Louisiana, Houston, Texas 77002, at (713) 420–5589 or fax (713) 420–1601 or Juan Eligio, Analyst, Certificates & Regulatory Compliance, at (713) 420–3294 or fax (713) 420–1605.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22263 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

September 18, 2008.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP08–r456–001.

Applicants: CenterPoint Energy Gas Transmission Company.

Description: CenterPoint Energy Gas Transmission Company submits Sheet No. 492 *et al.* to FERC Gas Tariff, Sixth Revised Volume No. 1, to be effective 8/27/2008.

Filed Date: 09/16/2008.

Accession Number: 20080917–0238.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 24, 2008.

Docket Numbers: RP08–623–000.

Applicants: Northwest Pipeline, GP.

Description: Northwest Pipeline, GP submits First Revised Sheet No. 213 *et al.* to FERC Gas Tariff, Fourth Revised Volume No. 1, to be effective 10/16/2008

Filed Date: 09/16/2008.

Accession Number: 20080917–0237.

Comment Date: 5 p.m. Eastern Time on Monday, September 29, 2008.

Docket Numbers: RP08–624–000.

Applicants: Alliance Pipeline L.P.

Description: Alliance Pipeline L.P., submits First Revised Sheet No. 209 *et al.* to FERC Gas Tariff, Original Volume No. 1, to be effective 11/1/08.

Filed Date: 09/15/2008.
Accession Number: 20080917–0240.
Comment Date: 5 p.m. Eastern Time on Monday, September 29, 2008.

Docket Numbers: CP07–457–001. RP98–18–035.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P., submits Original Sheet No. 6R *et al.* to FERC Gas Tariff, First Revised Volume 1, and effective 11/1/08.
Filed Date: 09/15/2008.
Accession Number: 20080917–0239.
Comment Date: 5 p.m. Eastern Time on Monday, September 29, 2008.

Docket Numbers: CP99–163–004. CP05–39–001.
Applicants: Questar Southern Trails Pipeline Company.
Description: Questar Southern Trails Pipeline Company submits First Revised Sheet 3 to Original Volume 1 of its FERC Gas Tariff.
Filed Date: 09/12/2008.
Accession Number: 20080917–0124.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 24, 2008.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.
[FR Doc. E8–22317 Filed 9–23–08; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

September 15, 2008.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC08–124–000.
Applicants: Suez Energy North America, Inc., SUEZ Bidco, LLC, Energy Capital Partners GP I, LLC, FirstLight Power Enterprise, Inc.
Description: SUEZ Energy North America, Inc's et al Joint application for authorization under Section 203 of the Federal Power Act, request for waiver of certain Commission requirements etc.
Filed Date: 09/09/2008.
Accession Number: 20080911–0101.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 30, 2008.

Docket Numbers: EC08–125–000.
Applicants: NaturEner Glacier Wind Energy 1, LLC, NaturEner Montana Wind Energy LLC, NaturEner Glacier Financing, LLC.
Description: Application for Authorization of Disposition of Jurisdictional Facilities and Requests for Expedited Consideration and Confidential Treatment of NaturEner Montana Wind Energy, LLC, et al.
Filed Date: 09/12/2008.
Accession Number: 20080912–5088.
Comment Date: 5 p.m. Eastern Time on Friday, October 03, 2008.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG08–87–000.
Applicants: Crystal Lake Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 08/26/2008.
Accession Number: 20080826–5086.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 16, 2008.

Docket Numbers: EG08–88–000.
Applicants: Crystal Lake Wind II, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 08/26/2008.
Accession Number: 20080826–5087.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 16, 2008.

Docket Numbers: EG08–89–000.
Applicants: Osceola Windpower II, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 08/26/2008.
Accession Number: 20080826–5088.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 16, 2008.

Docket Numbers: EG08–90–000.
Applicants: Story Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 08/26/2008.
Accession Number: 20080826–5089.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 16, 2008.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER98–4400–011.
Applicants: Pittsfield Generating Company, L.P.
Description: Pittsfield Generating Company, L.P. notification of change in status.
Filed Date: 09/12/2008.
Accession Number: 20080912–5079.
Comment Date: 5 p.m. Eastern Time on Friday, October 03, 2008.

Docket Numbers: ER04–805–008.
Applicants: Wabash Valley Power Association, Inc.
Description: Wabash Valley Power Association, Inc submits the corrected Second Revised Sheet 1 to FERC Electric Tariff, Original Volume 2 as a replacement to the sheet submitted 8/14/08 etc.
Filed Date: 09/08/2008.
Accession Number: 20080912–0103.
Comment Date: 5 p.m. Eastern Time on Monday, September 29, 2008.

Docket Numbers: ER08–1398–001.
Applicants: Smoky Hills Wind Project II, LLC.

Description: Smoky Hills Wind Project II, LLC submits an Amendment to Application for Order Accepting Market-Based Rate tariff, Granting Waivers and Blanket Authority, and Request for Waiver of Prior Notice Requirement etc.

Filed Date: 09/10/2008.

Accession Number: 20080912–0119.

Comment Date: 5 p.m. Eastern Time on Monday, September 22, 2008.

Docket Numbers: ER08–1513–000.

Applicants: ISO New England Inc.

Description: ISO New England, Inc submits an informational filing for qualification in the Forward Capacity Market.

Filed Date: 09/09/2008.

Accession Number: 20080912–0121.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 24, 2008.

Docket Numbers: ER08–1514–000.

Applicants: American Transmission Systems, Incorporated.

Description: American Transmission Systems, Inc submits a Construction Agreement with Buckeye Power, Inc et al to be effective 9/4/08.

Filed Date: 09/10/2008.

Accession Number: 20080912–0115.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 01, 2008.

Docket Numbers: ER08–1519–000.

Applicants: Ohio Valley Electric Corporation.

Description: Ohio Valley Electric Corporation submits an ATC Calculation Agreement between OVEC and Southwest Power Pool, Inc.

Filed Date: 09/10/2008.

Accession Number: 20080912–0168.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 1, 2008.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES08–60–001; ES08–61–001.

Applicants: MidAmerican Energy Company.

Description: MidAmerican Energy Co's revised Exhibit E worksheet for computation of interest coverage.

Filed Date: 09/12/2008.

Accession Number: 20080912–5105.

Comment Date: 5 p.m. Eastern Time on Friday, October 03, 2008.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E8–22318 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1531–000]

Alabama Power Company; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, Southern Company Services, acting as agent for Alabama Power Company, filed an amended Interconnection Agreement with Tenaska Alabama Partners, L.P., pursuant to section 205(d) of the Federal Power Act, 18 CFR 35.13(a)(2)(iii)(2008) of the Commission's regulations and the settlement agreement filed in ER07–902 et al.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22281 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER08–1532–000; ER08–1537–000]

Avista Corporation NorthWestern Corporation; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, NorthWestern Corporation—Montana Transmission Function together with Avista Corporation jointly filed a non-conforming long-term service agreement providing for the sale of Dynamic Capacity and Energy Service, Avista Corporation Rate Schedule 499 and NorthWestern Corporation FERC Rate Schedule 258.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 pm Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22282 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER04–157–030, ER04–714–020, EL05–89–009]

Bangor Hydro-Electric Company, Florida Power & Light Co. New England Florida Power & Light Company, Maine Public Utilities Commission v. Central Maine Power Company; Notice of Filing

September 17, 2008.

Take notice that on August 1, 2008, Fitchburg Gas and Electric Company filed a revised compliance refund report, pursuant to the Commission's March 24, 2008 Order.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 pm Eastern Time on September 26, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22265 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–2311–010; ER97–2846–013]

Carolina Power & Light Company; Florida Power Corporation; Notice of Filing

September 17, 2008.

Take notice that on September 11, 2008, Progress Energy Inc. (Progress Energy), on behalf of its public utility affiliates, Carolina Power & Light Company (PEC) and Florida Power Corporation (PEF) filed a supplemental filing to its September 2, 2008 filing to revise three additional market-based rate (MBR) tariffs on file with the Commission but no longer used by PEC and PEF. Progress Energy is also submitting clean and redlined versions of PEF's and PEC's MBR tariffs that were not submitted in its September 2, 2008 filing.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for

review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 2, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22285 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER07–1194–001]

Castlebridge Energy Group LLC; Notice of Filing

September 17, 2008.

Take notice that on September 11, 2008, Castlebridge Energy Group LLC filed an amendment to its Determination of Category 1 Seller Status filing, submitted to the Commission on August 13, 2008.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 2, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22266 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1530–000]

Central Hudson Gas and Electric Corporation; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, Central Hudson Gas and Electric Corporation filed a notice of termination of its FERC Electric Rate Schedule 68, an agreement dated July 11, 1985 with the New York Power Authority, pursuant to 18 CFR 35.15 and 131.53.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22280 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1374–001]

ISO Trader, LLC; Notice of Filing

September 17, 2008.

Take notice that on September 11, 2008, ISO Trader, LLC filed a supplement to its August 15, 2008 initial tariff filing.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail

FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 pm Eastern Time on October 2, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22272 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER96–719–022; ER99–2156–015]

MidAmerican Energy Company; Cordova Energy Company; Notice of Filing

September 17, 2008.

Take notice that on September 11, 2008, MidAmerican Energy Company and Cordova Energy filed revisions to its April, 2008 and June 30, 2008 filings, pursuant to Order 697–A, *Mart-Based Rtes for Wholesales of Electric Energy, Capacity and Ancillary Services by Public Utilities,* Order No. 697, 72 FR 39,904 (July 20, 2007), FERC Stats. & Regs. ¶ 31,252 (2007) (Order No. 697), *order on clarification,* 121 FERC ¶ 61,260 (2007) (Clarifying Order), *order on reh'g,* Order No. 697–A, 73 FR 25,832 (May 7, 2008), FERC Stats. & Regs. ¶ 31,268 (2008) (Order no. 697–A), section 35.37 of the Commission's Regulations, and an April 4, 2008 Commission Order, *MidAmerican Energy Co.,* 123 FERC ¶ 61,013 (2008) (April 2008 Order).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 2, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22284 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1527–000]

New York Independent System Operator, Inc.; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, New York Independent System Operator, Inc. (NYISO), tendered for filing proposed revisions to it Open Access Transmission Tariff that would modify the deadlines that the NYISO adopted in compliance with Order No. 890.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22277 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1526–000]

NorthWestern Corporation; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, NorthWestern Corporation filed an executed Regulation and Frequency Response Self-Supply Agreement with Bonneville Power Administration, dated May 22, 2008, pursuant to section 205 of the Federal Power Act, 16 U.S.C. § 824d (2006), and Part 35 of the Commission's regulations, 18 CFR Part 35 (2008).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically

should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22276 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1528–000]

NorthWestern Corp.; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, NorthWestern Corporation (NorthWestern) tendered for filing an executed Agreement for Regulating Reserve Services under which Powerex Corp proposes to supply NorthWestern with Regulating Reserves Service for an approximately two year term beginning on January 1, 2009.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 pm Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22278 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1529–000]

NorthWestern Corp.; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, NorthWestern Corporation (NorthWestern) tendered for filing an executed Agreement to purchase Regulating Reserve Services from Public Utility District No. 2 of Grant County, Washington.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22279 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1354–003]

Occidental Chemical Corporation; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, Occidental Chemical Corporation filed revised tariff sheet with correct category designations for each region, pursuant to the Commission's September 11, 2008 order.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission,

888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22271 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–3665–008; ER02–1947–009]

Occidental Power Marketing, L.P.; Occidental Power Services, Inc.; Notice of Filing

September 17, 2008.

Take notice that on September 11, 2008, Occidental Power Marketing, L.P. and Occidental Power Services, Inc. filed a supplement to its June 27, 2008 and August 12, 2008 filings, pursuant to Order 697–A.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 22, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22286 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1437–001]

Polytop Corporation; Notice of Filing

September 17, 2008.

Take notice that on September 11, 2008, Polytop Corporation filed an amendment to its August 22, 2008 notice of cancellation filing.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 2, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22273 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1183–001]

Portland General Electric Company; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, Portland General Electric Company filed proposed revisions to Schedule 4 of their Open Access Transmission Tariff, FERC Electric Tariff, Third Revised Volume 8, pursuant to the Commission's August 29, 2008 Order, 124 FERC ¶ 61,208, section 205 of the Federal Power Act, 16 U.S.C. 824d, and Part 35 of the Commission's regulations, 18 CFR Part 35.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission,

888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22270 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–1525–000]

Powerex Corp.; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, Powerex Corp. (Powerex), tendered for filing an Agreement dated September 5, 2008 for Regulating Reserve Services between NorthWestern Corporation and Powerex.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 pm Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22275 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER08–100–002, ER07–265–002]

Sempra Energy Trading LLC, Sempra Energy Solutions LLC; Notice of Filing

September 17, 2008.

Take notice that on September 11, 2008, Sempra Energy Trading LLC, and Sempra Energy Solutions LLC (together Sellers) filed a response to Commission staff regarding its June 30, 2008 filing, affirming that none of the Sellers or any of their affiliates has erected or will erect barriers to entry into the relevant market.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 2, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22267 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER08–100–003; ER07–265–003; ER07–1215–004]

Sempra Energy Trading LLC; Sempra Energy Solutions LLC; The Royal Bank of Scotland plc; Notice of Filing

September 17, 2008.

Take notice that on September 11, 2008, Sempra Energy Trading LLC, Sempra Energy Solutions LLC, and The Royal Bank of Scotland plc (together Applicants) filed a response to Commission staff regarding its July 30, 2008 filing, affirming that none of the Applicants or any of their affiliates has erected or will erect barriers to entry into the relevant market.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.*

Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 2, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22268 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER08–100–004; ER07–265–004; ER07–1215–005]

Sempra Energy Trading LLC; Sempra Energy Solutions LLC; The Royal Bank of Scotland plc; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, Sempra Energy Trading LLC, Sempra Energy Solutions LLC, and The Royal Bank of Scotland plc (together Applicants) filed a petition for acceptance of revised market-based rate schedules in response to a request by Commission staff, regarding the Applicants July 30, 2008 designation of Seller Category filing.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22269 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–777–002]

Westar Energy, Inc.; Notice of Filing

September 17, 2008.

Take notice that on September 12, 2008, Westar Energy, Inc. (Westar), and Kansas Gas and Electric Company hereby submit for filing revised tariff sheets to Attachment H–1 of Westar's Open Access Transmission Tariff.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 pm Eastern Time on October 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22283 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP08–484–000; RP08–484–001]

Colorado Interstate Gas Company; Notice of Technical Conference

September 17, 2008.

Take notice that the Commission will convene a technical conference in the above-referenced proceeding on Tuesday, October 7, 2008, at 10 a.m. (EDT), in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's August 28, 2008 Order [1] directed that a technical conference be held to address the issues raised by Colorado Interstate Gas Company's (CIG) August 1, 2008 and August 8, 2008 tariff filings to modify its penalty crediting mechanism. Commission Staff and parties will have the opportunity to discuss all of the issues raised by CIG's filing including, but not limited to, technical, engineering and operational issues, and issues related to the interpretation of tariff provisions governing CIG's penalty crediting mechanism.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility

[1] *Colorado Interstate Gas Co.,* 124 FERC ¶ 61,191 (2008).

accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

All interested persons are permitted to attend. For further information please contact Timothy Duggan at (202) 502–8326 or e-mail *Timothy.Duggan@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22262 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL08–63–000]

Federal Energy Regulatory Commission Michigan South Central Power Agency v. Midwest Independent Transmission System Operator, Inc.; Notice of Meeting

September 17, 2008.

The Federal Energy Regulatory Commission hereby gives notice that members of its staff will meet with representatives of Michigan South Central Power Agency on Friday, September 19, 2008, to discuss matters at issue in this proceeding. The meeting will take place from 10 a.m. until 12 p.m. in Conference Room 81–62 of the Commission's offices, 888 First Street NE., Washington, DC 20426.

Commission conferences and meetings are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–3372 (voice) or 202–208–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For further information, please contact Jeffrey Hitchings in the Commission's Office of Energy Market Regulation: (202) 502–6042 or *jeffrey.hitchings@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E8–22264 Filed 9–23–08; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8719–2]

Notice of Access to EPA Library Services

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is enhancing access to library services for the public and Agency staff. EPA will open previously closed libraries in its National Library Network, with walk-in access for the public and EPA staff. Other library locations will expand staffing, operating hours, or services. This notice provides information regarding how members of the public can access the libraries and services beginning September 30, 2008.

ADDRESSES: The locations of the opening libraries are:

1. Chicago—EPA Region 5 Library, 16th Floor, Metcalf Building, 77 West Jackson Boulevard, Chicago, IL 60604; Phone 312–886–6822; Fax 312–886–1492; E-mail: *library.r05@epa.gov;* Hours 9 a.m.–3 p.m., Monday through Thursday; Contact Jessica McIntyre-Himes 312–353–8559.

2. Dallas—EPA Region 6 Library, Suite 1200, 1445 Ross Avenue, Dallas, TX 75202; Phone 214–665–6424; Fax 214–665–8574; E-mail: *Region6.library@epa.gov;* Hours 9 a.m.–4 p.m., Monday through Thursday; Contact Laurie Carter 214–665–6566.

3. Kansas City—EPA Region 7 Library, 901 North 5th Street, Kansas City, KS 66101; Phone 913–551–7979; Fax 913–551–8762; E-mail: *R7-Library@epa.gov;* Hours 9 a.m.–3 p.m., Monday through Thursday; Contact Alice Todd 913–551–7504.

4. Washington, DC—EPA Headquarters and Chemical Libraries, Room 3340, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20004; Phone 202–566–0556; Fax 202–566–0574; E-mail: *hqchemlibraries@epa.gov;* Hours 8:30 a.m.–4:30 p.m., Monday through Friday; Contact Carlton Burns 202–566–0673.

FOR FURTHER INFORMATION CONTACT: Deborah Balsamo, Mailcode N127–05, Office of Environmental Information, Information Access Division, Environmental Protection Agency, 109 Alexander Drive, Research Triangle Park, NC 27711; Phone 919–541–9412; E-mail: *Balsamo.Deborah@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA will re-establish on-site libraries for members of the public and EPA staff in Region 5, Chicago; Region 6, Dallas; Region 7, Kansas City; and at the EPA Headquarters and Chemical Libraries in Washington, DC on September 30, 2008.

The Region 5 Library in Chicago will open on September 30, 2008, and will be staffed by a professional librarian who is able to provide library services to EPA employees and the public. The physical library space will be equipped with computers and temporary furniture. The core reference collection and the first installment of Great Lakes literature collection will also be in place. It is anticipated that additional Great Lakes literature, permanent furniture and shelving will arrive in the next several weeks. Shortly thereafter, Region 5 will host an opening ceremony.

EPA will also enhance services at its existing Region 3 satellite library at Fort Meade, MD, through the addition of on-site professional library staff effective September 30, 2008.

These libraries are part of EPA's National Library Network, which consists of regional, laboratory, and specialized libraries. The libraries will provide physical space for walk-in traffic and will establish and maintain an on-site collection of materials developed and tailored to meet local/regional needs. All libraries will be staffed by a professional librarian to provide services to the public and EPA staff via phone, e-mail, or in person. The libraries will provide access for a minimum of 24 hours over four days per week on a walk-in basis or by appointment. All libraries will provide core information services of reference/research assistance and interlibrary loan/document delivery.

EPA's core library services and local collections are supported and supplemented by additional services and electronic resources. Public access to EPA's valuable document collections continues to be an essential function of the libraries. Thousands of EPA documents and reports can be accessed in full-text electronic format through the National Environmental Publications Internet Site (NEPIS) at *http://www.epa.gov/nscep.* Members of the public can also search for EPA documents in the libraries' online catalog at *http://www.epa.gov/libraries/ols.htm.* EPA libraries actively participate in interlibrary loan services to provide the public with access to EPA library materials upon request.

Additional information about library locations, hours of operations, and available services can be found at *http://www.epa.gov/libraries.* Comprehensive environmental information is available via the EPA Web site at *http://www.epa.gov.*

Dated: September 18, 2008.

Molly A. O'Neill,

Assistant Administrator and Chief Information Officer, Office of Environmental Information.

[FR Doc. E8–22468 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0923; FRL–8719–3]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Pesticide Data Call-In Program; EPA ICR No. 2288.01, OMB Control No. 2070—New

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 and consolidate three existing approved Information Collection Requests (ICRs). The consolidation ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost. These ICRs are scheduled to expire on Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. This ICR describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before October 24, 2008.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OPP–2007–0923, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by mail Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Cameo Gianne Smoot, Field and External Affairs Division, 7506P, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–305–5454; fax number: 703–308–5884; e-mail address: *smoot.cameo@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 January 16, 2008 (73 FR 2907), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received one comment and has addressed the comment received in the supporting statement. A copy of the public comment is part of the docket for this action. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OPP–2007–0923, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, 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 telephone number is (703) 305–5805.

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: Pesticide Data Call-In Program.

ICR Numbers: EPA ICR No. 2288.01, OMB Control No. 2070-new.

ICR Status: This ICR consolidates and renews the information collection activities described in the following currently approved ICRs, which are each scheduled to expire on September 30, 2008: ''Data Call-Ins for the Special Review and Registration Review Programs'' (EPA ICR No. 0922.07, OMB Control No. 2070–0057); ''Data Generation for Pesticide Reregistration'' (EPA ICR No. 1504.05, OMB Control No. 2070–0107); and ''Data Acquisition for Anticipated Residue and Percent of Crop Treated'' (EPA ICR No. 1911.02, OMB Control No. 2070–0164). 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, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), every pesticide product must be registered with EPA. An applicant for registration must supply data to demonstrate that the pesticide product will not cause ''unreasonable adverse effects'' on humans or to the environment. Under the Federal Food, Drug, and Cosmetic Act (FFDCA), EPA must determine, from data supplied by the applicant or registrant, that the level of pesticide residues in food and feed will be safe for human consumption, defined as ''a reasonable certainty that no harm'' will result from exposures to pesticide residues. Although data is provided with the initial applications, the Agency issues Data Call-Ins (DCIs) when it has determined that more information is necessary to make the necessary decision pursuant to the mandates in FIFRA and FFDCA.

The programs represented in this proposed ICR renewal and consolidation share a common statutory authority, section 3(c)(2)(B) of FIFRA, which authorizes EPA to require pesticide registrants to generate and submit data to the Agency, when such data are needed to maintain an existing registration of a pesticide. EPA's determination that additional data are needed can occur for various reasons, with the following four reasons being the most common:

(1) *Reregistration program.* Section 4 of FIFRA requires EPA to re-assess the health and safety data for all pesticide active ingredients registered before November 1, 1984, to ''reregister'' them, i.e., determine whether these ''older'' pesticides meet the criteria for registration that would be expected of a pesticide being registered today for the

first time. FIFRA section 4 directs EPA to use FIFRA section 3(c)(2)(B) authority to obtain the required data. While most Reregistration Eligibility Decisions are expected to be completed by 2008, the Agency may still need to issue DCIs after FY 2008 to close out the program.

(2) *Registration review program.* Section 3(g) of FIFRA contains provisions to help achieve the goal of reviewing each pesticide every 15 years to assure that the pesticide continues to pose no risk of unreasonable adverse effects on human health or the environment. FIFRA section 3(g) instructs EPA to use the FIFRA section 3(c)(2)(B) authority to obtain the required data.

(3) *Special review program.* Though rare, EPA may conduct a Special Review if EPA believes that a pesticide poses risks of unreasonable adverse effects on human health or the environment. Section 3(c)(2)(B) of FIFRA provides a means of obtaining any needed data.

(4) *Anticipated residue/percent crop treated information.* Under section 408 of FFDCA, before a pesticide may be used on food or feed crops, the Agency must establish a tolerance for the pesticide residues on that crop or established an exemption from the requirement to have a tolerance. Section 408(b)(2)(E) and (F) of FFDCA authorize the use of anticipated or actual residue (ARs) data and percent crop treated (PCT) data to establish, modify, maintain, or revoke a tolerance for a pesticide. The FFDCA requires that if AR data are used, data must be reviewed five years after a tolerance is initially established. If PCT data are used, the FFDCA affords EPA the discretion to obtain additional data if any or all of several conditions are met.

The Agency issues DCIs when it has determined that more information is necessary to make decision about pesticides pursuant to the mandates in FIFRA and FFDCA. Agency decisions requiring additional data are based on the data requirements set forth in 40 CFR parts 150 through 180, with the majority of the data requirements captured in 40 CFR part 158.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to range form 59 to 13,636 hours per response, depending on the review program and type of DCI issued. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Entities potentially affected by this ICR include pesticide registrants, which may be identified by the North American Industrial Classification System (NAICS) code 32532, pesticide and other agricultural chemical manufacturing.

Frequency of Collection: On Occasion.

Estimated No. of Potential Respondents: 1,643.

Estimated No. of Total Annual Responses: 184.

Estimated Total Annual Burden on Respondents: 262,301 hours.

Estimated Total Annual Costs: $12,506,726.

Changes in the Estimates: The total estimated burden for this consolidated renewal ICR is 262,301 hours, which reflects a net decrease of 106,030 hours per year for this consolidated renewal ICR over the combined burden estimates for the currently approved ICRs. The primary cause of this reduction is the fact that EPA's Reregistration program is ending and that the Agency thus expects to issue fewer reregistration DCIs. The decreased burden associated with the reduction in the number of reregistration DCIs that will be issued is somewhat offset by an expected burden increase related to increase in the number of registration review DCIs that will be issued. These changes are adjustments. The Agency is also including a new category of DCIs for enforcement and unanticipated incidents. Although EPA expects that the issuance of this type of DCI will be rare, the related burdens represent a program change. The Supporting Statement includes detailed analyses of these revised estimates.

Dated: September 15, 2008.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E8–22493 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8719–6]

Clean Water Act; Contractor Access to Information Claimed as Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intended transfer of information claimed as confidential business information to contractors and subcontractors.

SUMMARY: The Environmental Protection Agency (EPA) intends to transfer information claimed as confidential business information (CBI) collected from several industries, including health services, drinking water treatment, and airport deicing to Abt Associates and its subcontractors, to PG Environmental, LLC, and its subcontractors, and to Westat. Transfer of the information will allow the contractors and subcontractors to support EPA in the planning, development, review, and implementation of effluent limitation guidelines and standards under the Clean Water Act (CWA). The information being transferred was or will be collected, in part, under the authority of section 308 of the CWA. Interested persons may submit comments on this intended transfer of information to the address noted below.

DATES: Comments on the transfer of data are due October 1, 2008.

ADDRESSES: Comments may be sent to Mr. M. Ahmar Siddiqui, Document Control Officer, Engineering and Analysis Division (4303T), Room 6231S EPA West, U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. M. Ahmar Siddiqui, Document Control Officer, at (202) 566–1044, or via e-mail at *siddiqui.ahmar@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has transferred CBI to various contractors and subcontractors over the history of the effluent guidelines program. EPA determined that this transfer was necessary to enable the contractors and subcontractors to perform their work in supporting EPA in planning, developing, reviewing, and implementing effluent guidelines and standards for certain industries.

Today, pursuant to 40 CFR 2.302(h)(2)(iii), incorporating by reference 40 CFR 2.301(h)(2)(iii), EPA is giving notice that it has entered into contracts with Abt Associates (Abt), contract number EP–C–07–023, located in Cambridge, MA, with PG

Environmental, LLC (PG), contract number EP–C–07–029, located in Herndon, VA, and with Westat, contract numbers EP–D–07–109 and GS–23F–8144H, located in Rockville, MD. The purpose of these contracts is to secure economic, technical, and statistical analysis support for EPA in its development, review, implementation, and defense of effluent limitation guidelines and standards for, and studies of the environmental impacts and potential mitigation of effluent discharges for, a variety of industries, such as the drinking water treatment industry and the airport deicing industry. To obtain assistance in performing these contracts, Abt and PG have entered into contracts with their subcontractors. In particular, Abt has obtained the services of the following subcontractors: RTI International (located in Research Triangle Park, NC, subcontract number 21043); ICF Consulting (located in Fairfax, VA, subcontract number 21052); Great Lakes Environmental Center (located in Traverse City, MI, subcontract number 21040); Horizon Systems Corporation (located in Herndon, VA, subcontract number 21050); Aqua Terra (located in Mountain View, CA, subcontract number 21049); ETI (located in Westford, MA, subcontract number 21171); Stratus Consulting, Inc. (located in Washington, DC, subcontract number 20657); Indtai Inc. (located in Falls Church, VA, subcontract number 21046); and independent consultants Frank Arnold, Brynhildur Davidsdottir, Lori Snyder Bennear, Robert Johnston, Tim Bondelid, and Kurt Stephenson. PG has obtained the services of the following subcontractors: Amendola Engineering, Inc. (located in Westlake, OH, subcontract number EAD/029–003); Tetra Tech, Inc. (located in Fairfax, VA, subcontract number EAD/029–002); and Eastern Research Group (located in Chantilly, VA, subcontract number EAD/029–001).

All EPA contractor, subcontractor, and consultant personnel are bound by the requirements and sanctions contained in their contracts with EPA and in EPA's confidentiality regulations found at 40 CFR Part 2, Subpart B. Abt, PG, and Westat will adhere to EPA-approved security plans which describe procedures to protect CBI. Abt, PG, and Westat will apply the procedures in these plans to CBI previously gathered by EPA and to CBI that may be gathered in the future for the airport deicing industry, the drinking water treatment industry, and other industries. The security plans specify that contractor personnel are required to sign non-disclosure agreements and are briefed on appropriate security procedures before they are permitted access to CBI. No person is automatically granted access to CBI: a need to know must exist.

The information that will be transferred to Abt, PG, and Westat and their subcontractors consists, in part, of information previously collected by EPA to support the development, review, implementation, and defense of effluent limitations guidelines and standards under the CWA and for studies of the environmental impacts of and potential mitigation of effluent discharges from the airport deicing point source category, the drinking water treatment industry, the health services industry, and other industries. The information that will be transferred consists of material claimed as trade secrets, intellectual property, commercial, financial, and other information. It includes information about operations, processes, products, and company finances but does not include information which is inherently public, such as effluent discharge data.

EPA also intends to transfer to Abt, PG, and Westat all information described in this notice, of the type described above (including CBI) that may be collected in the future under the authority of section 308 of the CWA or voluntarily submitted (e.g., in comments in response to a **Federal Register** notice), as is necessary to enable Abt, PG, and Westat to carry out the work required by their contracts to support EPA.

Dated: September 16, 2008.

Ephraim S. King,

Director, Office of Science and Technology.

[FR Doc. E8–22466 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8719–8]

Science Advisory Board Staff Office Clean Air Scientific Advisory Committee (CASAC); Notification of a Public Advisory Committee Teleconference of the CASAC Oxides of Nitrogen Primary NAAQS Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a public teleconference of the Clean Air Scientific Advisory Committee's (CASAC) Oxides of Nitrogen Primary NAAQS Review Panel (Panel) to conduct a peer review of the draft Exposure and Health Risk Characterization chapter for EPA's *Risk and Exposure Assessment to Support the Review of the NO_2 Primary National Ambient Air Quality Standard: Second Draft.*

DATES: The teleconference will be held on October 22, 2008 from 11 a.m. to 1 p.m. (Eastern Daylight Time).

ADDRESSES: The public teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain the call-in number and access code to participate in the teleconference may contact Dr. Angela Nugent, Designated Federal Officer (DFO), EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; via telephone/voice mail (202) 343–9981; fax (202) 233–0643; or e-mail at *nugent.angela@epa.gov.* General information concerning the CASAC and the CASAC documents cited below can be found on the EPA Web site at *http://www.epa.gov/casac.*

SUPPLEMENTARY INFORMATION:

Background: The Clean Air Scientific Advisory Committee (CASAC) was established under section 109(d)(2) of the Clean Air Act (CAA or Act) (42 U.S.C. 7409) as an independent scientific advisory committee. CASAC provides advice, information and recommendations on the scientific and technical aspects of air quality criteria and national ambient air quality standards (NAAQS) under sections 108 and 109 of the Act. The CASAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including oxides of nitrogen (NO_X). EPA is in the process of reviewing the primary NAAQS for nitrogen dioxide (NO_2), an indicator for NO_X. Primary standards set limits to protect public health, including the health of ''sensitive'' populations such as asthmatics, children, and the elderly.

As part of its scientific advice to support EPA's review of the primary NAAQS for nitrogen dioxide (NO_2), CASAC met on September 9–10, 2008 to

conduct a peer review of the *Risk and Exposure Assessment to Support the Review of the NO_2 Primary National Ambient Air Quality Standard: Second Draft* (73 FR 43444–43445). At that time, EPA had not completed chapter eight of the draft assessment entitled ''Exposure and Health Risk Characterization.'' The purpose of the teleconference is for CASAC to conduct a peer review of the draft Chapter 8. The public may access completed CASAC advisory reports related to the primary NAAQS NO_2, including the CASAC report on the *Risk and Exposure Assessment to Support the Review of the NO_2 Primary National Ambient Air Quality Standard: Second Draft* reviewed at the September 9–10 meeting, on the EPA Web site at *http://www.epa.gov/casac.*

Technical Contact: Any questions concerning Chapter 8 for EPA's *Risk and Exposure Assessment to Support the Review of the NO_2 Primary National Ambient Air Quality Standard: Second Draft* should be directed to Dr. Scott Jenkins, OAR (by telephone (919) 541–1167, or e-mail *jenkins.scott@epa.gov.*

Availability of Meeting Materials: Chapter 8 for EPA's *Risk and Exposure Assessment to Support the Review of the NO_2 Primary National Ambient Air Quality Standard: Second Draft* will be accessible via the Agency's Office of Air Quality Planning and Standards Web site at *http://www.epa.gov/ttn/naaqs/standards/nox/s_nox_cr_rea.html* on or about October 3, 2008. Agendas and materials supporting the teleconference will be placed on the EPA Web site at *http://www.epa.gov/casac* before the meeting.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for the CASAC Panel to consider during the advisory process. *Oral Statements:* Interested members of the public may submit relevant written or oral information for the SAB Panel to consider during the advisory process. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact Dr. Angela Nugent, DFO, in writing (preferably via e-mail) by October 15, 2008 at the contact information noted above to be placed on the public speaker list for this meeting.

Written Statements: Written statements for the public meeting should be received by Dr. Angela Nugent at the contact information above by October 15, 2008, so that the information may be made available to the Panel for their consideration prior to the teleconference. Written statements should be supplied to the DFO in the following formats: one hard copy with original signature (optional), and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format).

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Nugent at the phone number or e-mail address noted above, preferably at least ten days prior to the teleconference, to give EPA as much time as possible to process your request.

Dated: September 17, 2008.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. E8–22456 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8719–9]

Gulf of Mexico Program Citizens Advisory Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act (Pub. L. 92–463), EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Citizens Advisory Committee (CAC).

For information on access or services for individuals with disabilities, please contact Gloria Car, U.S. EPA, at (228) 688–2421 or *car.gloria@epa.gov.* To request accommodation of a disability, please contact Gloria Car, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

DATES: The meeting will be held on Tuesday, October 28, 2008 from 9 a.m. to 12 p.m.

ADDRESSES: The meeting will be held at the Hilton New Orleans Riverside, No. 2 Poydras Street, New Orleans, LA 70140.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Mail Code EPA/GMPO, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: The proposed agenda includes the following topics: Citizens Advisory Committee Overview, which includes the purpose, member responsibilities, and bylaws; GMP Program Update; CAC Participation in the Governors' Alliance; Succession Planning to vote on a new slate of officers and to select alternates; discussions of meeting frequency, date of next meeting and future meeting topics.

The meeting is open to the public.

Dated: September 17, 2008.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. E8–22382 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8720–1]

Gulf of Mexico Program Policy Review Board Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act (Pub. L. 92–463), EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Policy Review Board (PRB). For information on access or services for individuals with disabilities, please contact Gloria Car, U.S. EPA, at (228) 688–2421 or *car.gloria@epa.gov.* To request accommodation of a disability, please contact Gloria Car, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

DATES: The meeting will be held on Tuesday, October 28, 2008, from 1:30 p.m. to 5 p.m. and on Wednesday, October 29, 2008, from 8:30 a.m. to 12 p.m.

ADDRESSES: The meeting will be held at the Hilton New Orleans Riverside, 2 Poydras Street, New Orleans, LA 70140, (504) 561–0500.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Mail Code EPA/GMPO, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: Proposed agenda topics include: Gulf of Mexico Alliance Implementation Status and *Governors' Action Plan Release #2* Updates; Louisiana Leadership Briefing; Binational Initiative Updates; SPARROW MODEL—Evolving Partnership Support Tools; Coastal America Partnership—Designation of Audubon Aquarium of the Americas;

Gulf Program FY 08 Accomplishments and FY 09 Workplan; 2008 Gulf Guardian Program; Gulf Business Coalition Report.

The meeting is open to the public.

Dated: September 17, 2008.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. E8–22459 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8719–4]

Public Water System Supervision Program Revisions for the State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Nevada has revised its approved Public Water System Supervision Program under the federal Safe Drinking Water Act (SDWA), 42 U.S.C. 300f *et seq.*, pertaining to administrative penalty authority and the definition of public water system.

Nevada first assumed primary enforcement authority (''primacy'') for the Public Water System Supervision Program (''PWSSP'') on March 29, 1978. EPA has determined that these revisions to the State's PWSSP are no less stringent than the corresponding Federal regulations and otherwise meet applicable SDWA primacy requirements for the PWSSP. Therefore, EPA intends to approve these revisions to the State of Nevada's approved PWSSP. Today's approval action does not extend to public water systems in Indian Country, as defined at 18 U.S.C. 1151.

DATES: Any interested party may submit written comments on this determination and request a public hearing. All comments will be considered and, if necessary, EPA will issue a response. A request for a public hearing must be submitted by October 24, 2008, to the Regional Administrator at the EPA Region 9 address shown below. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. If a substantial request for a public hearing is made by October 24, 2008, EPA Region 9 will hold a public hearing. If EPA Region 9 does not receive a timely and appropriate request for a hearing and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on October 24, 2008.

Any request for a public hearing shall include the following information:

1. The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

2. A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing.

3. The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection at the following offices Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.:

1. Bureau of Safe Drinking Water, Nevada Division of Environmental Protection, 901 South Stewart Street, 3rd Floor-East, Carson City, Nevada 89701.

2. United States Environmental Protection Agency, Region 9, Drinking Water Office, 75 Hawthorne Street (WTR–6), San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Sara Jacobs, EPA Region 9, Drinking Water Office, at the address given above, by telephone at (415) 972–3564, or by e-mail at *jacobs.sara@epa.gov.*

Authority: Section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300g–2 (1996), and 40 CFR part 142.

Dated: September 13, 2008.

Alexis Strauss,

Acting Regional Administrator, Region 9.

[FR Doc. E8–22464 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP– 2007-0994; FRL–8381–7]

Registration Review; Azadirachtin Docket Opened for Review and Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a registration review docket for the pesticide listed in the table in Unit III.A. With this document, EPA is opening the public comment period for this registration review. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before November 24, 2008.

ADDRESSES: Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., 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's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to the docket ID number listed in the table in Unit III.A. for the pesticides you are commenting on. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and

included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. 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 electronically 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: For information about the pesticides included in this document, contact the specific Regulatory Action Leader (RAL) as identified in the table in Unit III.A. for the pesticide of interest.

For general questions on the registration review program, contact Kevin Costello, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5026; fax number: (703) 308–8090; e-mail address: *costello.kevin@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, farmworker, 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. What Should I Consider as I Prepare My Comments for EPA?

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

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

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

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

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

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

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

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

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

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

II. Authority

EPA is initiating its review of the pesticide identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be periodically reviewed. The goal is a review of a pesticide's registration every 15 years. Under FIFRA section 3(a), a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

A. What Action is the Agency Taking?

As directed by FIFRA section 3(g), EPA is periodically reviewing pesticide registrations to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. The implementing regulations establishing the procedures for registration review appear at 40 CFR part 155. A pesticide's registration review begins when the Agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table.

TABLE—REGISTRATION REVIEW DOCKET OPENING

Registration Review Case Name and Number	Pesticide Docket ID Number	Chemical Review Manager (RAL), Telephone Number, E-mail Address
Azadirachtin	EPA–HQ–OPP–2008–0632	Leonard Cole *(703) 305–5412* *cole.leonard@epa.gov*

B. Docket Content

1. *Review dockets*. The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

• An overview of the registration review case status.

• A list of current product registrations and registrants.

• **Federal Register** notices regarding any pending registration actions.

• **Federal Register** notices regarding current or pending tolerances.

• Risk assessments.

• Bibliographies concerning current registrations.

• Summaries of incident data.

• Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration reviews of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information*. More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's website at *http://www.epa.gov/oppsrrd1/registration_review/schedule.htm*. Information on the Agency's registration review program and its implementing regulation may be seen at *http://www.epa.gov/oppsrrd1/registration_review*.

3. *Information submission requirements*. Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

• To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.

• The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.

• Submitters must clearly identify the source of any submitted data or information.

• Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

• As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 18, 2008.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. E8–22387 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8719–1]

Request for Nominations to the Environmental Financial Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of qualified candidates to be considered for appointments to fill vacancies on the Environmental Financial Advisory Board. The Board seeks to maintain diverse representation across sectors and geographic locations. Nominees should demonstrate expertise in any of the following areas: environmental economics; public utility finance and management; air pollution/climate financing; financial assurance mechanisms; financing green buildings/infrastructure; corporate finance and investment banking; commercial banking; environmental engineering; and accounting and/or auditing. Tribal and local government officials, representatives from the transportation and energy sectors, non-profit environmental/conservation groups, and environmental justice community representatives are encouraged to apply. In addition to this notice, other sources may be utilized in the solicitation of nominees.

The deadline for receiving nominations is Friday, October 17, 2008. Nominees' qualifications will be assessed under the mandates of the Federal Advisory Committee Act, which requires Committees to maintain diversity across a broad range of constituencies, sectors, and groups. Nominations for membership must include a résumé describing the professional and educational qualifications of the nominee as well as experience. Contact details should include full name and title, business mailing address, telephone, fax, and e-mail address. A supporting letter of endorsement is encouraged but not required.

ADDRESS/FURTHER INFORMATION CONTACT: Submit nomination materials by postal mail or electronic mail to: Pamela Scott, Membership Coordinator, Environmental Financial Advisory Board, EPA, Office of the Chief Financial Officer, 1200 Pennsylvania Avenue, NW., (2731R), Washington, DC 20460; or e-mail *scott.pamela@epa.gov;* phone 202–564–6368.

SUPPLEMENTARY INFORMATION: The Environmental Financial Advisory Board was chartered in 1989 under the

Federal Advisory Committee Act to provide advice and recommendations to EPA on the following issues:

- Reducing the cost of financing environmental facilities and discouraging polluting behavior;
- Creating incentives to increase private investment in the provision of environmental services and removing or reducing constraints on private involvement imposed by current regulations;
- Developing new and innovative environmental financing approaches and supporting and encouraging the use of cost-effective existing approaches;
- Identifying approaches specifically targeted to small community financing; and
- Increasing the capacity issue of state and local governments to carry out their respective environmental programs under current Federal tax laws.
- Increasing the capacity of state and local governments to carry out their respective environmental programs under current Federal tax laws;
- Increasing the total investment in environmental protection of public and private environmental resources to help ease the environmental financing challenge facing our nations.

The Board meets two times each calendar year (two days per meeting) at different locations within the continental United States. Board members typically contribute approximately 1–3 hours per month to the Board's work. The Board membership service is voluntary as we are unable to provide honoraria or compensation. However, you may receive travel and per diem allowances where appropriate and in accordance with Federal Travel Regulations for invitational travelers.

The following criteria will be used to evaluate nominees:

- Residence in the continental United States;
- Professional knowledge of, and experience with, environmental financing activities;
- Senior-level experience that fills a gap in Board representation, or brings a new and relevant dimension to its deliberations;
- Demonstrated ability to work in a consensus-building process with a wide range of representatives from diverse constituencies; and
- Willingness to serve a term as an active contributing member, with possible re-appointment to a second term.

Dated: September 12, 2008.

David Bloom,

Acting Director, Office of Enterprise Technology and Innovation.

[FR Doc. E8–22469 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[Docket # EPA–RO4–SFUND–2008–0689; FRL–8719–5]

Georgia-Pacific Hardwood Superfund Site; Plymouth, Washington County, NC; Notice of Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Settlement.

SUMMARY: Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement for reimbursement of past response costs concerning the Georgia-Pacific Hardwood Superfund Site located in Plymouth, Washington County, North Carolina for publication.

DATES: The Agency will consider public comments on the settlement until October 24, 2008. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from Ms. Paula V. Painter. Submit your comments, identified by Docket ID No. EPA–RO4–SFUND–2008–0689 or Site name Georgia-Pacific Hardwood Superfund Site by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: Painter.Paula@epa.gov.*
- *Fax:* 404/562–8842/Attn Paula V. Painter.
- *Mail:* Ms. Paula V. Painter, U.S. EPA Region 4, SD–SEIMB, 61 Forsyth Street, SW., Atlanta, Georgia 30303. ''In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Attn:* Desk Officer for EPA, 725 17th St. NW., Washington, DC 20503.''

Instructions: Direct your comments to Docket ID No. EPA–RO4–SFUND–2008–0689. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *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 *www.regulations.gov* or e-mail. The *www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *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 docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the U.S. EPA Region 4 office located at 61 Forsyth Street, SW., Atlanta, Georgia 30303. Regional office is open from 7 a.m. until 6:30 p.m. Monday through Friday, excluding legal holidays.

Written comments may be submitted to Ms. Painter within 30 calendar days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562–8887.

Dated: September 5, 2008.

Anita L. Davis,

Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. E8–22384 Filed 9–23–08; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

September 18, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 24, 2008. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, 202–395–5887, or via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B.Herman@fcc.gov*, Federal Communications Commission, or an e-mail to *PRA@fcc.gov.* To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review'', (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0816.

Title: Local Telephone Competition and Broadband Reporting.

Form No.: FCC Form 477.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 1,610 respondents; 3,220 responses.

Estimated Time per Response: 337 hours average burden.

Frequency of Response: Semi-annual reporting requirement.

Obligation to Respond: Mandatory, as required by the Commission's rules implementing section 706 of the Telecommunications Act of 1996, 47 U.S.C. 157 and the Communications Act of 1934, as amended; 47 U.S.C. 151–155, 160, 161, 201–205, 215, 218–220, 251–271, 303(r), 332, 403, 502 and 503.

Total Annual Burden: 1,085,140 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: Respondents may request confidential treatment for competitively sensitive information by checking a box located on the first page of FCC Form 477. If the Commission receives a request for release pursuant to the Freedom of Information Act (FOIA), the respondent is notified and afforded an opportunity to show why the data should not be released under 47 CFR 0.459(b) of the Commission's rules. Additionally, the Commission only releases aggregated (non-company specific) information in its published reports.

Needs and Uses: The Commission will submit this information collection (IC) to the OMB as a revision during this comment period to obtain the full three-year clearance from them.

On June 12, 2008, the Commission released two Orders in WC Docket No. 07–38. They are a Report and Order and Further Notice of Proposed Rulemaking, FCC 08–89 and an Order on Reconsideration, FCC 08–148. With these two Orders, the Commission revises the FCC Form 477 data collection to improve the Commission's understanding of the extent of broadband deployment, facilitating the development of appropriate broadband policies.

The Report and Order revises FCC Form 477 to require all broadband providers to report the number of broadband connections in service in individual Census Tracts. The Report and Order provides for additional methods to add to the data reported by FCC Form 477 filers, including a voluntary household self-reporting system, and a recommendation to the Census Bureau that the American Community Survey questionnaire be modified to gather information about broadband availability and subscription in households. The Report and Order adopts three additional changes to the FCC Form 477. First, it requires providers to report broadband service speed data in conjunction with subscriber counts according to new categories for download and upload speeds. These new speed tiers will better identify services that support advanced applications. Second, it amends reporting requirements for mobile wireless broadband providers to require them to report the number of subscribers whose data plans allow them to browse the Internet and access the lawful Internet content of their choice. Third, it requires providers of interconnected Voice over Internet Protocol (interconnected VoIP) service to report subscribership information on FCC Form 477. The Order on Reconsideration amends FCC Form 477 to require filers to report the percentage of broadband connections that are residential at the Census Tract level.

The information is necessary to evaluate the status of local telephone competition and the status of broadband services deployment. The information assists the Commission in preparing the report mandated by section 706 of the Telecommunications Act of 1996, and it is used by the Commission to evaluate the efficacy of Commission rules and policies adopted to implement the Telecommunications Act of 1996.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–22447 Filed 9–23–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

September 18, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501—3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 24, 2008. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, (202) 395–5887, or via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B. Herman@fcc.gov*, Federal Communications Commission, or an e-mail to *PRA@fcc.gov*. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review'', (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0905.

Title: Section 18.213, Information to the User (Regulations for RF Lighting Devices).

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents: 30 respondents; 3 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 3 hours.

Total Annual Cost: $225.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this information collection (IC) to the OMB as a revision during this comment period to obtain the full three-year clearance from them. The Commission is reporting a −$775 annual cost burden reduction (adjustment). This adjustment is due to a recalculation of the estimated cost that was reported in 2005 to the OMB.

The Commission is revising this information collection to remove section 18.307 which was previously approved by OMB in 2005. The reason for eliminating this rule section is because it does not contain reporting, recordkeeping and/or third party disclosure requirements subject to the Paperwork Reduction Act. Section 18.307 only refers to conduction limits and frequencies of emissions. There, there are no PRA requirements for Section 18.307.

Section 18.213 is the only remaining rule section in this information collection (IC). Section 18.213 requires a third party disclosure requirement for manufacturers of RF lighting devices to provide an advisory statement either on the product packaging or with other user documentation, similar to the following:

This product may cause interference to radio equipment and should not be installed near maritime safety communications equipment or other critical navigation or communication equipment operating between 0.45–30 MHz.

Manufacturers are required to label all RF lighting device packages with a warning label. Variations of the language required in Section 18.213 are permitted provided all the points of the statement are addressed and may be presented in any legible font or text style. Otherwise the Commission does not require the use of any information technology techniques to perform the labeling requirement.

OMB Control Number: 3060–1022.

Title: Sections 101.1403, 101.103(f), 101.1413, 101.1440, and 101.1417, MVDDS and DBS Reporting and Third Party Disclosure Requirements.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 217 respondents; 217 responses.

Estimated Time per Response: .05–40 hours.

Frequency of Response: Annual, on occasion and every five and ten year reporting requirements and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 10,347 hours.

Total Annual Cost: $5,300.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this information collection (IC) to the OMB as a revision during this comment period to obtain the full three-year clearance from them. The Commission is revising this information collection to consolidate five related information collections with five different OMB control numbers into one comprehensive information collection. The affected OMB Control Numbers are 3060–1022 through 3060–1026. After OMB approval, the Commission will eliminate OMB Control Numbers 3060–1023 through 3060–1026 and retain 3060–1022 as the active number for the OMB inventory.

The Commission is not changing any of the reporting and or third party disclosure requirements. We are simply modifying this IC to include the other four ICs as mentioned above.

Section 101.1403 requires certain Multichannel Video Distribution and Data Service (MVDDS) licensees to comply with the statutory broadcast carriage requirements of 47 U.S.C.

Section 325(b)(1). Relevant to the Paperwork Reduction At (PRA), these MVDDS licensees must obtain the prior express authority of a broadcast station before transmitting that station's signal. (*Formerly under OMB Control Number 3060–1022*).

Section 101.103(f) requires MVDDS licensees to provide notice of intent to construct a proposed antenna to NGSO FSS licensees operating in the 12.2–12.7 GHz frequency band and to establish and maintain an Internet web site of all existing transmitting sites and transmitting antenna that are scheduled for operation within one year including the ''in service'' dates (formerly under OMB Control Number 3060–1023).

Section 101.1413 (*formerly under OMB Control Number 3060–1024*) requires MVDDS licensees to file a showing of substantial service at the five and ten year into the initial license term. The substantial service requirement is defined as a ''service that is sound, favorable, and substantially above the level of mediocre service which might minimally warrant renewal''. The renewal application of a MVDDS licensee must include the following showings in order to claim a renewal expectancy:

(1) A coverage map depicting the served and unserved areas;

(2) A corresponding description of current service in terms of geographic coverage and population served or transmitter locations in the served areas; and

(3) Copies of an Commission Orders finding the licensee to have violated the Communications Act or any Commission rule or policy and a list of any pending proceedings that relate to any matter described by the requirements for the renewal expectancy.

Section 101.1440 requires MVDDS licensees to collect information and disclose information to third parties (formerly under OMB Control Number 3060–1025).

Section 101.1417 requires MVDDS licensees to file an annual report (formerly under OMB Control Number 3060–1026).

The Commission uses the information in various ways such as to analyze trends and competition in the marketplace; ensure that MVDDS licensee protect DBS customers of record from interference; whether the licensee is providing substantial service; ensure that prior to operation the MVDDS antennas meet the minimum spacing requirement, etc.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–22451 Filed 9–23–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting; Thursday, September 25, 2008

September 18, 2008.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, September 25, 2008, which is scheduled to commence at 10 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item No.	Bureau	Subject
1	Media	*Title:* Nameloc, Inc. (Assignor) and ABC, Inc. (Assignee) Application for Assignment of License of Station KDIS–FM, (formerly KYFX(FM)), Little Rock, Arkansas. *Summary:* The Commission will consider a Memorandum Opinion and Order concerning Applications for Review and Motions for Stay by Nameloc, Inc. and Arkansas Regional Minority Supplier Development Council, *et al.*
2	Media	*Title:* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Chillicothe and Ashville, Ohio) (MM Docket No. 99–322; RM–9762). *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Franklin Communications, Inc., North American Broadcasting, Co., and WCLT Radio Incorporated.
3	Media	*Title:* Kidd Communications and Pamplin Broadcasting-Oregon, Inc. Applications for a Construction Permit for New AM Station at Truckee, California and Jacksonville, Oregon. *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Kidd Communications.
4	Media	*Title:* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Emmetsburg, Sanborn and Sibley, Iowa, and Brandon, South Dakota) (MM Docket No. 01–65; RM–10078, RM–10188, RM–10189). *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Saga Communications of Iowa, LLC.
5	Media	*Title:* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Vinton, Louisiana, and Crystal Beach, Lumberton and Winnie, Texas) (MB Docket No. 02–212; RM–10516, RM–10618). *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Charles Crawford.
6	Media	*Title:* Reexamination of the Comparative Standards for Noncommercial Educational Application (MM Docket No. 95–31). *Summary:* The Commission will consider a Memorandum Opinion and Third Order on Reconsideration concerning petitions for reconsideration against the Reexamination of the Comparative Standards for Noncommercial Educational Applicants.
7	Media	*Title:* Applications for Consent to the Assignment and/or Transfer of Control of Licenses, Adelphia Communications Corporation to Time Warner Cable Inc.; Adelphia Communications Corporation to Comcast Corporation; Comcast Corporation to Time Warner Inc.; Time Warner Inc. to Comcast Corporation (MB Docket No. 05–192). *Summary:* The Commission will consider an Order on Reconsideration concerning a Petition for Reconsideration by IBC Worldwide, Ltd.
8	Media	*Title:* RB Schools Applications for Construction Permit for New Noncommercial Educational FM Stations and Health Radio, Inc. Application for Construction Permit for a New Noncommercial Educational FM Station on Channel 216 at Knoxville, Tennessee.

Item No.	Bureau	Subject
		Summary: The Commission will consider a Memorandum Opinion and Order concerning Applications for Review by RB Schools and Health Radio, Inc.
9	Media	*Title:* Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations, (Caro and Cass City, Michigan) (MM Docket No. 01–33; RM–10060).
		Summary: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Edward Czelada.
10	Media	*Title:* Oral Roberts University and Community Television Education, Inc. Applications for a Construction Permit for a New Noncommercial Educational Television Station on DTV Channel *26, Tulsa, OK.
		Summary: The Commission will consider a Memorandum Opinion and Order concerning mutually exclusive permit applications for a construction permit for a new noncommercial educational DTV television station.
11	Media	*Title:* Edward A. Schober Application for a Construction Permit for a New FM Translator Station at Manahawkin, New Jersey.
		Summary: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Greater Philadelphia Radio, Inc.
12	Media	*Title:* Eagle Broadcasting Company, Inc. and Eagle II Broadcasting Company, Inc. and Saga Communications of New England, LLC Applications for Assignment of License of WHCU(AM), WYXL(FM), WNYY(AM), and WQNY(FM), Ithaca, New York.
		Summary: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Finger Lakes Alliance for Independent Media.
13	Media	*Title:* Royce International Broadcasting, Co., KM Communications, Inc., James K. Zahn, and Susquehanna Radio Corp. Applications for New AM Broadcast Stations.
		Summary: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Susquehanna Radio Corp. and a Petition for Reconsideration by James K. Zahn.
14	Media	*Title:* An Inquiry into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification (MM Docket No. 93–177).
		Summary: The Commission will consider a Second Report and Order and a Second Further Notice of Proposed Rulemaking concerning proposed changes to rules regarding AM directional antenna field strength measurements.
15	Media	*Title:* Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations (MB Docket No. 07–172; RM–11338).
		Summary: The Commission will consider a Report and Order concerning proposed changes to service rules for FM translators.
16	General Counsel	*Title:* A Freedom of Information Act (FOIA) request for inspection of records by Mary O'Grady and a request for confidential treatment by Fusion Telecommunications International, Inc.
		Summary: The Commission will consider an application for review of a ruling by the International Bureau granting a Freedom of Information Act request by Mary O'Grady and denying a request for confidentiality by Fusion Telecommunications International, Inc. regarding certain telecommunications agreements between Fusion and Telecommunications d'Haiti.
17	Wireless Tele-Communications Public Safety and Homeland Security Engineering & Technology.	*Title:* Service Rules for the 698–746, 747–762 and 777–792 MHz Band (WT Docket No. 06–150) and Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band (PS Docket No. 06–229).
		Summary: The Commission will consider a Third Further Notice of Proposed Rulemaking seeking comment on rules governing the Upper 700 MHz D Block, the public safety broadband spectrum, and the 700 MHz Public/Private Partnership.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services, call (703) 993–3100 or go to *http://www.capitolconnection.gmu.edu*.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e-mail at *FCC@BCPIWEB.com*.

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC's Audio/Video Events web page at *http://www.fcc.gov/realaudio*.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–22548 Filed 9–23–08; 4:15 pm]

BILLING CODE 6712–01–P

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 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 agreements are available through the Commission's Web site (*www.fmc.gov*) or contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov*.

Agreement No.: 010982–044.

Title: Florida-Bahamas Shipowners and Operators Association.

Parties: Atlantic Caribbean Line, Inc.; Bernuth Lines, Ltd.; Crowley Liner Services, Inc.; Seaboard Marine, Ltd.; Seafreight Line, Ltd.; and Tropical Shipping and Construction Co., Ltd.

Filing Party: Wayne R. Rohde, Esq., Sher & Blackwell LLP, 1850 M Street, NW., Suite 900, Washington, DC 20036.

Synopsis: The amendment deletes Pioneer Shipping Ltd. as a party to the agreement.

Agreement No.: 011953–006.

Title: Florida Shipowners Group Agreement.

Parties: The member lines of the Caribbean Shipowners Association and the Florida-Bahamas Shipowners and Operators Association.

Filing Party: Wayne R. Rhode, Esq., Sher & Blackwell, LLP, 1850 M Street, NW., Suite 900, Washington, DC 20036.

Synopsis: The amendment reflects the resignation of Pioneer Shipping Ltd. from the Florida-Bahamas Shipowners and Operators Association.

Agreement No.: 012049.

Title: Amazon Service Agreement.

Parties: Kawasaki Kisen Kaisha, Ltd. and Bringer Corporation, dba Bringer Lines.

Filing Party: Howard A. Levy, Esq., 80 Wall Street, Suite 1117, New York, NY 10005.

Synopsis: The agreement authorizes the parties to share vessel space in the trade between United States ports and ports in the Caribbean and Brazil.

Agreement No.: 012050.

Title: SeaFreight /Zim Space Charter Agreement.

Parties: SeaFreight Line, Ltd. and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq., Sher & Blackwell LLP, 1850 M Street, Suite 900, Washington, DC 20036.

Synopsis: The agreement would authorize SeaFreight to charter space to Zim in the trade between Port Everglades, FL, and Kingston, Jamaica.

By Order of the Federal Maritime Commission.

Dated: September 19, 2008.

Karen V. Gregory,

Assistant Secretary.

[FR Doc. E8–22473 Filed 9–23–08; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicant

Notice is hereby given that the following applicant have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR part 515).

Persons knowing of any reason why the following applicant should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicant:

Nautica Cargo Services Inc. dba Navinsa Line, 7911 N.W. 72 Ave. 219B, Miami, FL 33166, Officer: Christian A. Hernandez, President (Qualifying Individual).

Dated: September 19, 2008.

Karen V. Gregory,

Assistant Secretary.

[FR Doc. E8–22422 Filed 9–23–08; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants:

FAMA Shipping, Inc., 1969 Amsterdam Ave., New York, NY 10032, Officer: Jose N. Guillen, Vice President (Qualifying Individual).

GTS USA, Inc., 150–32 132nd Avenue, Jamaica, NY 11434, Officer: Guido Zehnder, Vice President (Qualifying Individual).

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Aeromundo Express, NY Corp., 500 W. 175th Street, New York, NY 10033, Officers: Yanet Hernandez, Secretary (Qualifying Individual), Leandro Espinal, President.

Trayma Cargo Corp., 9999 NW. 89th Ave., Unit-9, Medley, FL 33177, Officers: Christian Umana, President (Qualifying Individual), Cesar A. Bojasuribe, Secretary.

Flamingo International, Inc., 10481 NW. 36 Street, Doral, FL 33178, Officer: Dawn M. Pierce, Vice President (Qualifying Individual).

SIL, LLC, 4471 NW. 36th Street, Miami Springs, FL 33166, Officer: Patricia D. Martin, President (Qualifying Individual).

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

M D Shipping, Inc., 7250 E. Colonial Drive, Orlando, FL 32807, Officer: Mahmoud D. Ali, President (Qualifying Individual).

Felman Cargo Group, LLC, 94–877 Farrington Hwy., Ste. B, Waipahu, HI 96797, Officers: Felix A. Mancenido, President (Qualifying Individual), Robert B. Castro, Vice President.

Mark VII ETS, LLC, 328 Office Square Lane, Ste. 201, Virginia Beach, VA 23462, Officer: Lynda Harrison, Member (Qualifying Individual).

Scanwell Logistics (ATL) Inc., 4799 Aviation Parkway, College Park, GA 30349, Officer: Gino Ming Tsung Lin, President (Qualifying Individual).

Dated: September 19, 2008.

Karen V. Gregory,

Assistant Secretary.

[FR Doc. E8–22471 Filed 9–23–08; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval,

pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 20, 2008.

A. Federal Reserve Bank of Atlanta (Steve Foley, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. Riverside Florida Holding Company, Cape Coral, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Riverside Bank of the Gulf Coast, Cape Coral, Florida.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. First Artesia Bancshares, Inc, Artesia, New Mexico; to acquire by merging 100 percent of AmFin Holding Company, Silver City, New Mexico, and indirectly acquire AmBank, Silver City, New Mexico.

Board of Governors of the Federal Reserve System, September 19, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8–22394 Filed 9–23–08; 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 website 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 October 9, 2008.

A. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. D.L. Evans Bancorp, Burley, Idaho; to engage de novo in a joint venture with New Country Mortgage, LLC, Pocatello, Idaho, in mortgage loan origination, pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, September 19, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8–22393 Filed 9–23–08; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meetings

In accordance with section 10(d) of the Federal Advisory Committee Act as amended (5 U.S.C., Appendix 2), the Agency for Healthcare Research and Quality (AHRQ) announces meetings of scientific peer review groups. The subcommittees listed below are part of the Agency's Health Services Research Initial Review Group Committee.

The subcommittee meetings 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 are to be reviewed and discussed at these meetings. These discussions are likely to involve information concerning individuals associated with the applications, including assessments of their personal qualifications to conduct their proposed projects. This information is exempt from mandatory disclosure under the above-cited statutes.

1. *Name of Subcommittee:* Health System Research.

Date: October 23, 2008 (Open from 8 a.m. to 8:15 a.m. on October 23 and closed for remainder of the meeting).

Place: Marriott RIO, Conference Room TBD, 9751 Washingtonian Blvd., Rockville, Maryland 20878.

2. *Name of Subcommittee:* Health Care Research Training.

Date: October 23–24, 2008 (Open from 9 a.m. to 9:15 a.m. on October 23 and closed for remainder of the meeting).

Place: Marriott RIO, Conference Room TBD, 9751 Washingtonian Blvd., Rockville, Maryland 20878.

3. *Name of Subcommittee:* Health Care Technology and Decision Sciences.

Date: October 29, 2008 (Open from 8 a.m. to 8:15 a.m. on October 29 and closed for remainder of the meeting).

Place: Marriott RIO, Conference Room TBD, 9751 Washingtonian Blvd., Gaithersburg, MD 20878.

4. *Name of Subcommittee:* Health Care Quality and Effectiveness Research.

Date: October 30, 2008 (Open from 8:30 a.m. to 8:45 a.m. on October 30 and closed for remainder of the meeting).

Place: Marriott RIO, Conference Room TBD, 9751 Washingtonian Blvd, Gaithersburg, MD 20878.

Contact Person: Anyone wishing to obtain a roster of members, agenda or minutes of the nonconfidential portions of the meetings should contact Mrs. Bonnie Campbell, Conmiittee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 540 Gaither Road, Suite 2000, Rockville, Maryland 20850, Telephone (301) 427–1554.

Agenda items for these meetings are subject to change as priorities dictate.

Dated: September 15, 2008.

Carolyn M. Clancy,

Director.

[FR Doc. E8–22132 Filed 9–23–08; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (BSC, NCEH/ATSDR)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), CDC announces the following meetings for the aforementioned committee:

Times and Dates: 8:30 a.m.–4:30 p.m., November 6, 2008. 8:30 a.m.–12:00 p.m., November 7, 2008.

Place: Marriott Century Center Hotel, 2000 Century Boulevard, Chamblee, Georgia 30341.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 75 people.

Purpose: The Secretary, Department of Health and Human Services (HHS) and by delegation, the Director, CDC, and Administrator, NCEH/ATSDR, are authorized under Section 301 (42 U.S.C. 241) and Section 311 (42 U.S.C. 243) of the Public Health Service Act, as amended, to: (1) Conduct, encourage, cooperate with, and assist other appropriate public authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and other impairments; (2) assist states and their political subdivisions in the prevention of infectious diseases and other preventable conditions and in the promotion of health and well being; and (3) train state and local personnel in health work. The BSC, NCEH/ATSDR provides advice and guidance to the Secretary, HHS; the Director, CDC; the Administrator, ATSDR; and the Director, NCEH/ATSDR, regarding program goals, objectives, strategies, and priorities in fulfillment of the agency's mission to protect and promote people's health. The board provides advice and guidance that will assist NCEH/ATSDR in ensuring scientific quality, timeliness, utility, and dissemination of results. The board also provides guidance to help NCEH/ATSDR work more efficiently and effectively with its various constituents and to fulfill its mission in protecting America's health.

Matters To Be Discussed: An update on NCEH/ATSDR's Office of the Director; updates on NCEH/ATSDR work on Formaldehyde and FEMA Trailers; discussion of the findings on the BSC Program Peer Review of NCEH/ATSDR's internal clearance and external peer review processes and policies; a presentation of the response to the Preparedness and Emergency Response Peer Review Report from the Office of Terrorism Preparedness and Emergency Response; updates on public health issues: selenium poisoning associated with an over-the-counter dietary supplement; exercising the response capability of CDC and the Laboratory Response Network to test 10,000 clinical samples for nerve agent exposure; and vapor intrusion activities at hazardous waste sites.

Agenda items are tentative and subject to change.

Contact Person for More Information: Sandra Malcom, Committee Management Specialist, NCEH/ATSDR, 4770 Buford Highway, Mail Stop F–61, Chamblee, Georgia 30345; Telephone (770) 488–0575, Fax (770) 488–3377; *E-mail: smalcom@cdc.gov.* The deadline for notification of attendance is October 31, 2008.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: September 16, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–22346 Filed 9–23–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meetings for the aforementioned committee:

Times and Dates: 8 a.m.–5 p.m., October 14, 2008 (Closed). 8 a.m.–5 p.m., October 15, 2008 (Closed).

Place: Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, Virginia 22314, Telephone (703) 684–5900, Fax (703)684–1403.

Status: This meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, Centers for Disease Control and Prevention, pursuant to Section 10(d) Public Law 92–463.

Purpose: The Safety and Occupational Health Study Section will review, discuss, and evaluate grant application(s) received in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health, and allied areas.

It is the intent of NIOSH to support broad-based research endeavors in keeping with the Institute's program goals. This will lead to improved understanding and appreciation for the magnitude of the aggregate health burden associated with occupational injuries and illnesses, as well as to support more focused research projects, which will lead to improvements in the delivery of occupational safety and health services, and the prevention of work-related injury and illness. It is anticipated that research funded will promote these program goals.

Matters To Be Discussed: The meeting will convene to address matters related to the conduct of study section business and for the study section to consider safety and occupational health-related grant applications.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Price Connor, Ph.D., NIOSH Health Scientist, 1600 Clifton Road, NE., Mailstop E–20, Atlanta, Georgia 30333, Telephone (404)498–2511, Fax (404)498–2571.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: September 16, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–22344 Filed 9–23–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–8034–N]

RIN 0938–AP03

Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2009

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the inpatient hospital deductible and the hospital and extended care services coinsurance amounts for services furnished in calendar year (CY) 2009 under Medicare's Hospital Insurance

program (Medicare Part A). The Medicare statute specifies the formulae used to determine these amounts. For CY 2009, the inpatient hospital deductible will be $1068. The daily coinsurance amounts for CY 2009 will be: (a) $267 for the 61st through 90th day of hospitalization in a benefit period; (b) $534 for lifetime reserve days; and (c) $133.50 for the 21st through 100th day of extended care services in a skilled nursing facility in a benefit period.

DATES: *Effective Date:* This notice is effective on January 1, 2009.

FOR FURTHER INFORMATION CONTACT: Clare McFarland, (410) 786–6390 for general information. Gregory J. Savord, (410) 786–1521 for case-mix analysis.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1813 of the Social Security Act (the Act) provides for an inpatient hospital deductible to be subtracted from the amount payable by Medicare for inpatient hospital services furnished to a beneficiary. It also provides for certain coinsurance amounts to be subtracted from the amounts payable by Medicare for inpatient hospital and extended care services. Section 1813(b)(2) of the Act requires us to determine and publish each year the amount of the inpatient hospital deductible and the hospital and extended care services coinsurance amounts applicable for services furnished in the following CY.

II. Computing the Inpatient Hospital Deductible for CY 2009

Section 1813(b) of the Act prescribes the method for computing the amount of the inpatient hospital deductible. The inpatient hospital deductible is an amount equal to the inpatient hospital deductible for the preceding CY, adjusted by our best estimate of the payment-weighted average of the applicable percentage increases (as defined in section 1886(b)(3)(B) of the Act) used for updating the payment rates to hospitals for discharges in the fiscal year (FY) that begins on October 1 of the same preceding CY, and adjusted to reflect real case-mix. The adjustment to reflect real case-mix is determined on the basis of the most recent case-mix data available. The amount determined under this formula is rounded to the nearest multiple of $4 (or, if midway between two multiples of $4, to the next higher multiple of $4).

Under section 1886(b)(3)(B)(i) of the Act, the percentage increase used to update the payment rates for FY 2009 for hospitals paid under the inpatient prospective payment system is the market basket percentage increase, otherwise known as the market basket update. Under section 1886(b)(3)(B)(viii) of the Act, hospitals will receive the full market basket update only if they submit quality data as specified by the Secretary. The market basket update for hospitals that do not submit this data is reduced by 2.0 percentage points. We are estimating that after accounting for those hospitals receiving the lower market basket update in the payment-weighted average update, the calculated deductible will remain the same.

Under section 1886(b)(3)(B)(ii) of the Act, the percentage increase used to update the payment rates for FY 2009 for hospitals excluded from the prospective payment system is the market basket percentage increase, defined according to section 1886(b)(3)(B)(iii) of the Act.

The market basket percentage increase for 2009 is 3.6 percent, as announced in the final rule published in the **Federal Register** entitled, ''Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2009 Rates'' (73 FR 48434, August 19, 2008). Therefore, the percentage increase for hospitals paid under the prospective payment system is 3.6 percent. The average payment percentage increase for hospitals excluded from the prospective payment system is 3.5 percent. Weighting these percentages in accordance with payment volume, our best estimate of the payment-weighted average of the increases in the payment rates for FY 2009 is 3.6 percent.

To develop the adjustment for real case-mix, we first calculated for each hospital an average case-mix that reflects the relative costliness of that hospital's mix of cases compared to those of other hospitals. We then computed the change in average case-mix for hospitals paid under the Medicare prospective payment system in FY 2008 compared to FY 2007. (We excluded from this calculation hospitals excluded from the prospective payment system because their payments are based on reasonable costs.) We used Medicare bills from prospective payment hospitals that we received as of July 2008. These bills represent a total of about 8.9 million Medicare discharges for FY 2008 and provide the most recent case-mix data available at this time. Based on these bills, the change in average case-mix in FY 2008 is 1.55 percent. Based on these bills and past experience, we expect the overall case mix change to be 1.75 percent as the year progresses and more FY 2008 data become available.

Section 1813 of the Act requires that the inpatient hospital deductible be adjusted only by that portion of the case-mix change that is determined to be real. In the FY 2008 IPPS final rule with comment period, we indicated that we believe the adoption of the MS–DRGs had the potential to lead to increases in aggregate payments without a corresponding increase in actual patient severity of illness due to the incentives for improved documentation and coding. In that final rule, we estimated that changes in coding or classification that do not reflect real change in case-mix would be 1.2 percent for FY 2008. Therefore, since we are expecting overall case mix to increase by 1.75 percent and 1.2 percent of that to be caused by coding changes, real case mix changes resulted in an increase of 0.55 percent for FY 2008.

Thus, the estimate of the payment-weighted average of the applicable percentage increases used for updating the payment rates is 3.6 percent, and the real case-mix adjustment factor for the deductible is 0.55 percent. Therefore, under the statutory formula, the inpatient hospital deductible for services furnished in CY 2009 is $1068. This deductible amount is determined by multiplying $1024 (the inpatient hospital deductible for CY 2008) by the payment-weighted average increase in the payment rates of 1.036 multiplied by the increase in real case-mix of 1.0055, which equals $1066.70 and is rounded to $1068.

III. Computing the Inpatient Hospital and Extended Care Services Coinsurance Amounts for CY 2009

The coinsurance amounts provided for in section 1813 of the Act are defined as fixed percentages of the inpatient hospital deductible for services furnished in the same CY. Thus, the increase in the deductible generates increases in the coinsurance amounts. For inpatient hospital and extended care services furnished in CY 2009, in accordance with the fixed percentages defined in the law, the daily coinsurance for the 61st through 90th day of hospitalization in a benefit period will be $267 (one-fourth of the inpatient hospital deductible); the daily coinsurance for lifetime reserve days will be $534 (one-half of the inpatient hospital deductible); and the daily coinsurance for the 21st through 100th day of extended care services in a skilled nursing facility in a benefit period will be $133.50 (one-eighth of the inpatient hospital deductible).

IV. Cost to Medicare Beneficiaries

Table 1 summarizes the deductible and coinsurance amounts for CYs 2008 and 2009, as well as the number of each that is estimated to be paid.

TABLE 1—PART A DEDUCTIBLE AND COINSURANCE AMOUNTS FOR CALENDAR YEARS 2008 AND 2009

Type of cost sharing	Value		Number paid (in millions)	
	2008	2009	2008	2009
Inpatient hospital deductible	$1024	$1068	8.54	8.53
Daily coinsurance for 61st–90th day	256	267	2.22	2.22
Daily coinsurance for lifetime reserve days	512	534	1.06	1.06
SNF coinsurance	128	133.50	39.66	40.05

The estimated total increase in costs to beneficiaries is about $680 million (rounded to the nearest $10 million) due to: (1) The increase in the deductible and coinsurance amounts; and (2) the change in the number of deductibles and daily coinsurance amounts paid.

V. Waiver of Proposed Notice and Comment Period

The Medicare statute, as discussed previously, requires publication of the Medicare Part A inpatient hospital deductible and the hospital and extended care services coinsurance amounts for services for each CY. The amounts are determined according to the statute. As has been our custom, we use general notices, rather than notice and comment rulemaking procedures, to make the announcements. In doing so, we acknowledge that, under the Administrative Procedure Act (APA), interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice are excepted from the requirements of notice and comment rulemaking.

We considered publishing a proposed notice to provide a period for public comment. However, we may waive that procedure if we find good cause that prior notice and comment are impracticable, unnecessary, or contrary to the public interest. We find that the procedure for notice and comment is unnecessary because the formulae used to calculate the inpatient hospital deductible and hospital and extended care services coinsurance amounts are statutorily directed, and we can exercise no discretion in following the formulae. Moreover, the statute establishes the time period for which the deductible and coinsurance amounts will apply and delaying publication would be contrary to the public interest. Therefore, we find good cause to waive publication of a proposed notice and solicitation of public comments.

VI. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

VII. Regulatory Impact Statement

We have examined the impact of this rule as required by Executive Order 12866 on regulatory planning and review (September 30 1993), as further amended, the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 (as amended by Executive Orders 13258 and 13422) directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). As stated in section IV of this notice, we estimate that the total increase in costs to beneficiaries associated with this notice is about $680 million due to: (1) The increase in the deductible and coinsurance amounts and (2) the change in the number of deductibles and daily coinsurance amounts paid. Therefore, this notice is a major rule as defined in Title 5, United States Code, section 804(2), and is an economically significant rule under Executive Order 12866.

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6.5 million to $31.5 million in any 1 year. Individuals and States are not included in the definition of a small entity. We have determined that this notice will not have a significant economic impact on a substantial number of small entities. Therefore we are not preparing an analysis for the RFA.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. Therefore, the Secretary has determined that this notice will not have a significant impact on the operations of a substantial number of small rural hospitals. Therefore, we are not preparing an analysis for section 1102(b) of the Act.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2008, that threshold is approximately $130 million. This notice has no consequential effect on State, local, or tribal governments or on the private sector. However, States may be required to pay the deductibles and coinsurance for dually-eligible beneficiaries.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This notice will not have a substantial effect on State or local governments.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: August 28, 2008.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

Dated: September 5, 2008.

Michael O. Leavitt,

Secretary.

[FR Doc. E8–22310 Filed 9–19–08; 9:00 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–8036–N]

RIN 0938–APOO

Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2009

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) beneficiaries enrolled in Part B of the Medicare Supplementary Medical Insurance (SMI) program beginning January 1, 2009. In addition, this notice announces the monthly premium for aged and disabled beneficiaries as well as the income-related monthly adjustment amounts to be paid by beneficiaries with modified adjusted gross income above certain threshold amounts. The monthly actuarial rates for 2009 are $192.70 for aged enrollees and $224.20 for disabled enrollees. The standard monthly Part B premium rate for 2009 is $96.40, which is equal to 50 percent of the monthly actuarial rate for aged enrollees or approximately 25 percent of the expected average total cost of Part B coverage for aged enrollees. (The 2008 standard premium rate was also $96.40.) The Part B deductible for 2009 is $135.00 for all Part B beneficiaries. If a beneficiary has to pay an income-related monthly adjustment, they may have to pay a total monthly premium of about 35, 50, 65, or 80 percent of the total cost of Part B coverage.

DATES: *Effective Date:* January 1, 2009.

FOR FURTHER INFORMATION CONTACT: M. Kent Clemens, (410) 786–6391.

SUPPLEMENTARY INFORMATION:

I. Background

Part B is the voluntary portion of the Medicare program that pays all or part of the costs for physicians' services, outpatient hospital services, certain home health services, services furnished by rural health clinics, ambulatory surgical centers, comprehensive outpatient rehabilitation facilities, and certain other medical and health services not covered by Medicare Part A, Hospital Insurance. Medicare Part B is available to individuals who are entitled to Medicare Part A, as well as to U.S. residents who have attained age 65 and are citizens, and aliens who were lawfully admitted for permanent residence and have resided in the United States for 5 consecutive years. Part B requires enrollment and payment of monthly premiums, as provided for in 42 CFR part 407, subpart B, and part 408, respectively. The difference between the premiums paid by all enrollees and total incurred costs is met by payments from the Supplementary Medical Insurance Fund.

The Secretary of the Department of Health and Human Services (the Secretary) is required by section 1839 of the Social Security Act (the Act) to announce the Part B monthly actuarial rates for aged and disabled beneficiaries as well as the monthly Part B premium. The Part B annual deductible is included because its determination is directly linked to the aged actuarial rate.

The monthly actuarial rates for aged and disabled enrollees are used to determine the correct amount of general revenue financing per beneficiary each month. These amounts, according to actuarial estimates, will equal, respectively, one-half the expected average monthly cost of Part B for each aged enrollee (age 65 or over) and one-half the expected average monthly cost of Part B for each disabled enrollee (under age 65).

The Part B deductible to be paid by enrollees is also announced. Prior to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173), the Part B deductible was set in statute. After setting the 2005 deductible amount at $110.00, section 629 of the MMA (amending section 1833(b) of the Act) requires that the Part B deductible be indexed beginning in 2006. The inflation factor to be used each year is the annual percentage increase in the Part B actuarial rate for enrollees age 65 and over. Specifically, the 2009 Part B deductible is calculated by multiplying the 2008 deductible by the ratio of the 2009 aged actuarial rate over the 2008 aged actuarial rate. The amount determined under this formula is then rounded to the nearest $1.

The monthly Part B premium rate to be paid by aged and disabled enrollees is also announced. (Although the costs to the program per disabled enrollee are different than for the aged, the statute provides that they pay the same premium amount.) Beginning with the passage of section 203 of the Social Security Amendments of 1972 (Pub. L. 92–603), the premium rate, which was determined on a fiscal year basis, was limited to the lesser of the actuarial rate for aged enrollees, or the current monthly premium rate increased by the same percentage as the most recent general increase in monthly Title II social security benefits.

However, the passage of section 124 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) (Pub. L. 97–248) suspended this premium determination process. Section 124 of TEFRA changed the premium basis to 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees). Section 606 of the Social Security Amendments of 1983 (Pub. L. 98–21), section 2302 of the Deficit Reduction Act of 1984 (DEFRA 84) (Pub. L. 98–369), section 9313 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA 85) (Pub. L. 99–272), section 4080 of the Omnibus Budget Reconciliation Act of 1987 (OBRA 87) (Pub. L. 100–203), and section 6301 of the Omnibus Budget Reconciliation Act of 1989 (OBRA 89) (Pub. L. 101–239) extended the provision that the premium be based on 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees). This extension expired at the end of 1990.

The premium rate for 1991 through 1995 was legislated by section 1839(e)(1)(B) of the Act, as added by section 4301 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90) (Pub. L. 101–508). In January 1996, the premium determination basis would have reverted to the method established by the 1972 Social Security Act Amendments. However, section 13571

of the Omnibus Budget Reconciliation Act of 1993 (OBRA 93) (Pub. L. 103–66) changed the premium basis to 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees) for 1996 through 1998.

Section 4571 of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33) permanently extended the provision that the premium be based on 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees).

The BBA included a further provision affecting the calculation of the Part B actuarial rates and premiums for 1998 through 2003. Section 4611 of the BBA modified the home health benefit payable under Part A for individuals enrolled in Part B. Under this section, beginning in 1998, expenditures for home health services not considered ''post-institutional'' are payable under Part B rather than Part A. However, section 4611(e)(1) of the BBA required that there be a transition from 1998 through 2002 for the aggregate amount of the expenditures transferred from Part A to Part B. Section 4611(e)(2) of the BBA also provided a specific yearly proportion for the transferred funds. The proportions were 1/6 for 1998, 1/3 for 1999, 1/2 for 2000, 2/3 for 2001, and 5/6 for 2002. For the purpose of determining the correct amount of financing from general revenues of the Federal Government, it was necessary to include only these transitional amounts in the monthly actuarial rates for both aged and disabled enrollees, rather than the total cost of the home health services being transferred.

Section 4611(e)(3) of the BBA also specified, for the purpose of determining the premium, that the monthly actuarial rate for enrollees age 65 and over be computed as though the transition would occur for 1998 through 2003 and that 1/7 of the cost be transferred in 1998, 2/7 in 1999, 3/7 in 2000, 4/7 in 2001, 5/7 in 2002, and 6/7 in 2003. Therefore, the transition period for incorporating this home health transfer into the premium was 7 years while the transition period for including these services in the actuarial rate was 6 years.

Section 811 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108–173, also known as the Medicare Modernization Act, or MMA), which amended section 1839 of the Act, requires that, starting on January 1, 2007, the Part B premium a beneficiary pays each month be based on their annual income. Specifically, if a beneficiary's ''modified adjusted gross income'' is greater than the legislated threshold amounts (for 2009, $85,000 for a beneficiary filing an individual income tax return, and $170,000 for a beneficiary filing a joint tax return) the beneficiary is responsible for a larger portion of the estimated total cost of Part B benefit coverage. In addition to the standard 25 percent premium, these beneficiaries will now have to pay an income-related monthly adjustment amount. The MMA made no change to the actuarial rate calculation, and the standard premium, which will continue to be paid by beneficiaries whose modified adjusted gross income is below the applicable thresholds, still represents 25 percent of the estimated total cost to the program of Part B coverage for an aged enrollee. However, once the adjustments are fully phased in, and depending on income and tax filing status, a beneficiary could now be responsible for 35, 50, 65, or 80 percent of the estimated total cost of Part B coverage, rather than 25 percent. The end result of the higher premium is that the Part B premium subsidy is reduced and less general revenue financing is required for beneficiaries with higher income because they are paying a larger share of the total cost with their premium. That is, the premium subsidy will continue to be approximately 75 percent for beneficiaries with income below the applicable income thresholds, but will be reduced for beneficiaries with income above these thresholds. The MMA specified that there be a 5-year transition to full implementation of this provision. However, section 5111 of the Deficit Reduction Act of 2005 (Pub. L. 109–171) (DRA) modified the transition to a 3-year period.

Section 4732(c) of the BBA added section 1933(c) of the Act, which required the Secretary to allocate money from the Part B trust fund to the State Medicaid programs for the purpose of providing Medicare Part B premium assistance from 1998 through 2002 for the low-income Medicaid beneficiaries who qualify under section 1933 of the Act. This allocation, while not a benefit expenditure, was an expenditure of the trust fund and was included in calculating the Part B actuarial rates through 2002. For 2003 through 2007, the expenditure was made from the trust fund because the allocation was temporarily extended. However, because the extension occurred after the financing was determined, the allocation was not included in the calculation of the financing rates.

A further provision affecting the calculation of the Part B premium is section 1839(f) of the Act, as amended by section 211 of the Medicare Catastrophic Coverage Act of 1988 (MCCA 88) (Pub. L. 100–360). (The Medicare Catastrophic Coverage Repeal Act of 1989 (Pub. L. 101–234) did not repeal the revisions to section 1839(f) made by MCCA 88.) Section 1839(f) of the Act, referred to as the ''hold-harmless'' provision, provides that if an individual is entitled to benefits under section 202 or 223 of the Act (the Old-Age and Survivors Insurance Benefit and the Disability Insurance Benefit, respectively) and has the Part B premiums deducted from these benefit payments, the premium increase will be reduced, if necessary, to avoid causing a decrease in the individual's net monthly payment. This decrease in payment occurs if the increase in the individual's social security benefit due to the cost-of-living adjustment under section 215(i) of the Act is less than the increase in the premium. Specifically, the reduction in the premium amount applies if the individual is entitled to benefits under section 202 or 223 of the Act for November and December of a particular year and the individual's Part B premiums for December and the following January are deducted from the respective month's section 202 or 223 benefits. The ''hold-harmless'' provision does not apply to beneficiaries who are required to pay an income-related monthly adjustment amount.

A check for benefits under section 202 or 223 of the Act is received in the month following the month for which the benefits are due. The Part B premium that is deducted from a particular check is the Part B payment for the month in which the check is received. Therefore, a benefit check for November is not received until December but has December's Part B premium deducted from it.

Generally, if a beneficiary qualifies for hold-harmless protection, that is, if the beneficiary was in current payment status for November and December of the previous year, the reduced premium for the individual for that January and for each of the succeeding 11 months for which he or she is entitled to benefits, under section 202 or 203 of the Act, is the greater of the following—

- The monthly premium for January reduced as necessary to make the December monthly benefits, after the deduction of the Part B premium for January, at least equal to the preceding November's monthly benefits, after the deduction of the Part B premium for December; or
- The monthly premium for that individual for that December.
- In determining the premium limitations under section 1839(f) of the Act, the monthly benefits to which an

individual is entitled under section 202 or 223 of the Act do not include retroactive adjustments or payments and deductions on account of work. Also, once the monthly premium amount is established under section 1839(f) of the Act, it will not be changed during the year even if there are retroactive adjustments or payments and deductions on account of work that apply to the individual's monthly benefits.

• Individuals who have enrolled in Part B late or who have re-enrolled after the termination of a coverage period are subject to an increased premium under section 1839(b) of the Act. The increase is a percentage of the premium and is based on the new premium rate before any reductions under section 1839(f) of the Act are made.

II. Provisions of the Notice

A. Notice of Medicare Part B Monthly Actuarial Rates, Monthly Premium Rates, and Annual Deductible

The Medicare Part B monthly actuarial rates applicable for 2009 are $192.70 for enrollees age 65 and over and $224.20 for disabled enrollees under age 65. Section II.B. of this notice below, presents the actuarial assumptions and bases from which these rates are derived. The Part B standard monthly premium rate for 2009 is $96.40. The Part B annual deductible for 2009 is $135.00. Listed below are the 2009 Part B monthly premium rates to be paid by beneficiaries who file an individual tax return (including those who are single, head of household, qualifying widow(er) with dependent child, or married filing separately who lived apart from their spouse for the entire taxable year), or a joint tax return.

Beneficiaries who file an individual tax return with income:	Beneficiaries who file a joint tax return with income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $85,000	Less than or equal to $170,000	$0.00	$96.40
Greater than $85,000 and less than or equal to $107,000.	Greater than $170,000 and less than or equal to $214,000.	38.50	134.90
Greater than $107,000 and less than or equal to $160,000.	Greater than $214,000 and less than or equal to $320,000.	96.30	192.70
Greater than $160,000 and less than or equal to $213,000.	Greater than $320,000 and less than or equal to $426,000.	154.10	250.50
Greater than $213,000	Greater than $426,000	211.90	308.30

In addition, the monthly premium rates to be paid by beneficiaries who are married and lived with their spouse at any time during the taxable year, but file a separate tax return from their spouse, are listed below.

Beneficiaries who are married and lived with their spouse at any time during the year, but file a separate tax return from their spouse:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $85,000	$0.00	$96.40
Greater than $85,000 and less than or equal to $128,000	154.10	250.50
Greater than $128,000	211.90	308.30

The Part B annual deductible for 2009 is $ 135.00 for all beneficiaries.

B. Statement of Actuarial Assumptions and Bases Employed in Determining the Monthly Actuarial Rates and the Monthly Premium Rate for Part B Beginning January 2009

1. Actuarial Status of the Part B Account in the Supplementary Medical Insurance Trust Fund

Under the statute, the starting point for determining the standard monthly premium is the amount that would be necessary to finance Part B on an incurred basis. This is the amount of income that would be sufficient to pay for services furnished during that year (including associated administrative costs) even though payment for some of these services will not be made until after the close of the year. The portion of income required to cover benefits not paid until after the close of the year is added to the trust fund and used when needed.

The premium rates are established prospectively and are, therefore, subject to projection error. Additionally, legislation enacted after the financing was established, but effective for the period in which the financing is set, may affect program costs. As a result, the income to the program may not equal incurred costs. Therefore, trust fund assets must be maintained at a level that is adequate to cover an appropriate degree of variation between actual and projected costs, and the amount of incurred, but unpaid, expenses. Numerous factors determine what level of assets is appropriate to cover variation between actual and projected costs. The three most important of these factors are: (1) The difference from prior years between the actual performance of the program and estimates made at the time financing was established; (2) the likelihood and potential magnitude of expenditure changes resulting from enactment of legislation affecting Part B costs in a year subsequent to the establishment of financing for that year, and (3) the expected relationship between incurred and cash expenditures. These factors are analyzed on an ongoing basis, as the trends can vary over time.

Table 1 summarizes the estimated actuarial status of the trust fund as of the end of the financing period for 2007 and 2008.

TABLE 1—ESTIMATED ACTUARIAL STATUS OF THE PART B ACCOUNT IN THE SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND AS OF THE END OF THE FINANCING PERIOD

Financing period ending	Assets (millions)	Liabilities (millions)	Assets less liabilities (millions)
Dec. 31, 2007	$51,358	12,773	$38,585
Dec. 31, 2008	59,088	12,269	46,819

2. Monthly Actuarial Rate for Enrollees Age 65 and Older

The monthly actuarial rate for enrollees age 65 and older is one-half of the sum of monthly amounts for: (1) The projected cost of benefits; and (2) administrative expenses for each enrollee age 65 and older, after adjustments to this sum to allow for interest earnings on assets in the trust fund and an adequate contingency margin. The contingency margin is an amount appropriate to provide for possible variation between actual and projected costs and to amortize any surplus assets or unfunded liabilities.

The monthly actuarial rate for enrollees age 65 and older for 2009 is determined by first establishing per-enrollee cost by type of service from program data through 2007 and then projecting these costs for subsequent years. The projection factors used for financing periods from January 1, 2006 through December 31, 2009 are shown in Table 2.

As indicated in Table 3, the projected monthly rate required to pay for one-half of the total of benefits and administrative costs for enrollees age 65 and over for 2009 is $198.47. Based on current estimates, the assets are somewhat more than sufficient to cover the amount of incurred, but unpaid, expenses and to provide for a significant degree of variation between actual and projected costs. Thus, a negative contingency margin can be included to decrease assets to a slightly lower but still adequate level, relative to expenditures. The monthly actuarial rate of $192.70 provides an adjustment of −$3.14 for a contingency margin and −$2.63 for interest earnings.

The size of the contingency margin for 2009 is affected by several factors. The assets in the Part B account in the Supplementary Medical Insurance Trust Fund were below the level considered adequate for the four years, 2003–2006. Consequently, Part B premiums and general revenue financing in recent years have been set at somewhat higher levels than would otherwise have been required in order to restore the contingency reserve to an appropriate level. The projected assets in the Part B account in the Supplementary Medical Insurance Trust Fund are now somewhat above the level considered adequate by the end of 2008 as a result of: (1) The planned increases in the contingency margins built into the Part B financing for several years, including 2008, in order to increase these assets; and (2) a $9.3 billion restoration of the Part B account assets for certain Part A hospice benefits that were inadvertently drawn from the Part B account.

The formula specified in current law will result in a reduction in physician fees of approximately 20 percent in 2010 and is projected to cause additional reductions in subsequent years. For each year from 2003 through 2009, Congress has acted to prevent physician fee reductions from occurring. In recognition of the strong possibility of increases in Part B expenditures that would result from similar legislation to override the decreases in physician fees in 2010 or later years, it is appropriate to maintain a somewhat larger Part B contingency reserve than would otherwise be necessary. The asset level projected for the end of 2009 is adequate to temporarily accommodate this contingency. Such legislation, however, would raise the future cost of Part B compared to current law and would necessitate additional increases in the premium and general revenue financing after 2009.

The traditional goal for the Part B reserve has been that assets minus liabilities at the end of a year should represent between 15 and 20 percent of the following year's total incurred expenditures. Within this range, 17 percent has been the normal target. In view of the strong likelihood of actual expenditures exceeding estimated levels, due to the enactment of legislation after the financing has been set for a given year, a contingency reserve ratio in excess of 20 percent of the following year's expenditures would better ensure that the assets of the Part B account can adequately cover the cost of incurred-but-not-reported benefits together with variations between actual and estimated cost levels.

The actuarial rate of $192.70 per month for aged beneficiaries, as announced in this notice for 2009, reflects the combined net effect of the factors described above and the projection assumptions listed in Table 2.

3. Monthly Actuarial Rate for Disabled Enrollees

Disabled enrollees are those persons under age 65 who are enrolled in Part B because of entitlement to Social Security disability benefits for more than 24 months or because of entitlement to Medicare under the end-stage renal disease (ESRD) program. Projected monthly costs for disabled enrollees (other than those with ESRD) are prepared in a fashion parallel to the projection for the aged using appropriate actuarial assumptions (see Table 2). Costs for the ESRD program are projected differently because of the different nature of services offered by the program.

As shown in Table 4, the projected monthly rate required to pay for one-half of the total of benefits and administrative costs for disabled enrollees for 2009 is $230.36. The monthly actuarial rate of $224.20 also provides an adjustment of −$6.17 for interest earnings and $0.01 for a contingency margin, reflecting the same factors described above for the aged actuarial rate. Based on current estimates, the assets associated with the disabled Medicare beneficiaries are sufficient to cover the amount of incurred, but unpaid, expenses and to provide for a significant degree of variation between actual and projected costs. Thus, a near-zero contingency margin is sufficient to maintain assets at an appropriate level.

The actuarial rate of $224.20 per month for disabled beneficiaries, as announced in this notice for 2009, reflects the combined net effect of the factors described above for aged beneficiaries and the projection assumptions listed in Table 2.

4. Sensitivity Testing

Several factors contribute to uncertainty about future trends in medical care costs. It is appropriate to test the adequacy of the rates using alternative assumptions. The results of those assumptions are shown in Table 5. One set represents increases that are

lower and, therefore, more optimistic than the current estimate. The other set represents increases that are higher and, therefore, more pessimistic than the current estimate. The values for the alternative assumptions were determined from a statistical analysis of the historical variation in the respective increase factors.

As indicated in Table 5, the monthly actuarial rates would result in an excess of assets over liabilities of $45,882 million by the end of December 2009 under the assumptions used in preparing this report. This amounts to 23.1 percent of the estimated total incurred expenditures for the following year.

Assumptions that are somewhat more pessimistic (and that therefore test the adequacy of the assets to accommodate projection errors) produce a surplus of $25,400 million by the end of December 2009, which amounts to 11.5 percent of the estimated total incurred expenditures for the following year. Under fairly optimistic assumptions, the monthly actuarial rates would result in a surplus of $66,697 million by the end of December 2009, or 37.4 percent of the estimated total incurred expenditures for the following year.

The above analysis indicates that the premium and general revenue financing established for 2009, together with existing Part B account assets would be adequate to cover estimated Part B costs for 2009 under current law, even if actual costs prove to be somewhat greater than expected.

5. Premium Rates and Deductible

As determined in accordance with section 1839 of the Act, listed below are the 2009 Part B monthly premium rates to be paid by beneficiaries who file an individual tax return (including those who are single, head of household, qualifying widow(er) with dependent child, or married filing separately who lived apart from their spouse for the entire taxable year), or a joint tax return.

Beneficiaries who file an individual tax return with income:	Beneficiaries who file a joint tax return with income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $85,000	Less than or equal to $170,000	$0.00	$96.40
Greater than $85,000 and less than or equal to $107,000.	Greater than $170,000 and less than or equal to $214,000.	38.50	134.90
Greater than $107,000 and less than or equal to $160,000.	Greater than $214,000 and less than or equal to $320,000.	96.30	192.70
Greater than $160,000 and less than or equal to $213,000.	Greater than $320,000 and less than or equal to $426,000.	154.10	250.50
Greater than $213,000	Greater than $426,000	211.90	308.30

In addition, the monthly premium rates to be paid by beneficiaries who are married and lived with their spouse at any time during the taxable year, but file a separate tax return from their spouse, are listed below.

Beneficiaries who are married and lived with their spouse at any time during the year, but file a separate tax return from their spouse:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $85,000	$0.00	$96.40
Greater than $85,000 and less than or equal to $128,000	154.10	250.50
Greater than $128,000	211.90	308.30

TABLE 2—PROJECTION FACTORS [1] 12-MONTH PERIODS ENDING DECEMBER 31 OF 2006–2009

[In percent]

Calendar year	Physicians' services		Durable medical equipment	Carrier lab [4]	Other carrier services [5]	Outpatient hospital	Home health agency	Hospital lab [6]	Other intermediary services [7]	Managed care
	Fees [2]	Residual [3]								
Aged:										
2006	0.2	4.2	4.7	7.2	5.1	4.3	17.3	3.9	6.4	12.5
2007	−1.4	3.9	3.1	8.1	5.0	8.4	21.7	3.9	8.4	3.4
2008	0.4	2.9	4.9	6.3	6.4	5.6	10.7	4.3	7.0	4.8
2009	2.3	3.0	3.5	8.9	9.8	5.7	5.7	6.2	5.6	5.3
Disabled:										
2006	0.2	2.8	6.6	8.7	−3.3	4.5	19.5	5.5	14.1	18.7
2007	−1.4	3.1	3.3	15.3	5.7	8.2	20.2	6.2	13.6	8.7
2008	0.4	3.2	6.5	8.6	9.8	7.2	11.4	5.8	8.2	6.0
2009	2.3	3.4	4.2	9.2	10.1	6.0	6.4	6.5	6.0	7.8

[1] All values for services other than managed care are per fee-for-service enrollee. Managed care values are per managed care enrollee.
[2] As recognized for payment under the program.
[3] Increase in the number of services received per enrollee and greater relative use of more expensive services.
[4] Includes services paid under the lab fee schedule furnished in the physician's office or an independent lab.
[5] Includes physician-administered drugs, ambulatory surgical center facility costs, ambulance services, parenteral and enteral drug costs, supplies, etc.
[6] Includes services paid under the lab fee schedule furnished in the outpatient department of a hospital.
[7] Includes services furnished in dialysis facilities, rural health clinics, Federally qualified health centers, rehabilitation and psychiatric hospitals, etc.

TABLE 3—DERIVATION OF MONTHLY ACTUARIAL RATE FOR ENROLLEES AGE 65 AND OVER FOR FINANCING PERIODS ENDING DECEMBER 31, 2006 THROUGH DECEMBER 31, 2009

	Financing periods			
	CY 2006	CY 2007	CY 2008	CY 2009
Covered services (at level recognized):				
Physician fee schedule	79.95	78.54	77.77	80.19
Durable medical equipment	9.77	9.66	9.70	9.82
Carrier lab [1]	3.75	3.89	3.96	4.22
Other carrier services [2]	19.61	19.75	20.13	21.62
Outpatient hospital	28.50	29.61	29.96	30.98
Home health	8.62	10.06	10.66	11.03
Hospital lab [3]	2.82	2.81	2.81	2.92
Other intermediary services [4]	12.75	13.25	13.59	14.03
Managed care	34.84	42.41	51.04	57.15
Total services	200.61	209.97	219.62	231.96
Cost sharing:				
Deductible	−5.05	−5.33	−5.50	−5.50
Coinsurance	−31.18	−30.73	−30.49	−31.18
Total benefits	164.39	173.91	183.63	195.28
Administrative expenses	7.89	5.69	3.28	3.20
Incurred expenditures	172.28	179.60	186.91	198.47
Value of interest	−1.52	−1.98	−2.48	−2.63
Contingency margin for projection error and to amortize the surplus or deficit	6.14	9.38	8.27	−3.14
Monthly actuarial rate	176.90	187.00	192.70	192.70

[1] Includes services paid under the lab fee schedule furnished in the physician's office or an independent lab.
[2] Includes physician-administered drugs, ambulatory surgical center facility costs, ambulance services, parenteral and enteral drug costs, supplies, etc.
[3] Includes services paid under the lab fee schedule furnished in the outpatient department of a hospital.
[4] Includes services furnished in dialysis facilities, rural health clinics, Federally qualified health centers, and rehabilitation and psychiatric hospitals, etc.

TABLE 4—DERIVATION OF MONTHLY ACTUARIAL RATE FOR DISABLED ENROLLEES FOR FINANCING PERIODS ENDING DECEMBER 31, 2006 THROUGH DECEMBER 31, 2009

	Financing periods			
	CY 2006	CY 2007	CY 2008	CY 2009
Covered services (at level recognized):				
Physician fee schedule	79.80	79.03	80.09	83.67
Durable medical equipment	16.91	17.10	17.80	18.33
Carrier lab [1]	4.62	5.13	5.43	5.86
Other carrier services [2]	22.47	23.26	24.94	27.13
Outpatient hospital	38.16	40.05	41.81	43.81
Home health	7.07	8.29	9.03	9.49
Hospital lab [3]	4.27	4.42	4.56	4.80
Other intermediary services [4]	39.91	41.08	42.30	43.45
Managed care	23.30	30.30	36.77	41.98
Total services	236.52	248.66	262.74	278.52
Cost sharing:				
Deductible	−4.71	−4.86	−5.14	−5.15
Coinsurance	−44.03	−44.19	−44.89	−46.45
Total benefits	187.79	199.61	212.70	226.92
Administrative expenses	4.96	3.88	3.55	3.44
Incurred expenditures	192.75	203.49	216.25	230.36
Value of interest	−3.49	−3.40	−3.61	−6.17
Contingency margin for projection error and to amortize the surplus or deficit	14.44	−2.79	−2.94	0.01
Monthly actuarial rate	203.70	197.30	209.70	224.20

[1] Includes services paid under the lab fee schedule furnished in the physician's office or an independent lab.
[2] Includes physician-administered drugs, ambulatory surgical center facility costs, ambulance services, parenteral and enteral drug costs, supplies, etc.
[3] Includes services paid under the lab fee schedule furnished in the outpatient department of a hospital.

[4] Includes services furnished in dialysis facilities, rural health clinics, Federally qualified health centers, rehabilitation and psychiatric hospitals, etc.

TABLE 5—ACTUARIAL STATUS OF THE PART B ACCOUNT IN THE SMI TRUST FUND UNDER THREE SETS OF ASSUMPTIONS FOR FINANCING PERIODS THROUGH DECEMBER 31, 2009

As of December 31,	CY 2007	CY 2008	CY 2009
This projection:			
Actuarial status (in millions):			
Assets	51,358	59,088	58,618
Liabilities	12,773	12,269	12,736
Assets less liabilities	38,585	46,819	45,882
Ratio (in percent) [1]	20.2	22.7	23.1
Low cost projection:			
Actuarial status (in millions):			
Assets	51,358	65,860	78,759
Liabilities	12,773	11,517	12,061
Assets less liabilities	38,585	54,343	66,697
Ratio (in percent) [1]	21.0	28.3	37.4
High cost projection:			
Actuarial status (in millions):			
Assets	51,358	52,592	38,854
Liabilities	12,773	12,991	13,453
Assets less liabilities	38,585	39,601	25,400
Ratio (in percent) [1]	19.5	17.9	11.5

[1] Ratio of assets less liabilities at the end of the year to the total incurred expenditures during the following year, expressed as a percent.

III. Regulatory Impact Analysis

We have examined the impacts of this notice as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993, as further amended), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 (as amended by Executive Order 13258) directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any one year).

We have examined the impact of this notice as required by Executive Order 12866 (September 1993, Regulatory Planning and Review) and the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity).

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6.5 million to $31.5 million in any one year. Individuals and States are not included in the definition of a small entity. This notice will not have a significant impact on a substantial number of small businesses or other small entities. Therefore, the Secretary has determined that this notice will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. We have determined that this notice will not have a significant effect on a substantial number of small entities or on the operations of a substantial number of small rural hospitals. Therefore, we are not preparing analyses for either the RFA or section 1102(b) of the Act.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2008, that threshold is approximately $130 million. This notice has no consequential effect on State, local, or tribal governments. We believe the private sector costs of this notice fall below this threshold as well.

Executive Order 13132 establishes certain requirements that an agency must meet when it publishes a proposed rule (and subsequent final rule) that imposes substantial direct compliance costs on State and local governments, preempts State law, or otherwise has Federalism implications. We have determined that this notice does not significantly affect the rights, roles, and responsibilities of States.

This notice announces that the monthly actuarial rates applicable for 2009 are $192.70 for enrollees age 65 and over and $224.20 for disabled enrollees under age 65. It also

announces the 2009 monthly Part B premium rates to be paid by beneficiaries who file an individual tax return (including those who are single, head of household, qualifying widow(er) with a dependent child, or married filing separately who lived apart from their spouse for the entire taxable year), or a joint tax return.

Beneficiaries who file an individual tax return with income:	Beneficiaries who file a joint tax return with income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $85,000	Less than or equal to $170,000	$0.00	$96.40
Greater than $85,000 and less than or equal to $107,000.	Greater than $170,000 and less than or equal to $214,000.	38.50	134.90
Greater than $107,000 and less than or equal to $160,000.	Greater than $214,000 and less than or equal to $320,000.	96.30	192.70
Greater than $160,000 and less than or equal to $213,000.	Greater than $320,000 and less than or equal to $426,000.	154.10	250.50
Greater than $213,000	Greater than $426,000	211.90	308.30

In addition, the monthly premium rates to be paid by beneficiaries who are married and lived with their spouse at any time during the taxable year, but file a separate tax return from their spouse, are also announced and listed below.

Beneficiaries who are married and lived with their spouse at any time during the year, but file a separate tax return from their spouse:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $85,000	$0.00	$96.40
Greater than $85,000 and less than or equal to $128,000	154.10	250.50
Greater than $128,000	211.90	308.30

The Part B deductible for calendar year 2009 is $135.00. The standard Part B premium rate of $96.40 is the same as the premium rate for 2008, so there will be no additional costs to the approximately 42.3 million Part B enrollees for 2009. The monthly impact on the beneficiaries who are required to pay a higher premium for 2009 because their incomes exceed specified thresholds is $38.50, $96.30, $154.10, or $211.90, which is in addition to the standard monthly premium. These amounts are higher than the 2008 amounts of $25.80, $64.50, $103.30, and $142.00, respectively, which results in $770 million in additional costs to the approximately 1.7 million Part B enrollees who are affected. Therefore, this notice is a major rule as defined in 5 U.S.C. 804(2) and is an economically significant rule under Executive Order 12866.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

IV. Waiver of Proposed Notice

The Medicare statute requires the publication of the monthly actuarial rates and the Part B premium amounts in September. We ordinarily use general notices, rather than notice and comment rulemaking procedures, to make such announcements. In doing so, we note that, under the Administrative Procedure Act, interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice are excepted from the requirements of notice and comment rulemaking.

We considered publishing a proposed notice to provide a period for public comment. However, we may waive that procedure if we find, for good cause, that prior notice and comment are impracticable, unnecessary, or contrary to the public interest. We find that the procedure for notice and comment is unnecessary because the formulas used to calculate the Part B premiums are statutorily directed, and we can exercise no discretion in applying those formulas. Moreover, the statute establishes the time period for which the premium rates will apply, and delaying publication of the Part B premium rate such that it would not be published before that time would be contrary to the public interest. Therefore, we find good cause to waive publication of a proposed notice and solicitation of public comments.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 12, 2008.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

Michael O. Leavitt,

Secretary.

[FR Doc. E8–22314 Filed 9–19–08; 9:00 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–8035–N]

RIN 0938–AP04

Medicare Program; Part A Premium for Calendar Year 2009 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This annual notice announces Medicare's Hospital Insurance (Part A) premium for uninsured enrollees in calendar year (CY) 2009. This premium is to be paid by enrollees age 65 and over who are not otherwise eligible for benefits under Medicare Part A (hereafter known as the ''uninsured aged'') and by certain disabled individuals who have exhausted other

entitlement. The monthly Part A premium for the 12 months beginning January 1, 2009 for these individuals will be $443. The reduced premium for certain other individuals as described in this notice will be $244.

DATES: *Effective Date:* This notice is effective on January 1, 2009.

FOR FURTHER INFORMATION CONTACT: Clare McFarland, (410) 786–6390.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1818 of the Social Security Act (the Act) provides for voluntary enrollment in the Medicare Hospital Insurance program (Medicare Part A), subject to payment of a monthly premium, of certain persons aged 65 and older who are uninsured under the Old-Age, Survivors and Disability Insurance (OASDI) program or the Railroad Retirement Act and do not otherwise meet the requirements for entitlement to Medicare Part A. (Persons insured under the OASDI program or the Railroad Retirement Act and certain others do not have to pay premiums for Medicare Part A.)

Section 1818A of the Act provides for voluntary enrollment in Medicare Part A, subject to payment of a monthly premium, of certain disabled individuals who have exhausted other entitlement. These are individuals who were entitled to coverage due to a disabling impairment under section 226(b) of the Act, but are no longer entitled to disability benefits and free Medicare Part A coverage because they have gone back to work and their earnings exceed the statutorily defined ''substantial gainful activity'' amount (section 223(d)(4) of the Act).

Section 1818A(d)(2) of the Act specifies that the provisions relating to premiums under section 1818(d) through section 1818(f) of the Act for the aged will also apply to certain disabled individuals as described above.

Section 1818(d) of the Act requires us to estimate, on an average per capita basis, the amount to be paid from the Federal Hospital Insurance Trust Fund for services incurred in the following calendar year (CY) (including the associated administrative costs) on behalf of individuals aged 65 and over who will be entitled to benefits under Medicare Part A. We must then determine, during September of each year, the monthly actuarial rate for the following year (the per capita amount estimated above divided by 12) and publish the dollar amount for the monthly premium in the succeeding CY. If the premium is not a multiple of $1, the premium is rounded to the nearest multiple of $1 (or, if it is a multiple of 50 cents but not of $1, it is rounded to the next highest $1).

Section 13508 of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66) amended section 1818(d) of the Act to provide for a reduction in the premium amount for certain voluntary enrollees (section 1818 and section 1818A of the Act). The reduction applies to an individual who is eligible to buy into the Medicare Part A program and who, as of the last day of the previous month—

- Had at least 30 quarters of coverage under title II of the Act;
- Was married, and had been married for the previous 1-year period, to a person who had at least 30 quarters of coverage;
- Had been married to a person for at least 1 year at the time of the person's death if, at the time of death, the person had at least 30 quarters of coverage; or
- Is divorced from a person and had been married to the person for at least 10 years at the time of the divorce if, at the time of the divorce, the person had at least 30 quarters of coverage.

Section 1818(d)(4)(A) of the Act specifies that the premium that these individuals will pay for CY 2009 will be equal to the premium for uninsured aged enrollees reduced by 45 percent.

II. Monthly Premium Amount for CY 2009

The monthly premium for the uninsured aged and certain disabled individuals who have exhausted other entitlement for the 12 months beginning January 1, 2009, is $443.

The monthly premium for those individuals subject to the 45 percent reduction in the monthly premium is $244.

III. Monthly Premium Rate Calculation

As discussed in section I of this notice, the monthly Medicare Part A premium is equal to the estimated monthly actuarial rate for CY 2009 rounded to the nearest multiple of $1 and equals one-twelfth of the average per capita amount, which is determined by projecting the number of Part A enrollees aged 65 years and over as well as the benefits and administrative costs that will be incurred on their behalf.

The steps involved in projecting these future costs to the Federal Hospital Insurance Trust Fund are:

- Establishing the present cost of services furnished to beneficiaries, by type of service, to serve as a projection base;
- Projecting increases in payment amounts for each of the service types; and
- Projecting increases in administrative costs.

We base our projections for CY 2009 on: (1) Current historical data; and (2) projection assumptions derived from current law and the Mid-Session Review of the President's Fiscal Year 2009 Budget.

We estimate that in CY 2009, 37,402,000 people aged 65 years and over will be entitled to benefits (without premium payment) and that they will incur about $198.827 billion in benefits and related administrative costs. Thus, the estimated monthly average per capita amount is $443.00 and the monthly premium is $443. The full monthly premium reduced by 45 percent is $244.

IV. Costs to Beneficiaries

The CY 2009 premium of $443 is approximately 5 percent higher than the CY 2008 premium of $423.

We estimate that approximately 588,000 enrollees will voluntarily enroll in Medicare Part A by paying the full premium. We estimate an additional 10,000 enrollees will pay the reduced premium. We estimate that the aggregate cost to enrollees paying these premiums will be about $142 million in CY 2009 over the amount that they paid in CY 2008.

V. Waiver of Proposed Notice and Comment Period

We are not using notice and comment rulemaking in this notification of Medicare Part A premiums for CY 2009, as that procedure is unnecessary because of the lack of discretion in the statutory formula that is used to calculate the premium and the solely ministerial function that this notice serves. The Administrative Procedure Act (APA) permits agencies to waive notice and comment rulemaking when notice and public comment thereon are unnecessary. On this basis, we waive publication of a proposed notice and a solicitation of public comments.

VI. Regulatory Impact Statement

We have examined the impact of this rule as required by Executive Order 12866 on regulatory planning and review (September 30 1993), as further amended, the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 (as amended by Executive Orders 13258 and 13422)

directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). As stated in section IV of this notice, we estimate that the overall effect of these changes in the Part A premium will be a cost to voluntary enrollees (section 1818 and section 1818A of the Act) of about $142 million. Therefore, this notice is a major rule as defined in Title 5, United States Code, section 804(2) and is an economically significant rule under Executive Order 12866.

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6.5 million to $31.5 million in any 1 year. Individuals and States are not included in the definition of a small entity. We have determined that this notice will not have a significant economic impact on a substantial number of small entities. Therefore we are not preparing an analysis for the RFA.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. Therefore, the Secretary has determined that this notice will not have a significant impact on the operations of a substantial number of small rural hospitals. Therefore, we are not preparing an analysis for section 1102(b) of the Act.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2008, that threshold is approximately $130 million. This notice has no consequential effect on State, local, or tribal governments or on the private sector. However, States are required to pay the premiums for dually-eligible beneficiaries.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This notice will not have a substantial effect on State or local governments.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: August 28, 2008.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

Dated: September 5, 2008.

Michael O. Leavitt,

Secretary.

[FR Doc. E8–22312 Filed 9–19–08; 9:00 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Public Comment on Section 635 [42 U.S.C. 9801]—The 2007 Head Start School Readiness Act, Sub-Section 649(k)(1)(A–D)—''Indian Head Start Study''

AGENCY: Office of Head Start (OHS), Administration for Children and Families (ACF), HHS.

ACTION: Notice of Public Comment on Section 635 [42 U.S.C. 9801]—The 2007 Head Start School Readiness Act, Sub-Section 649(k)(1)(A–D)—''Indian Head Start Study''.

SUMMARY: The following Notice of Public Comment is in response to section 649(k) Sub-Section (3) of the 2007 Head Start School Readiness Act that requires the Secretary no later than 9 months after the effective date of this Sub-Section, publish in the **Federal Register** a plan of how the Secretary will carry out section 649 Sub-Section (k) Sub-Paragraph (1) and shall provide a period for public comment.

DATES: To ensure consideration, written comments must be submitted on or before 60 days after this notice is published.

To Comment on This Document, or for Further Information Contact: Anne Bergan, Office of Planning, Research and Evaluation, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202–546–4273, *abergan@acf.hhs.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the Improving Head Start for School Readiness Act of 2007, Public Law 110–134, Section 635 [42 U.S.C. 9801]—Sub-Section 649(k)(1)(A–D), notice is hereby given of a plan to conduct a set of studies designed to focus on the American Indian and Alaska Native (AI/AN) Head Start-eligible population. There are two requirements addressed in this notice: (1) A plan for a set of studies that will focus on the American Indian and Alaska Native Head Start-eligible population related to the following areas: Curriculum development, availability and need for services, appropriate research methodologies and measures, and best practices for teaching and educating American Indian and Alaska Native Head Start Children, and (2) a plan to accurately determine the number of children nationwide who are eligible to participate in Indian Head Start programs each year and to document how many of these children are receiving Head Start services each year.

Consultation and Collaboration

For the purposes of responding to the requirements in the legislation related to consultation and collaboration, ACF conferred with the National Indian Head Start Directors Association (NIHSDA), the AI/AN Head Start Collaboration Director, AI/AN Head Start Program Directors, staff from the U.S. Department of Education, the Bureau of Indian Affairs, the Indian Health Service, the U.S. Census Bureau, the Annie E. Casey Foundation, the American Indian and Alaska Native Head Start Research Center at the University of Colorado—Denver, Dr. C. Matthew Snipp of Stanford University, Dr. Angela Willeto of Northern Arizona University and participants at the Tribal consultation sessions held in Denver, Colorado; Kansas City, Kansas; Seattle, Washington; and Phoenix, Arizona.

Section I. A Plan for Carrying Out Section 649 Subsection (k) Paragraph (1) Subparagraph (A)

To address the first requirement, to undertake a study or set of studies, the Administration for Children and Families (ACF) intends to build upon previous and current efforts to develop a viable research and evaluation agenda

for American Indian and Alaska Native (AI/AN) Head Start. Specifically, ACF will support and work with the AI/AN Head Start Research Center (AI/ANHSRC) at the University of Colorado—Denver to develop and expand a set of studies that target issues of interest to the AI/AN Head Start community.

Background. Research in AI/AN communities must take into account the unique characteristics of those communities. Stakeholders typically voice concerns about community participation and oversight of research conducted in Tribal settings; the cultural appropriateness of methods and measures used; the relevance of the research topics to community needs and interests; and the process of reviewing and publishing findings within and outside the community research sites. In Fiscal Year 2002, a project funded by ACF undertook to document the existing knowledge base concerning early childhood programming and assessment in Tribal settings, and to collect information on the research needs and priorities of Tribal Head Start programs. Listening sessions with AI/AN Head Start stakeholders resulted in a documentation of the topics of particular interest in Tribal communities, as well as concerns about the processes of implementing research and disseminating findings.

These and other efforts documented the scarcity and lack of rigor of existing research for American Indian and Alaska Native children and families, the need to develop the capacity for early childhood research in Tribal settings, and the need to increase the number of qualified individuals who have the ability to effectively partner with Tribes to implement methodologically sound empirical research.

In recognition of these needs, ACF announced in Fiscal Year 2005 a competitive funding opportunity for an American Indian Alaska Native Head Start Research Center, the purposes of which were to (1) support local research projects that focus on the development of young children and families in AI/AN Head Start and Early Head Start programs, and (2) offer training opportunities and on-site support to build capacity for research in Tribal communities. A cooperative agreement was awarded to the University of Colorado at Denver, Health Sciences Center, to lead this work. The AI/ANHSRC has worked to identify existing data on American Indian Alaska Native Head Start, to locate gaps in the available literature and reporting on programs, to generate policy-relevant findings, to give shape to research and training priorities, and to build a national network of programs for future research efforts and participate in data collection and developing research partnerships between researchers and AI/AN Head Start programs.

The AI/ANHSRC is guided by a steering committee that includes AI/AN Head Start program directors, other Tribal representatives, NIHSDA representatives, the Head Start Collaboration Director, staff from the ACF's Office of Planning, Research and Evaluation and the Office of Head Start, and researchers who are working in Tribal settings. The first years of this cooperative agreement were focused on establishing local research partnerships, developing community participatory models to identify research needs, and agreeing on processes for conducting research in local sites. Over the past 3 years, the AI/ANHSRC competed and awarded three subcontracts to Arizona State in partnership with the Gila River Tribe, Michigan State University in partnership with the Inter-Tribal Council of Michigan and to the University of Oregon in partnership with the Confederated Tribes of Warm Springs to develop and conduct research in collaboration with local Tribal Head Start programs and Tribal communities. These projects place significant emphasis on Tribal participation in the research and on the implementation of methodologically sound studies. The AI/ANHSRC has also supported the professional development of researchers by awarding three training fellowships to doctoral level individuals who are now conducting research in conjunction with the Seneca, Inter-Tribal Council of Michigan and Jemez Head Start programs. The AI/ANHSRC, through the building of a network of AI/AN Head Start program staff and researchers, and through the development of the local research partnership projects and the training fellowships, has laid the foundation for addressing study areas identified in legislation, including studies of professional development to enhance best practices for teaching, culturally appropriate curricula, and appropriate research methodologies and measures.

ACF intends to support and work with the AI/ANHSRC to build on its network of partnerships, its research portfolio, and its training activities to target more specifically the research aims that are described in the Head Start School Readiness Act. These aims will be addressed by the establishment of a Research Consortium that includes the ongoing AI/ANHSRC local research partnership projects, the training fellowships, and direct participation of a number of additional Head Start American Indian and Alaska Native programs. The Research Consortium includes the Seneca Nation of Indians, the Rosebud Sioux Tribe, the South Central Foundation of Alaska, the Blackfeet Nation, Rincon Band of Luiseno Indians, Turtle Mountain Chippewa Tribe of Indians, Red Cliff Band of Lake Superior Chippewa, and the Cherokee Nation of Oklahoma. Discussions with additional Tribal communities are also underway. The inclusion of these Tribes represents an expansive representation of AI/AN Head Start programs and a commitment by many Tribes and Tribal Head Starts to conduct in-depth research on the areas identified by the Act. Below are descriptions of ongoing and planned studies as they relate to the areas prescribed by the legislation:

Curriculum Development. The issue of how to incorporate the unique and important aspects of native culture into pre-existing curricula, as well as the development and validation of the efficacy of new cultural curricula has been a priority for the AI/ANHSRC Steering Committee. The following studies will address this topic:

- A study by the Confederated Tribes of Warm Springs and the University of Oregon examining the implementation of a staff training model that incorporates culture and heritage into developmentally appropriate pedagogy for children from birth through age 5, while also focusing on strategies for children's cultural learning between home environments and the Head Start program.
- Development and evaluation of a culturally based curriculum for use in a Tribal Head Start program; the curriculum will foster the maintenance of Tribal language and cultural knowledge and skill building (Jemez Pueblo in New Mexico).
- Collaboration within the Research Consortium sites in Fiscal Year 2009 and Fiscal Year 2010 to promote community dialogues on cultural values, existing curricula, and the processes through which new curricula and the science to support them can be developed.

Professional Development. Several studies will focus on best practices for teaching and educating young children in American Indian and Alaska Native Head Start.

- Evaluation of a model for individualized educational planning for early childhood employees, including three education approaches (individual online mentoring, face-to-face tutorials, cohort model mentoring), while

developing and testing an approach to staff training in children's cultural learning (the Confederated Tribes of Warm Springs and the University of Oregon).

• Examination of Head Start teacher recruitment, retention and professional development at the local level and how they intersect and interact with efforts to indigenize the curriculum (the Gila River Indian Community and Arizona State University).

• Evaluation of a program designed to increase the number of American Indian teachers in Early Head Start (EHS) and Head Start (HS) classrooms, to increase teacher's academic credentials and to infuse cultural knowledge into EHS/HS curricula (the InterTribal Council of Michigan and Michigan State University).

Availability and Need for Services. In consultation with AI/AN Head Start Directors, the AIANHSRC is working with communities to analyze existing data to determine where there are service needs and to identify and evaluate approaches to service provision:

• A partnership between the AIANHSRC and interested members of the Consortium to examine the cultural appropriateness of approaches offered by the Center on Social and Emotional Foundations for Early Learning (CSEFEL) at Vanderbilt University and the kinds of supports required for teachers in AI/AN Head Starts to implement some of the practices recommended by CSEFEL.

• A project to better understand behavior problems among AI/AN children with speech and language delays/problems, with the goal of developing/adapting an intervention targeting these behaviors among children with speech and language delays/problems (Seneca Tribal Head Start program).

• Systematic coordinated data collection strategies for assessing the needs of parents and children, as well as data on service utilization, is under development by the Research Consortium and should be ready for pilot work in early 2009.

Appropriate Research Methodologies and Measures. In addition to building on the partnerships seeded in the first phase of the AI/ANHSRC (2005–2008), the work sponsored by ACF will expand to include coordinated data collections on program and classroom quality (2008–2009) and children's outcomes (2009–2010) within the broader Consortium. Existing measures of classroom quality, teacher effectiveness, and child outcomes were developed without consideration of the goals of American Indian and Alaska Native Head Start teachers, programs and communities. Studies in this domain include:

• Using Head Start Family and Child Experiences Survey (FACES) measures as a point of departure, research under this component will conduct focus groups, using a common protocol, to determine the acceptability and appropriateness of these measures and will then pilot both the original and modified versions of these measures to evaluate their performance in AI/AN Head Start Programs. The coordinating center for the AI/ANHSRC will serve as a data repository for these efforts, analyzing cross-site data for final reports to inform the Office of Head Start and the AI/AN Head Start community.

• Development of a proposed common measurement strategy for assessing child and family needs, teacher effectiveness, and children's outcomes. AIANHSRC staff and collaborators will complete training on the Classroom Assessment Scoring System (CLASS) measure (Pianta, La Paro & Hamre, 2008) [1] which has been proposed for use in Head Start's (FACES) study and conforms to the monitoring section requirements in the Head Start School Readiness Act. Work groups within the Consortium have now formed to identify additional measures required for the appropriate assessment of family and children's outcomes. The goal is to establish this common measurement approach (with local additions that reflect the unique characteristics of each participating AI/AN Head Start program) in early 2009.

• A cultural critique and analysis of the Nursing Child Assessment Satellite Training (NCAST) (Barnard, 1978) for the assessment of American Indian caregiver-child relationships and interactions.

• Examination of the reliability and validity of the Infant Toddler Social-Emotional Assessment (ITSEA) (Carter & Briggs-Gowan, 2005) [2] for use among AI/AN children.

• Finalization of standard ''partnership'' measures, using data collected across local research partnership sites. Results from these measures, in conjunction with the employment of the community participatory research model by all three sites will inform the field on how to effectively engage with Tribes to conduct research.

Plan for Dissemination. ACF will sponsor development and enhancement of the AIANHSRC website, which will include areas for interactive discussions of measurement and research strategies, both within the Research Consortium and nationally. AIANHSRC collaborators have formed the nucleus of the new Native Children's Research Exchange, sponsored by the Society for Research on Child Development (SRCD), which is designed to foster research on AI/AN children's development over the first two decades of life. Finally, the Principal Investigator for the AIANHSRC, Dr. Paul Spicer, has been invited to serve on the board of Zero to Three, which will facilitate the dissemination of the AIANHSRC's work in infant and toddler service settings. The involvement of the AI/ANHSRC in these organizations will promote a national presence for the AI/AN Head Start research agenda.

Section II. A Plan for Carrying Out Section 649 Subsection (k) Paragraph (1) Subparagraphs (B–D)

To address section II, a plan that will accurately determine the number of children nationwide who are eligible to participate in American Indian/Alaskan Native (AI/AN) Head Start programs each year and to document how many of these children are receiving Head Start services each year; the Administration for Children and Families contracted with National Opinion Research Center (NORC) to propose an initial estimation methodology. The following plan details the population of interest for AI/AN Head Start, lays out the process and criteria that will be used to assess the data sources, describes the data sources which have been examined and the results of the evaluation, and describes the proposed process for producing the estimates. Alternate methods that were examined are also described, along with the reasons they were not selected.

Definition of Population of Interest. The goal of the estimation process is to produce population estimates of the number of American Indian and Alaskan Native (AI/AN) children birth to age 5 who are eligible for the Indian Head Start program. Designation as an Indian Head Start program requires that the grantee must be affiliated with a Federally recognized Tribe and at least 51% of the children must fall at or below the Federal poverty level. Therefore, eligible children must be affiliated with a Federally recognized Tribe and living on or near Reservations.

[1] Pianta, Robert C., La Paro, Karen M., & Hamre, Bridget K., *Classroom Assessment Scoring System (Class) Manual, Pre-K.* Baltimore, MD: Paul H Brookes Pub Co., 2008.

[2] Carter, Alice & Briggs-Gowan, Margaret. *Infant Toddler Social-Emotional Assessment (ITSEA).* San Antonio, TX: Pearson Education, Inc., 2005.

For purposes of producing these estimates, we assume the following definitions.

1. Affiliated with a Federally recognized Tribe is defined as self-reported affiliation with 1 of the 562 AI/AN Tribes officially recognized by the Federal Government. Though we recognize some children may be affiliated with a State-recognized Tribe, for the purposes of the current estimate only Federally recognized Tribes at the time of the estimate will be included in the count. However, as a practical matter, these kinds of data are not available.[3] It is only possible to use self-reported AI/AN racial identification as a substitute. We include any child whose reported race is AI/AN, either alone or in combination with other races.

2. Living on or near a reservation is defined as residence on or in a county adjacent to a recognized American Indian Reservation.[4] Specifically, we use the Indian Health Service (IHS) definition of on or near a reservation, which includes the counties served by the IHS Contract Health Service Delivery Areas, or CHSDAs.[5] We refer to these groups as *county clusters*.

General Estimation Approach. There are three primary characteristics that define the eligible population that is the object of this estimation process.

1. Children ages 5 and under of American Indian or Alaskan Native ancestry;

2. And who live on or near a Reservation;

3. And at least 51% of the age- and race-eligible children fall at or below the Federal poverty level.[6]

Therefore, the basis for these estimates is a count for each county cluster defined above that enumerates all AI/AN children ages five and under that fall above and below the Federal poverty level.

To produce these counts, we employ several data sources that in combination produce the most accurate and up-to-date estimates feasible. Unfortunately no single source of data contains all the elements needed to estimate the eligible population, with the possible exception of the U.S. Census. The 2000 Census data have other disadvantages (primarily that they will be 9 years out of date when the estimates are produced) that make it desirable to employ multiple data sources.

Evaluation Criteria for Data Sources. ACF has evaluated each data source in comparison to the criteria described in this section. The criteria are chosen in order to provide guidance as to the benefits and limitations of each source, as well as guidance in using the sources in the estimation process. Because a multi-year recommendation will be made, the data sources employed in the first year may change in later years, although the initial emphasis is on the first year.

Precision. One of the key criteria for each data source is the precision of the estimates that can be produced with the data. Our estimation methodologies are based on statistical models and data derived from the Census Bureau and other administrative sources. The accuracy of the estimates will be limited by the accuracy of the assumed models and by the error structure of the various data inputs. We attempt to provide a description of all of the known limitations in the estimates.

Geographic Representation. Although some data sources under consideration can provide estimates at the national level, there are others, such as State data sources, which are representative of only a smaller geography. It is necessary to assess the scope and completeness of geographic coverage of each data source, as well as what levels of sub-geography are available. In addition, the desired geographic units of analysis must be determined in conjunction with the achievable precision.

Coverage. Data sources have different rates of coverage of the target population, not only by geography, but in subgroups based on important demographic characteristics, such as low-income, urban/rural, or others. We evaluate each data source, with particular attention to any issues that may arise due to insufficient coverage of crucial subgroups within the population.

Timeliness. Data sources are updated on different schedules, some annually and others much less frequently. The more recently updated data sources may be preferred to more outdated sources, even if their estimates may be less precise, for example. The schedule of updates for each data source will guide us as to when and how they may be employed not only in the first year, but in the future during the 5 years the plan will cover. There will also be implications for precision and coverage for some sources as additional years of data become available.

Data Sources. As part of the evaluation process each of the following data sources was reviewed against the criteria listed above. Here a description is presented of each data source and the results of the evaluation.

Census. The decennial Census is the premier source of population data for the United States. It has been used successfully in past Census studies of the AI/AN population and provides the highest levels of precision and coverage available. The data gathered on the Census long form also allow estimates of children by income to be constructed, and thus the estimates could in principle be constructed from the Census data alone.

The Census data suffer from one primary drawback that leads us to consider alternate approaches. The data which are currently available date from 2000, which will make them nearly 9 years out of date at the time the first estimates will be produced. To produce more up to date numbers the data would require substantial adjustment to account for changes over time. This is especially challenging given the young age of the target population. Fortunately, data from the 2010 Census will start to become available in 2011 and may provide updated figures in later estimates, although the detailed data files needed for the estimation may not be available until 2012 or after.

American Community Survey. The American Community Survey (ACS) is a new survey conducted by the U.S. Census Bureau. This survey uses a series of monthly samples to produce annually updated data for the same small areas (Census tracts and block groups) as the decennial census long-form sample formerly surveyed. Initially, 5 years of samples are required to produce these small-area data. Once the Census Bureau has collected 5 years of data, new small-area data are produced annually. The Census Bureau will also produce 3-year and 1-year data products for larger geographic areas.

With full implementation beginning in 2005, population and housing

[3] Tribal affiliation is asked as part of the Census, but 20% of AI/AN respondents do not list a Tribe, and the data are generally considered unreliable.

[4] The Census Bureau recognizes AIRs (American Indian Reservations) as Territory over which American Indians have primary governmental authority. These entities are known as Colonies, Communities, Pueblos, Rancherias, Ranches, Reservations, Reserves, Tribal towns, and Tribal Villages. The Bureau of Indian Affairs (BIA) maintains a list of Federally recognized Tribal Governments.

[5] The list of CHSDAs we use comes from, ''Geographic Composition of the Contract Health Service Delivery Areas (CHSDA) and Service Delivery Areas (SDA) of the Indian Health Service'' 72 **Federal Register** 119 (21 June 2007), pp. 34262–34267.

[6] The eligibility requirements for an Indian Head Start program are more complex than the 51% rule, and include provisions for non-AI/AN children who meet the low-income guideline, children with disabilities, and others. However, producing estimates that account for all these possibilities is outside the scope of this estimation. A complete assessment of eligible children would require data that do not currently exist, and thus we are forced to draw a compromise between the text of the law and what data are available. As a result, we define eligibility based only on the AI/AN population, according to income.

profiles for 2005 first became available in the summer of 2006 and every year thereafter for specific geographic areas with populations of 65,000 or more. Three-year period estimates will be available in 2008 for specific areas with populations of 20,000 or more, and 5-year period estimates will be available in 2010 for areas down to the smallest block groups, census tracts, small towns and rural areas. Beginning in 2010, and every year thereafter, the Nation will have a 5-year period estimate available as an alternative to the decennial census long-form sample, a community information resource that shows change over time, even for neighborhoods and rural areas.[7]

As the American Community Survey is designed to provide estimates comparable to the Census, the data collected contain all the elements necessary to produce the desired figures for the target population. In principle, the ACS could be used as the only data source, but there are other drawbacks that lead us to consider using the ACS in conjunction with other sources described below.

Vital Statistics. A technique that has been used on other studies that concern populations of young children requires the use of National Center for Health Statistics (NCHS) vital statistics data on births. This allows very up-to-date estimates of age-eligible children based on births, with adjustments for deaths and estimated migration in the AI/AN population.

There are two chief advantages that the vital statistics data bring to the process. First, the data on births is in principle a complete census of all births in the U.S. and therefore is not subject to sampling variability. Second, the data are produced on an annual basis for the entire U.S., and thus can be updated in a timely fashion with an exact count of births.

Natality data require adjustments to account for deaths, and possibly migration, to compute an accurate count of children within a certain age range in a geographic area. These adjustments take into account infant mortality, which is also reported in the NCHS vital statistics. Adjustments for migration after birth are also made, using estimates from the Census.

Although the vital statistics data provide very accurate counts of children, they contain no data on income, and thus cannot be used to compute all the figures necessary for the estimates. This limitation will be addressed in the detailed estimation methodology section described below.

Program Information Report (PIR) Office Of Head Start Data Base. The PIR data will be used only for computing the numbers of AI/AN children enrolled in Head Start programs. These data cannot be used to estimate the overall population of enrolled and eligible-but-not-enrolled children.

Other Sources. Chickasaw Nation Tribal Census. In 2005 the Chickasaw Nation conducted a Tribal census. Information of this kind is extremely valuable for studying specific Tribes. However, for a Nation-wide estimation, it is difficult to incorporate one Tribe-specific data source with other data for the rest of the nation. It would be impossible to assess the comparability of the data for the Chickasaw with the remainder of the U.S. Given that the goal is to produce national estimates, rather than Tribal estimates, we recommend using a single source for all of the U.S. when possible. We will attempt to compare our estimates to those obtained from other sources, such as the Chickasaw census[8] where possible.

Detailed Estimation Methodology. This section describes in detail ACF's recommended methodology for producing the estimates of the target population, including the data sources to be used, the method for combining the data, and the implementation of the eligibility rule. In the estimating the number of AI/AN children section, we recommend methodology for estimating the number of age- and race-eligible children not living on or near a Reservation.

Overview. There are four primary tasks to perform in order to produce the estimates. They are:

1. Construct the geographic areas, or county clusters, that will be used;
2. Estimate the total number of AI/AN children under 6 living in these areas;
3. Estimate the proportion of age- and race-eligible children living in these areas that meet the income criterion; and
4. Use these counts and the eligibility rule to compute the final estimates.

All steps of the estimation methodology assume that the target year of estimation is 2005, (the most recent year that data are available from all sources as of this writing). However, at the time the estimates are produced more recent data may be available; for example, the 2006 Vital Statistics data are scheduled to be released late in 2008. Adjustments to the procedure should be made to take advantage of the most recent data at the time the estimates are produced.

Construct Geographic Areas Using Contract Health Delivery System Areas (CHDSA) Definitions. The eligibility requirements for an Indian Head Start program include children living on or near a Reservation. As described in the definitions above, the Indian Health Services (IHS) uses a similar definition for establishing their Contract Health Delivery System Areas by creating clusters of counties that include all or part of a Reservation, and any county or counties that have a common boundary with a Reservation. The same areas are used for the estimation process in order to account in an accepted way for programs that serve American Indian and Alaskan Native (AI/AN) children who do not live on or near a Reservation, such as in the Alaska Native Regional Corporations and the Oklahoma Tribal Statistical Areas.

The definitions used in this plan were published in the **Federal Register** on June 21, 2007, cited in footnote 5 above. Some areas overlap at the county level with more than one Reservation. In these cases, we combine the joint set of counties together into one county cluster.[9] For example, a simple cluster would consist of a set of counties linked to one reservation, such as the Poarch Band of Creek Indians, which are linked to Baldwin, AL; Escambia, AL; Escambia, FL; Elmore, AL; Mobile, AL; and Monroe, AL. An example of a more complex cluster is the overlapping areas of the Miccosukee Tribe (Broward, FL; Collier, FL; and Miami-Dade, FL) and the Seminole Tribe of Florida (Broward, FL; Collier, FL; Glades, FL; and Hendry, FL). Together these form one cluster of counties that includes Broward, FL; Collier, FL; Glades, FL; Hendry, FL; and Miami-Dade, FL.

Four States are included in their entirety as Contract Health Delivery System Areas Alaska, Nevada, Oklahoma, and South Carolina as part of the Catawba Indian Nation area. California is also included in part as a separate area.

For the rest of the estimation process, all numbers are computed within county clusters, until the final national estimate is produced from the sum over all clusters.

[7] Adapted from U.S. CENSUS BUREAU, *Design and Methodology,* American Community Survey, U.S. Government Printing Office, Washington, DC, 2006.

[8] The Chickasaw data can potentially be used for purposes of evaluating the population estimates we will produce for the corresponding county cluster.

[9] It is possible in these instances that more than one Head Start program provides services in these areas, but for purposes of the estimates they are treated as a group. As the final estimates are at the national level, this doesn't pose any significant difficulties.

Estimate Number of AI/AN Childrean Under Six Using Vital Statistics Data. The number of children ages five and under of AI/AN descent in each county cluster is estimated using the Centers for Disease Control and Prevention's National Center for Health Statistics (NCHS) vital statistics natality data, with a series of adjustments. The steps are:

1. Defining the reference period;
2. Counting Births (NCHS Vital Statistics Natality Data);
3. Adjustment for Infant Mortality (National Vital Statistics Reports); and
4. Adjustment for Migration between States (Public-Use Microdata Samples Data).

Each step is described in detail in this section.

1. Defining the Reference Period

This step involves choosing the exact date at which child age will be determined and the corresponding range of birth dates to be included in the time period of estimation. For example, for the reference date of December 31, 2005 (the most recent Vital Statistics data available as of this writing), the range of eligible birth dates is from January 1, 2000 through December 31, 2005.

2. Counting Births

Data on births are reported by the National Center for Health Statistics Division of Vital Statistics annually.[10] The number of AI/AN births nationally from 2000 through 2005 [11] according to Vital Statistics data is:

2000: 41,668
2001: 41,872
2002: 42,368
2003: 43,052
2004: 43,927
2005: 44,813

Data at the individual level are available from NCHS for all births, including county of mother's residence, mother and father's race, and other demographic characteristics.[12] Following IHS definitions, we classify children as AI/AN based on either father or mother's race including AI/AN on the birth certificate.[13]

It is important to note that while we have information on the mother's residence at time of birth, we assign births based on place of birth because the Census data only has place of birth, and doesn't have mother's residence. Therefore, the migration step 3 described below is a combination of switching from place of birth to mother's residence and the migration of one resident State to another.

3. Adjustment for Infant Mortality

In order to account for infant mortality, the birth counts are first adjusted using one-year infant mortality rates for the AI/AN race/ethnicity group within each State.[14] The most recent rates are available from Table 3 of *Infant Mortality Statistics from the 2004 Period Linked Birth/Infant Death Data Set.* NVSR Volume 55, Number 14. 33 pp. (PHS) 2007–1120.

These rates are applied to the counts of births. However, this is an overestimate of the survivors to age five because it does not consider infant deaths between one year and age five. In order to account for this, adjustments are made by year up to age 5.[15] The most recent rates come from Table 1 of *United States Life Tables, 2004.* NVSR Volume 56, Number 9. 40 pp. (PHS) 2008–1120.

4. Adjustment for Migration between States

In Step 4, ACF used State of birth to estimate migration between States. This adjustment, however, necessarily combines migration with an adjustment for babies born in a different State from the mother's residence because the births were assigned based on mother's residence, but the Census Public Use Microdata Samples (PUMS) data only contain State of Birth. The State with the largest percentage gain is surprisingly Rhode Island (+ 6.48%). It is not surprising to see Nevada in third place. At the bottom, Washington, DC loses the highest percentage (− 9.20%). Washington, DC has hospitals with many Maryland and Virginia births.

Estimate Proportion of Children in Different Income Groups Using ACS/CENSUS. Once the counts of AI/AN children in the appropriate age range are computed, they must be allocated into two groups above and below the Federal poverty level.[16] Direct computation of these figures is not possible since income information is not available from the Centers for Disease Control and Prevention's Vital Statistics. Here we describe how these groups are allocated.

The ACS Public Use Microdata Samples are used to produce estimates of the proportion of AI/AN children living in families at or below the Federal poverty level. These data are available at the Public Use Microdata Area, or PUMA level, which can be mapped to counties using the PUMS Equivalency files.[17] PUMS data allows the researcher to create custom tabulations of information that are not published by the Census Bureau in standard reports.[18] The most recent data file available is the 2006 single-year PUMS file, but in the fall of 2008 multi-year data will become available, as well as the 2007 data. When the multi-year data become available ACF will include them in the estimates in order to increase precision.

Using the PUMA Equivalency files, PUMAs are grouped into the defined

[10] The representative figures reported here are from tables available from the VitalStats reporting system, *Centers for Disease Control and Prevention, National Center for Health Statistics, VitalStats. http://www.cdc.gov/nchs/vitalstats.htm.* [07/22/2008].

[11] For the reference year of 2005, these years form the range of birthdates of all children ages five and under.

[12] Data including geographic identifiers have restricted access and require special agreement with NCHS to obtain. For more details, see *http://www.cdc.gov/nchs/about/major/dvs/NCHS_DataRelease.htm.*

[13] This definition attempts to avoid undercounting AI/AN children, at the suggestion of Angela Willeto.

[14] The State level is the most detailed level of reporting for these statistics that is available.

[15] These rates are available only at the national level for all races combined.

[16] The income guidelines that determine eligibility for Head Start are complex. For example, section 645(a)(3)(A) of the new Head Start Act requires that certain types of pay and allowance to members of the uniformed services not be counted as income for purposes of determining Head Start eligibility. In addition, under 37 U.S.C. 402a(g), the child or spouse of a member of the armed forces receiving a ''supplemental subsistence allowance'' who, except on account of such allowance, would be eligible to receive a service provided under the Head Start Act, shall be considered eligible for such benefits notwithstanding the receipt of the allowance.

Likewise, the definition of family used in the guidelines has several complexities that make exact implementation difficult. Due to limitations in the data that are available regarding income, we use family income to divide children into the two groups, above and below the Federal poverty level.

For further explanation, see the *2008 Family Income Guidelines.* ACF–IM–HS–08–05–R. HHS/ACF/OHS. 2008 (*http://eclkc.ohs.acf.hhs.gov/hslc/Program Design and Management/Fiscal/ProgramManagement/Management Systems Procedures/resour_ime_005_020508.html*).

[17] Each PUMA has a minimum population of 100,000; as a result there are PUMAs which contain more than one county and counties with more than one PUMA. For example, Cowlitz County, Washington is part of a PUMA that also includes Klickitat, Skamania, and Wahkiakum counties; in contrast Miami-Dade County, Florida consists of 12 PUMAs. In instances where multiple counties are part of one PUMA, we will allocate children according to the proportion of AI/AN age-eligible children in the county. Due to the small sizes of these counties, the proportions will most likely need to be taken from the 2000 Census. We expect the number of counties for which this adjustment needs to be made will be small.

[18] As an additional option, we will attempt to obtain clearance from the Census Bureau to access restricted data files for the ACS. These data permit the tabulation of data at levels lower than the PUMA, and thus more closely match the county clusters, especially for small counties. Due to the time required to obtain clearance and the potential impact to the delivery schedule, we include this as an option. This option was added at the suggestion of Matthew Snipp.

county clusters. The records are limited to children of AI/AN ages 5 and under. Using the family income, State of residence, and family size, we assign the children to the two groups.[19] ACF can then compute the proportion of children in each cluster that fall in the low-income group. This proportion is used in the next step.

Combine Estimates and Compute Eligible Child Counts Using Eligibility Rule. The proportions derived from the ACS data are multiplied by the counts of children computed from the vital statistics data to estimate the number of children in the low and high-income groups in each cluster. The total number of eligible children in each cluster is then estimated as:

$E = \min\{L/0.51, L/R\}$,

Where

E = total estimated eligible children,

L = total estimated low-income children,

H = total estimated high-income children, and

$$R = \frac{L}{L+H}.$$

The logic of the formula is that Head Start guidelines specify that at least 51% of children served by the program must meet the income eligibility guideline, and therefore the maximum number of children that could be served must be no more than the number of low-income children divided by 0.51, or the number of all AI/AN children, whichever is less.[20]

Strengths and Limitations of the Methodology. Due to the complexities of the rules and regulations that govern Head Start eligibility and the exact nature of what data are available, this plan makes some difficult choices in both what data sources to employ and how they are used. Both the strengths and limitations of the plan are discussed here, along with an overview of what alternatives were considered and the reasons for their ultimate rejection.

Strengths. The estimation plan described in this document has several key benefits that cause us to recommend it above the alternatives. First, it provides the best achievable combination of accuracy, coverage, and timeliness in the estimation of the number of children of AI/AN descent in the U.S. Because the NCHS Vital Statistics natality data are a census of all births in the U.S., they represent the definitive source of data for young populations. The natality data are also more up to date than alternatives such as the Census.

Second, by using the ACS it allows a very accurate estimate of the income distribution of families with AI/AN children in specific geographic areas, yet unlike the Census is updated on an annual basis. By design, the ACS is rapidly becoming the primary source of demographic data for researchers, particularly when dealing with areas below the State level. Continued data collection will allow for even more precise estimates in the future as additional multi-year data become available.

A further strength of this approach is the close alignment of the county clusters with the Indian Health Services service areas. This method provides both a recognized way of identifying areas where Indian services are provided and avoids complexities associated with areas such as Alaska and Oklahoma, where defining Reservations is difficult.

A fourth consideration in its favor is that it is based on publicly available data sources, and thus brings a measure of transparency to the estimation process. This allows stakeholders to feel confident that the estimates are reasonable and can be replicated by outside analysts if desired.

One additional strength is that the multi-stage estimation method allows the substitution of other data, specifically the 2010 Census, in circumstances when superior data become available. Because the estimation relies on analytical units that are well-defined in Census data sources, it is straightforward to substitute 2010 Census data for the ACS to estimate the income distribution, for example, in the future.

Limitations. Any estimation method that could be chosen will suffer from some drawbacks as well as advantages and although the recommended strategy is sound and defensible, ACF would like to point out the following considerations listed below:

1. The NCHS Vital Statistics natality data has the advantage of being a census, rather than a sample, of births, but the mortality statistics used to adjust the population counts are reported based on rates, rather than counts of actual deaths, with the exception of the first year of life. In addition, the best rates available are at the State level for all races, and thus are not as precise as the Census might provide for a given year. However, these adjustments are ultimately small and do not cause the estimate to change in a substantial way.

2. A limitation that arises from using ACS data is that sampling variability is introduced, since the ACS by design is a sample survey. This limitation is true of nearly all data we might employ with the exception of the Census, but as a practical matter up to date estimates even from the Census will require adjustments that introduce similar variation. As a consequence of the ACS sample design, the mapping from PUMA to county is not exact in some cases, particularly when sparsely populated counties are combined into a single PUMA.

3. One final limitation to consider is that the estimates are produced from multiple sources of data; population counts from the vital statistics and income distributions from the ACS. All else being equal, it would be preferable to estimate these from a single source. In principle this could be done entirely with the Census or the ACS (see below for a further discussion of these approaches) but we believe the benefits in terms of timeliness and precision outweigh the costs.

Precision of the Estimates. The counts produced at the first stage from the Centers for Disease Control and Prevention's Vital Statistics natality data are based on a complete census of all births in the US, and thus within the limitations of the data collection process are the actual numbers of AI/AN children and are not subject to sampling variation. Children under age 6 at the time of estimation will have been born within the defined reference period.

Let B_i denote the number of AI/AN births to mothers living in the i-th county-cluster during the reference period. Let B_{ia} be the number of AI/AN births to mothers living in the i-th county-cluster during year a of the reference period, with a coded as follows:

a	Age of child at the time of estimation
1	Age < 1.
2	1 ≤ Age < 2.
3	2 ≤ Age < 3.
4	3 ≤ Age < 4.
5	4 ≤ Age < 5.
6	5 ≤ Age < 6.

$$\text{Note that } B_i = \sum_{a=1}^{6} B_{ia}.$$

Let d_{ia} be the death rate to AI/AN children in the i-th county cluster in the a-th year of life, for a = 1, ..., 6. Let I_{ij} be the number of survivors at the reference date among AI/AN children who lived in county-cluster j at birth and now live in county-cluster i at the reference date (the in-migrants). And let

[19] The income guidelines for the reference year of 2005 are found in Head Start Family Income Guidelines for 2005. ACYF–IM–HS–05–01. DHHS/ACF/ACYF/HSB. 2005.

[20] As noted above, this rule is more simplistic than the guidelines actually allow. However, given the data that are available this is a reasonable simplification.

O_{ij} be the number of survivors at the time of estimation among eligible children who lived in county-cluster i at birth and now live in county-cluster j at the reference date (the out-migrants).

Let C denote the set of county-clusters that represent areas on or near Reservations. Define one additional county-cluster for each State (except for AK and OK) that represents all other counties in the State not on or near reservations. And let U be the union of C and these rest-of-State pieces, or in other words, let U be the set of all areas in the U.S.

Then, by definition, the total number of AI/AN children age under 6 living in the i-th county-cluster, for $i \in U$, is given by

$$N_i = \sum_{a=1}^{6} B_{ia} \prod_{b=1}^{a} (1 - d_{ib}) + \sum_{j \in U} I_{ij} - \sum_{j \in U} O_{ij},$$

or more simply N_i = survivors among births in the county-cluster plus in-migrants less out-migrants.

Earlier in this report we outlined a demographic-analysis procedure for estimating the number of children in the population. Our procedure is equivalent to the expression

$$\hat{N}_i = \sum_{a=1}^{6} B_{ia} \prod_{b=1}^{a} \left(1 - \hat{d}_{ib}\right) + \sum_{j \in U} \hat{I}_{ij} - \sum_{j \in U} \hat{O}_{ij},$$

where births are known without error (or virtually without error) from the U.S. Vital Statistics system, the death rates are estimated, the numbers of in-migrants are estimated, and the numbers of out-migrants are estimated. There is error in the estimated population size by virtue of error in the estimated death rates and error in the estimated counts of in- and out-migrants.

The estimated death rates are obtained from the U.S. Centers for Disease Control and Prevention, National Center for Health Statistics, Vital Statistics system. Because all deaths are registered in this country, death rates are not subject to sampling error. In the procedure, ACF uses death rates calculated at the State by race/ethnicity level. Error in the estimated death rates arises because the AI/AN specific rates are calculated at the State level and then applied at the county-cluster level within State. Individual county-clusters may experience a higher or lower death rate than the State in which they are located, resulting in some over or under-estimation of the population in the county cluster. Because infant mortality is relatively low and rates do not vary extensively from cluster to cluster, ACF expects this component of error to be relatively small.

The estimated numbers of in-migrants are derived from registered births and from estimated migration rates derived from the American Community Survey (ACS). The estimator is of the form

$$\hat{I}_{ij} = B_j \hat{m}_{ij},$$

where m_{ij} is an estimator derived from ACS data of the rate of migration from county-cluster j to county-cluster i. The ACS data are based upon a sample, not a complete enumeration. Moreover, because of ACS sample size limitations, ACF estimates the migration rate at a higher level of aggregation than the county-cluster level. Thus, the estimated numbers of in-migrants are subject to both sampling error and error due to failure of the ''synthetic'' assumption.

The estimated numbers of out-migrants are obtained similarly as

$$\hat{O}_{ij} = B_i \hat{m}_{ji},$$

and are similarly subject to sampling error and error due to failure of the synthetic assumption.

It is worth noting that the main goal of the estimation is to obtain an estimate of the number of AI/AN children under 6 for the aggregate set of areas that are on or near Reservations. The goal is not strictly to estimate the number of children at the county-cluster level. Indeed, at the national level, the numbers of in-migrants must equal the numbers of out-migrants, except for deviations due to international migration, which are likely to be trivially small for the AI/AN population. Thus, at the national level, ACF can write the number of AI/AN children under 6 as

$$N_U = \sum_{i \in U} N_i = \sum_{i \in U} \sum_{a=1}^{6} B_{ia} \prod_{b=1}^{a} (1 - d_{ib}) + \sum_{i \in U} \left(\sum_{j \in U} I_{ij} - \sum_{j \in U} O_{ij} \right) = \sum_{i \in U} \sum_{a=1}^{6} B_{ia} \prod_{b=1}^{a} (1 - d_{ib}).$$

For the aggregate set of areas on or near Reservations, the population size is

$$N_C = \sum_{i \in C} \sum_{a=1}^{6} B_{ia} \prod_{b=1}^{a} (1 - d_{ib}) + \sum_{i \in C} \left(\sum_{j \in U} I_{ij} - \sum_{j \in U} O_{ij} \right) =$$
$$\sum_{i \in C} \sum_{a=1}^{6} B_{ia} \prod_{b=1}^{a} (1 - d_{ib}) + \sum_{i \in U} \left(\sum_{j \in U} I_{ij} - \sum_{j \in U} O_{ij} \right) - \sum_{i \in C^c} \left(\sum_{j \in U} I_{ij} - \sum_{j \in U} O_{ij} \right) =,$$
$$\sum_{i \in C} \sum_{a=1}^{6} B_{ia} \prod_{b=1}^{a} (1 - d_{ib}) - \sum_{i \in C^c} \left(\sum_{j \in U} I_{ij} - \sum_{j \in U} O_{ij} \right)$$

and the corresponding estimator is

$$\hat{N}_C = \sum_{i \in C} \sum_{a=1}^{6} B_{ia} \prod_{b=1}^{a} \left(1 - \hat{d}_{ib}\right) + \sum_{i \in C} \left(\sum_{j \in U} \hat{I}_{ij} - \sum_{j \in U} \hat{O}_{ij} \right) = \sum_{i \in C} \sum_{a=1}^{6} B_{ia} \prod_{b=1}^{a} \left(1 - \hat{d}_{ib}\right) - \sum_{i \in C^c} \left(\sum_{j \in U} \hat{I}_{ij} - \sum_{j \in U} \hat{O}_{ij} \right),$$

where C^c is the set of areas that are not on or near Reservations and $U = C \cup C^c$.

Thus, error in the estimate of the population in the aggregate set of areas on or near Reservations is due to error in the estimated death rates and error in the estimated net migration into areas that are not on or near Reservations. While migration in or out of any one county-cluster may be nontrivial, the net migration into the aggregate of clusters that are not on or near Reservations is likely to be quite small.

The income proportions estimated from the ACS are subject to sampling variability, as the ACS is a sample survey. This variation can be estimated using standard statistical techniques when the estimates are produced and will be included with the final estimates.

Alternate Plans Considered. In devising this plan we considered several alternative strategies, which are discussed here, along with the reasons why they were rejected.

Census Data at All Stages. Because of the sheer size and scope of the decennial Census, it is a natural choice for consideration as the primary data source for the estimates. Using the Census PUMS data it would be possible to directly compute the estimated counts of children within each income group, and thus from there the eligible population. However, given the data collection schedule of the Census, it is difficult to produce estimates for any given point in time in the intercensal years without relying on the Census Bureau population projections and adjustments, most of which are not produced at the fine level necessary for this estimation. Past experience has also shown that these projections tend to undercount the number of Indians in the population.[21] These considerations in conjunction with the young age of the population lead ACF to propose the use of Vital Statistics data instead.

ACS DATA at All Stages. Similarly to the Census, the ACS PUMS data contain all the elements necessary to produce the estimates. However, although they are produced in a more timely way than the Census, the actual counts obtained from the ACS are adjusted using the intercensal population estimates produced by the Census Bureau. This is done to adjust the ACS sample estimates to match the population estimates using population weights. The implication of this is that although proportions calculated from the ACS are accurate (for example, based on income), the population counts are based on population estimates and suffer from similar drawbacks.

In addition, the ACS data are collected annually, but due to the sample design, estimates are available for small geographic areas only by combining multiple years of data. These multi-year figures are therefore a kind of ''moving average'' of the area, spread over three or 5 years for the smallest areas. As a result, although the data are more up to date than the 2000 Census, they are less recent than they might first appear.

The Current Population Survey (CPS) is another commonly used source of demographic data, particularly on labor force characteristics. It includes data on race and income and thus is a potential source for income estimates. However, the CPS is not designed to collect reliable data at any level below the State, and even State data can suffer issues with precision. This limits the usefulness of the data for our estimates.

Naomi Goldstein,

Director, Office of Planning, Research and Evaluation.

[FR Doc. E8–22335 Filed 9–23–08; 8:45 am]

BILLING CODE 4120–01–P

[21] See IHS Statistical Note Number 1, *American Indian and Alaska Native Population Figures Used by the Indian Health Service.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Proposed Project:

Title: Evaluation of Pregnancy Prevention Approaches—Phase 1.

OMB No.: New collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing a data collection activity as part of the Evaluation of Pregnancy Prevention Approaches study. This study will assess the effectiveness of a range of programs designed to prevent or reduce sexual risk behavior and pregnancy among older adolescents. Knowing what types of programs are effective will inform programmatic decisions by policymakers and practitioners.

The proposed activity involves the collection of information from observations of program activities and interviews with a range of knowledgeable experts about various aspects of existing prevention programs and topics the experts view as important to address through evaluation. These data will be used to help inform decisions about the types of programs to be evaluated in the study.

Respondents: The respondents will be researchers and policy experts, program directors, program staff, or school administrators. Data will be collected from observations of program activities as well.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Estimated annual burden hours
Discussion Guide for Use with Researchers and Policy Experts	100	1	1	100
Discussion Guide for Use with Program Directors	50	1	1	50

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Estimated annual burden hours
Discussion Guide for Use with Program Staff	100	1	1	100
Discussion Guide for Use with School Administrators	50	1	1	50
Activity Observation Guide	50	1	.75	37.5

Estimated Total Annual Burden Hours: 337.5.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *OPREinfocollection@acf.hhs.gov*.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: September 15, 2008.

Brendan C. Kelly,

OPRE Reports Clearance Officer.

[FR Doc. E8–22151 Filed 9–23–08; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Proposed Projects

Title: Continued Tracking of Families in the Head Start Impact Study.

OMB No.: 0970–0229.

Description: The Administration for Children and Families (ACF) of the Department of Health and Human Services (HHS) plans to collect follow-up information from children and families in the Head Start Impact Study (OMB No. 0970 0229). In anticipation of the possibility of conducting an 8th grade follow-up for this study, this effort will collect information necessary to identify respondents' current location, as well as other basic information about the parents' whereabouts and future contacts, should the follow-up study be continued.

The Head Start Impact Study is a longitudinal study involving approximately 5,000 first time enrolled three and four-year old preschool children across 84 nationally representative grantee/delegate agencies (in communities where there were more eligible children and families than can be served by the program.) Participating children were randomly assigned to either a Head Start group (that could enroll in Head Start services) or a control group (that could not enroll in Head Start services but could enroll in other available services selected by their parents). Data collection for the study began in fall of 2002 and extended through spring 2008, through the children's 3rd grade year.

It is the intention of the Administration for Children and Families to continue to examine outcomes for this sample of children and families through the spring of the child's 8th grade year. In order to ensure that participants can be located for that future study, location and contact information will be collected from parents or guardians in the spring of 2009, 2010, and 2012. A small set of additional items will provide information on the parents' perception of the children's well-being. The tracking updates will primarily be conducted over the telephone with in-person follow-up as necessary.

Respondents: Treatment and control group members in the Head Start Impact Study.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Tracking Interview	4,667	1	.25	1,166.75

Estimated Total Annual Burden Hours 1,166.75.

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: ACF Reports Clearance Officer. E-mail address: *OPREInfoCollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

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 ACF.

Dated: September 15, 2008.

Brendan C. Kelly,

OPRE Reports Clearance Officer.

[FR Doc. E8–22152 Filed 9–23–08; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Community Services

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Notice to Award a Program Expansion Supplement for the Community Action Partnership (CAP) in Washington, DC.

CFDA#: 53.570.

Legislative Authority: Section 678A(a)(1)(A) of the Community Services Block Grant (CSBG) Act of 1981, (Pub. L. 97–35) as amended by the Community Opportunities, Accountability, and Training and Educational Services (COATES) Human Services Reauthorization Act of 1998, (Pub. L. 105–285) authorizes the Secretary of Health and Human Services (HHS) to use a percentage of appropriated funds for training, technical assistance, planning, evaluation, performance measurement, monitoring, assistance for States in carrying out corrective actions and the correction of programmatic deficiencies of eligible entities under the CSBG Act.

Amount of Award: $40,000.

Project Period: 9/30/2006–9/29/2009.

SUMMARY: This supplement would enhance the ability for the CAP to find new ways to address training and technical assistance needs. After gathering information from the Community Action Network, the applicant will provide a report to the Office of Community Services (OCS) containing recommendations about creative approaches and strategies for providing technical assistance and training to Community Action Agencies (CAAs). The applicant will compile information gathered thru: Brainstorming sessions with members of the Community Action Network and the Virtual CAP. The report to OCS will include sections on major recommendations and a strategy for implementation. These will be supported by summaries of the ideas presented at the sessions and input compiled by Virtual CAP.

FOR FURTHER INFORMATION CONTACT: Josephine B. Robinson, Director, Office of Community Services, 370 L'Enfant Promenade, SW., Washington, DC 20047, Telephone: 202/401–9333.

Dated: September 16, 2008.

Josephine B. Robinson,

Director, OCS.

[FR Doc. E8–22319 Filed 9–23–08; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0240]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 24, 2008.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974, or e-mailed to *baguilar@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0139. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of Information Management (HFA–710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3792.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals (OMB Control Number 0910–0139)—Extension

Under section 501(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 351(a)(2)(B)), a drug is adulterated if the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice (CGMPs) to ensure that such drug meets the requirements of the act as to safety, and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess.

FDA has the authority under section 701(a) of the act (21 U.S.C. 371(a)) to issue regulations for the efficient enforcement of the act regarding CGMP procedures for manufacturing, processing, and holding drugs and drug products. The CGMP regulations help ensure that drug products meet the statutory requirements for safety and have their purported or represented identity, strength, quality, and purity characteristics. The information collection requirements in the CGMP regulations provide FDA with the necessary information to perform its duty to protect public health and safety. CGMP requirements establish accountability in the manufacturing and processing of drug products, provide for meaningful FDA inspections, and enable manufacturers to improve the quality of drug products over time. The CGMP recordkeeping requirements also serve preventive and remedial purposes and provide crucial information if it is necessary to recall a drug product.

The general requirements for recordkeeping under part 211 (21 CFR part 211) are set forth in § 211.180. Any production, control, or distribution record associated with a batch and required to be maintained in compliance with part 211 must be retained for at least 1 year after the expiration date of the batch and, for certain over-the-counter (OTC) drugs, 3 years after distribution of the batch (§ 211.180(a)). Records for all components, drug product containers, closures, and labeling are required to be maintained for at least 1 year after the expiration date and 3 years for certain OTC products (§ 211.180(b)).

All part 211 records must be readily available for authorized inspections during the retention period (§ 211.180(c)), and such records may be retained either as original records or as true copies (§ 211.180(d)). In addition, 21 CFR 11.2(a) provides that ''for records required to be maintained but not submitted to the agency, persons may use electronic records in lieu of paper records or electronic signatures in lieu of traditional signatures, in whole or in part, provided that the requirements of this part are met.'' To the extent this electronic option is used, the burden of maintaining paper records should be substantially reduced, as should any review of such records.

In order to facilitate improvements and corrective actions, records must be maintained so that data can be used for evaluating, at least annually, the quality standards of each drug product to

determine the need for changes in drug product specifications or manufacturing or control procedures (§ 211.180(e)). Written procedures for these evaluations are to be established and include provisions for a review of a representative number of batches and, where applicable, records associated with the batch; provisions for a review of complaints, recalls, returned or salvaged drug products; and investigations conducted under § 211.192 for each drug product.

The specific recordkeeping requirements provided in table 1 of this document are as follows:

- Section 211.34—Consultants advising on the manufacture, processing, packing, or holding of drug products must have sufficient education, training, and experience to advise on the subject for which they are retained. Records must be maintained stating the name, address, and qualifications of any consultants and the type of service they provide;
- Section 211.67(c)—Records must be kept of maintenance, cleaning, sanitizing, and inspection as specified in § 211.180 and 211.182;
- Section 211.68—Appropriate controls must be exercised over computer or related systems to assure that changes in master production and control records or other records are instituted only by authorized personnel;
- Section 211.68(a)—Records must be maintained of calibration checks, inspections, and computer or related system programs for automatic, mechanical, and electronic equipment;
- Section 211.68(b)—All appropriate controls must be exercised over all computers or related systems and control data systems to assure that changes in master production and controls records or other records are instituted only by authorized persons;
- Section 211.72—Filters for liquid filtration used in the manufacture, processing, or packing of injectable drug products intended for human use must not release fibers into such products;
- Section 211.80(d)—Each container or grouping of containers for components or drug product containers or closures must be identified with a distinctive code for each lot in each shipment received. This code must be used in recording the disposition of each lot. Each lot must be appropriately identified as to its status;
- Section 211.100(b)—Written production and process control procedures must be followed in the execution of the various production and process control functions and must be documented at the time of performance. Any deviation from the written procedures must be recorded and justified;
- Section 211.105(b)—Major equipment must be identified by a distinctive identification number or code that must be recorded in the batch production record to show the specific equipment used in the manufacture of each batch of a drug product. In cases where only one of a particular type of equipment exists in a manufacturing facility, the name of the equipment may be used in lieu of a distinctive identification number or code;
- Section 211.122(c)—Records must be maintained for each shipment received of each different labeling and packaging material indicating receipt, examination, or testing;
- Section 211.130(e)—Inspection of packaging and labeling facilities must be made immediately before use to assure that all drug products have been removed from previous operations. Inspection must also be made to assure that packaging and labeling materials not suitable for subsequent operations have been removed. Results of inspection must be documented in the batch production records;
- Section 211.132(c)—Certain retail packages of OTC drug products must bear a statement that is prominently placed so consumers are alerted to the specific tamper-evident feature of the package. The labeling statement is required to be so placed that it will be unaffected if the tamper-resistant feature of the package is breached or missing. If the tamper-evident feature chosen is one that uses an identifying characteristic, that characteristic is required to be referred to in the labeling statement;
- Section 211.132(d)—A request for an exemption from packaging and labeling requirements by a manufacturer or packer is required to be submitted in the form of a citizen petition under 21 CFR 10.30;
- Section 211.137—Requirements regarding product expiration dating and compliance with 21 CFR 201.17 are set forth;
- Section 211.160(a)—The establishment of any specifications, standards, sampling plans, test procedures, or other laboratory control mechanisms, including any change in such specifications, standards, sampling plans, test procedures, or other laboratory control mechanisms, must be drafted by the appropriate organizational unit and reviewed and approved by the quality control unit. These requirements must be followed and documented at the time of performance. Any deviation from the written specifications, standards, sampling plans, test procedures, or other laboratory control mechanisms must be recorded and justified;
- Section 211.165(e)—The accuracy, sensitivity, specificity, and reproducibility of test methods employed by a firm must be established and documented. Such validation and documentation may be accomplished in accordance with § 211.194(a)(2);
- Section 211.166(c)—Homeopathic drug product requirements are set forth;
- Section 211.173—Animals used in testing components, in-process materials, or drug products for compliance with established specifications must be maintained and controlled in a manner that assures their suitability for their intended use. They must be identified, and adequate records must be maintained showing the history of their use;
- Section 211.180(e)—Written records required by part 211 must be maintained so that data can be used for evaluating, at least annually, the quality standards of each drug product to determine the need for changes in drug product specifications or manufacturing or control procedures. Written procedures must be established and followed for such evaluations and must include provisions for a representative number of batches, whether approved or unapproved or rejected, and a review of complaints, recalls, returned or salvaged drug products, and investigations conducted under § 211.192 for each drug product;
- Section 211.180(f)—Procedures must be established to assure that the responsible officials of the firm, if they are not personally involved in or immediately aware of such actions, are notified in writing of any investigations, conducted under §§ 211.198, 211.204, or 211.208, any recalls, reports of inspectional observations issued, or any regulatory actions relating to good manufacturing practices brought by FDA;
- Section 211.182—Specifies requirements for equipment cleaning records and the use log;
- Section 211.184—Specifies requirements for component, drug product container, closure, and labeling records;
- Section 211.186—Specifies master production and control records requirements;
- Section 211.188—Specifies batch production and control records requirement;
- Section 211.192—Specifies the information that must be maintained on the investigation of discrepancies found in the review of all drug product

production and control records by the quality control staff;

• Section 211.194—Explains and describes laboratory records that must be retained;

• Section 211.196—Specifies the information that must be included in records on the distribution of the drug;

• Section 211.198—Specifies and describes the handling of all complaint files received by the applicant; and

• Section 211.204—Specifies that records be maintained of returned and salvaged drug products and describes the procedures involved.

Written procedures, referred to in this paragraph as standard operating procedures (SOPs), are required for many part 211 records. The current SOP requirements were initially provided in a final rule published in the **Federal Register** of September 29, 1978 (43 FR 45014), and are now an integral and familiar part of the drug manufacturing process. The major information collection impact of SOPs results from their creation. Thereafter, SOPs need to be periodically updated. A combined estimate for routine maintenance of SOPs is provided in table 1 of this document. The 25 SOP provisions under part 211 in the combined maintenance estimate include:

• Section 211.22(d)—Responsibilities and procedures of the quality control unit;

• Section 211.56(b)—Sanitation procedures;

• Section 211.56(c)—Use of suitable rodenticides, insecticides, fungicides, fumigating agents, and cleaning and sanitizing agents;

• Section 211.67(b)—Cleaning and maintenance of equipment;

• Section 211.68(a)—Proper performance of automatic, mechanical, and electronic equipment;

• Section 211.80(a)—Receipt, identification, storage, handling, sampling, testing, and approval or rejection of components and drug product containers or closures;

• Section 211.94(d)—Standards or specifications, methods of testing, and methods of cleaning, sterilizing, and processing to remove pyrogenic properties for drug product containers and closures;

• Section 211.100(a)—Production and process control;

• Section 211.110(a)—Sampling and testing of in-process materials and drug products;

• Section 211.113(a)—Prevention of objectionable micro- organisms in drug products not required to be sterile;

• Section 211.113(b)—Prevention of microbiological contamination of drug products purporting to be sterile, including validation of any sterilization process;

• Section 211.115(a)—System for reprocessing batches that do not conform to standards or specifications, to insure that reprocessed batches conform with all established standards, specifications, and characteristics;

• Section 211.122(a)—Receipt, identification, storage, handling, sampling, examination and/or testing of labeling and packaging materials;

• Section 211.125(f)—Control procedures for the issuance of labeling;

• Section 211.130—Packaging and label operations, prevention of mixup and cross contamination, identification and handling of filed drug product containers that are set aside and held in unlabeled condition, and identification of the drug product with a lot or control number that permits determination of the history of the manufacture and control of the batch;

• Section 211.142—Warehousing;

• Section 211.150—Distribution of drug products;

• Section 211.160—Laboratory controls;

• Section 211.165(c)—Testing and release for distribution;

• Section 211.166(a)—Stability testing;

• Section 211.167—Special testing requirements;

• Section 211.180(f)—Notification of responsible officials of investigations, recalls, reports of inspectional observations, and any regulatory actions relating to good manufacturing practice;

• Section 211.198(a)—Written and oral complaint procedures, including quality control unit review of any complaint involving specifications failures, and serious and unexpected adverse drug experiences;

• Section 211.204—Holding, testing, and reprocessing of returned drug products; and

• Section 211.208—Drug product salvaging. Although most of the CGMP provisions covered in this document were created many years ago, there will be some existing firms expanding into new manufacturing areas and startup firms that will need to create SOPs. As provided in table 1 of this document, FDA is assuming that approximately 100 firms will have to create up to 25 SOPs for a total of 2,500 records, and the agency estimates that it will take 20 hours per recordkeeper to create 25 new SOPs for a total of 50,000 hours.

In the **Federal Register** of April 28, 2008 (73 FR 22951), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
SOP maintenance (See list of 25 SOPs in the **SUPPLEMENTARY INFORMATION** section of this document)	4,184	1	4,184	25	104,600
New start-up SOPs	100	25	2,500	20	50,000
211.34	4,184	.25	1,046	.5	523
211.67(c)	4,184	50	209,200	.25	52,300
211.68	4,184	2	8,368	1	8,368
211.68(a)	4,184	10	41,840	.5	20,920
211.68(b)	4,184	5	20,920	.25	5,230
211.72	4,184	.25	1,046	1	1,046

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]—Continued

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
211.80(d)	4,184	.25	1,046	.1	105
211.100(b)	4,184	3	12,552	2	25,104
211.105(b)	4,184	.25	1,046	.25	262
211.122(c)	4,184	50	209,200	.25	52,300
211.130(e)	4,184	50	209,200	.25	52,300
211.132(c)	1,698	20	33,960	.5	16,980
211.132(d)	1,698	.2	340	.5	170
211.137	4,184	5	20,920	.5	10,460
211.160(a)	4,184	2	8,368	1	8,368
211.165(e)	4,184	1	4,184	1	4,184
211.166(c)	4,184	2	8,368	.5	4,184
211.173	1,077	1	1,077	.25	269
211.180(e)	4,184	.2	837	.25	209
211.180(f)	4,184	.2	837	1	837
211.182	4,184	2	8,368	.25	2,092
211.184	4,184	3	12,552	.5	6,276
211.186	4,184	10	41,840	2	83,680
211.188	4,184	25	104,600	2	209,200
211.192	4,184	2	8,368	1	8,368
211.194	4,184	25	104,600	.5	52,300
211.196	4,184	25	104,600	.25	26,150
211.198	4,184	5	20,920	1	20,920
211.204	4,184	10	41,840	.5	20,920
Total					848,625

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 18, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–22435 Filed 9–23–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0077]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; MedWatch: Food and Drug Administration Medical Products Reporting Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Fax written comments on the collection of information by October 24, 2008.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974, or e-mailed to *baguilar@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0291.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of Information Management (HFA–710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3792.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

MedWatch: Food and Drug Administration Medical Products Reporting Program (OMB Control Number 0910–0291)—Extension

Under sections 505, 512, 513, 515, and 903 of the Federal Food, Drug, and Cosmetic Act (the act); (21 U.S.C. 355, 360b, 360c, 360e, and 393); and section 351 of the Public Health Service Act (42 U.S.C. 262), FDA has the responsibility to ensure the safety and effectiveness of drugs, biologics, and devices. Under section 502(a) of the act, a drug or device is misbranded if its labeling is false or misleading. Under section 502(f)(1) of the act it is misbranded if it fails to bear adequate warnings, and under section 502(j), it is misbranded if it is dangerous to health when used as directed in its labeling.

Under section 4 of the Dietary Supplement Health and Education Act of 1994 (the DSHEA) (21 U.S.C. 341), section 402 of the act (21 U.S.C 342) is amended so that FDA must bear the burden of proof to show a dietary supplement is unsafe.

To carry out its responsibilities, the agency needs to be informed whenever an adverse event, product problem or error with use of a medication or device occurs. Only if FDA is provided with such information will the agency be able to evaluate the risk, if any, associated with the product, and take whatever action is necessary to reduce or eliminate the public's exposure to the risk through regulatory action. To ensure the marketing of safe and effective products, certain adverse events must be reported. Requirements regarding mandatory reporting of adverse events or product problems have been codified in 21 CFR parts 310, 314, 600, 803, and 1271, specifically §§ 310.305, 314.80, 314.98, 600.80, 803.30, 803.50, 803.53, 803.56, and 1271.350(a).

Two forms are available from the agency to implement these provisions for reporting of adverse events, product problems, and medication/device use errors for FDA regulated products such as medications, devices, biologics, including human tissue, cell, tissue and cellular-based products, special nutritional products, and cosmetics, as well as any other products that are regulated by FDA. Form FDA 3500 may be used for voluntary (i.e., not mandated by law or regulation) reporting by healthcare professionals and the public. Form FDA 3500A is used for mandatory reporting (i.e., required by law or regulation).

Respondents to this collection of information are healthcare professionals, hospitals and other user facilities (e.g., nursing homes, etc.), consumers, manufacturers of biological, drug, and dietary supplement products or medical devices, and importers.

II. Use of Form FDA 3500 (Voluntary Version)

The voluntary version of the form is used to submit all reports not mandated by Federal law or regulation. Individual health professionals are not required by law or regulation to submit reports to the agency or the manufacturer, with the exception of certain adverse reactions following immunization with vaccines as mandated by the National Childhood Vaccine Injury Act of 1986. Those mandatory reports are not submitted to FDA on the 3500 or 3500A form, but are submitted to the joint FDA/Centers for Disease Control and Prevention Vaccines Adverse Event Reporting System (VAERS) on the VAERS–1 form. (See *http://www.vaers.hhs.gov/pdf/vaers_form.pdf*.)

Hospitals are not required by Federal law or regulation to submit reports associated with drug products, biological products, or special nutritional products. However, hospitals and other user facilities are required by Federal law to report medical device-related deaths and serious injuries. The DSHEA puts the responsibility on FDA to prove that a particular product is unsafe. The agency depends on the voluntary reporting by health professionals and consumers of suspected adverse events associated with the use of dietary supplements.

III. Use of Form FDA 3500A (Mandatory Version)

A. Drug and Biologic Products

In sections 505(j) (21 U.S.C. 355(j)) and 704 (21 U.S.C. 374) of the act, Congress has required that important safety information relating to all human prescription drug products be made available to FDA so that it can take appropriate action to protect the public health when necessary. Section 702 of the act (21 U.S.C. 372) authorizes investigational powers to FDA for enforcement of the act. These statutory requirements regarding mandatory reporting have been codified by FDA under parts 310 and 314 (drugs), 600 (biologics) and 1271 (Human Cells, Tissues, and Cellular and Tissue-Based Products). Parts 310, 314, and 600 mandate the use of FDA Form 3500A form for reporting to FDA on adverse events that occur with drugs and biologics. The Dietary Supplement and Nonprescription Drug Consumer Protection Act (Public Law 109–462, 120 Stat. 3469) amended the act with respect to adverse event reporting and recordkeeping for dietary supplements and non-prescription drugs marketed without an approved application. The law provides for the mandatory reporting to FDA of serious adverse events for over-the-counter (OTC) drug products. The authority is 21 U.S.C. 379aa-1(a)(3), (b)(1) and/or section 761(a)(3) and (b)(1) of the act.

B. Medical Device Products

Section 519 of the act (21 U.S.C. 360i) requires manufacturers and importers of devices intended for human use to establish and maintain records, make reports, and provide information as the Secretary of Health and Human Services may, by regulation, reasonably require to assure that such devices are not adulterated or misbranded and to otherwise assure its safety and effectiveness.

The Safe Medical Device Act of 1990, signed into law on November 28, 1990, amends section 519 of the act. The amendment requires that user facilities such as hospitals, nursing homes, ambulatory surgical facilities, and outpatient treatment facilities report deaths related to medical devices to FDA and to the manufacturer, if known. Serious illnesses and injuries are to be reported to the manufacturer or to FDA if the manufacturer is not known. These statutory requirements regarding mandatory reporting have been codified by FDA under part 803. Part 803 mandates the use of FDA Form 3500A for reporting to FDA on medical devices.

The Medical Device User Fee and Modernization Act of 2002 (MDUFMA) (Public Law 107–250) signed into law October 26, 2002, amended section 519 of the act. The amendment (section 303 of MDUFMA) required FDA to revise the MedWatch forms to facilitate the reporting of information relating to reprocessed single-use devices, including the name of the reprocessor and whether the device has been reused.

C. Dietary Supplements

The Dietary Supplement and Nonprescription Drug Consumer Protection Act amended the act with respect to adverse event reporting and

recordkeeping for dietary supplements and non-prescription drugs marketed without an approved application. The law provides for the mandatory reporting to the Food and Drug Administration of serious adverse events for dietary supplements. The authority is 21 U.S.C. 379aa-1(a)(3), (b)(1) and/or section 761(a)(3) and (b)(1) of the act.

IV. Proposed Modifications to Forms

FDA has proposed no modification to either the Form FDA 3500 or Form FDA 3500A at this time. The requested extension for both forms will only result in changes in the form instructions rather than in any content or formatting for either form. The ability to change the instructions will allow for any and all necessary clarifications in the use of the form and can reflect the current range of reportable products (e.g., OTC products and dietary supplements).

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

FDA Center	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
CBER/CDER					
Form 3500	23,033	1	23,033	0.6	13,820
Form 3500A (§§ 310.305, 314.80, 314.98, and 600.80)	600	765	459,102	1.1	505,012
CDRH					
Form 3500	4,375	1	4,375	0.6	2,625
Form 3500A (Part 803)					
User	1,084	3	3,252	1.1	3,577
Facilities	80	18	1,470	1.1	1,617
Importers	2,946	48	141,405	1.1	155,545
Manufacturers					160,739
Total 3500A					163,364
Total CDRH					
CFSAN					
Form 3500	479	1	479	0.6	287
Form 3500A	0	0	0	1.1	0
Form 3500					16,732
Form 3500A					665,751
Total					682,483

[1]CBER (Center for Biologics Evaluation and Research), CDER (Center for Drug Evaluation and Research), CDRH (Center for Devices and Radiological Health), and CFSAN (Center for Food Safety and Applied Nutrition). Form FDA 3500 is for voluntary reporting. Form FDA 3500A is for mandatory reporting. There are no capital costs or operating and maintenance costs associated with this collection of information. (NOTE—The figures shown in table 1 of this document are based on actual calendar year 2007 reports and respondents. There is no burden calculation for the mandatory reporting requirements which went into effect on December 22, 2007, for dietary supplements (CFSAN) or OTC drugs (CDER). These estimates and opportunities for public comment will be addressed separately by FDA and will also be incorporated in subsequent requests for extension of Forms FDA 3500 and 3500A.)

In the **Federal Register** of February 15, 2008 (73 FR 8879), FDA published a 60-day notice requesting public comment on the information collection provisions. FDA received three comments. There were no comments submitted concerning the Form FDA 3500, voluntary reporting form. All comments addressed Form FDA 3500A, the mandatory reporting form. There were no comments submitted concerning the mandatory 3500A form that addressed questions of whether the information obtained is necessary for the proper performance of FDA's functions or comments about the practical utility of this information. There was one comment about the accuracy of the burden estimate for a subset of reports (dietary supplements). The remainder of the comments were specific suggestions for modifications of either the content or format of various fields to enhance clarity of information. There was also one comment about the use of information technology to support collection.

One comment noted that there was no burden estimate offered for the mandatory reports that would be expected for serious adverse events associated with dietary supplement products. In addition, the comment offered an estimate of 30 minutes to 1 hour for the time to complete, route for approval, and submit a mandatory report for a dietary supplement product. FDA agrees with this estimate and, for mandatory reports, has used a 1.1 hour estimate for time to complete a report. FDA has chosen to not attempt to estimate a reporting burden for mandatory dietary supplement report volume, because the burden estimate used in this request for extension of both reporting forms is based on actual reports for the calendar year 2007 and there was no requirement for submission of mandatory dietary supplement reports until December 22, 2007. To address PRA burden estimates for mandatory reporting required for both dietary supplements and OTC products under the Dietary Supplement and Nonprescription Drug Consumer Protection Act of 2006, FDA will submit this burden estimate information under a separate **Federal Register** notice process.

There were several comments suggesting a variety of changes in the formatting of certain fields in the mandatory form, changes to existing text, or addition of extra text. These changes were suggested to ''reduce confusion and capture additional clarifying information.'' For example, it was suggested that more space be allotted to certain fields to accept more

text or that certain text fields be modified to ask supplemental questions of the reporter.

FDA has carefully considered each of these changes but does not concur with making these elective changes, which are not based on any changes in law, rule, or regulation. Because FDA encourages electronic submission of postmarketing adverse event reports by mandatory reporters, and the majority of mandatory reporters use the paper-based Form FDA 3500A only for backup purposes, the agency believes that it would be an unfair burden to manufacturers who submit electronically to expend resources to change their electronic versions of the paper document which would be used only in times of rare network or server outages. FDA believes that each of these suggested elective text changes and additions can be addressed satisfactorily with specific clarifying information provided in the instructions section that supplements Form FDA 3500A.

One comment suggests that FDA modify the forms to include wording as a ''disclaimer by consumer authorizing the treating physician to speak with a manufacturer's representative.'' FDA disagrees with the inclusion of this type of information within the standard reporting form and believes that this type of information is best treated as part of other documentation maintained by the mandatory reporter.

One comment suggests that provisions be made to allow for the inclusion of attachments with the serious adverse event report. FDA agrees and attachments are currently permitted both as supplements to mailed and faxed submissions. One comment acknowledged and supported the recently announced development of a unified federal approach to adverse event reporting, and suggested that this approach will ease the reporting burden for both industry and FDA and indirectly benefit consumers.

The newly revised Forms FDA 3500 and 3500A with updated instructions, which will address several comments' concerns about clarity, will be made available, upon OMB approval, on the FDA's MedWatch Web site at *http://www.fda.gov/medwatch/getforms.htm*.

Dated: September 18, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–22440 Filed 9–23–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0038]

Endocrinologic and Metabolic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Endocrinologic and Metabolic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 21, 2008, from 8 a.m. to 5 p.m.

Location: Crowne Plaza Hotel/Washington DC–Silver Spring, The Ballrooms, 8777 Georgia Ave., Silver Spring, MD, 301–589–0800.

Contact Person: Paul Tran, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093) Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *paul.tran@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512536. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On October 21, 2008, the committee will begin with a closed session from 8 a.m. to 11 a.m. Following the closed session, from 11 a.m. to 5 p.m., the meeting will be open to the public. The committee will discuss the safety and efficacy of biologic license application (BLA) 125291, MYOZYME (alglucosidase alfa), Genzyme Corp., for the treatment of late onset Pompe disease.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2008 and scroll down to the appropriate advisory committee link.

Procedure: On October 21, 2008, from 11 a.m. to 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before October 7, 2008. Oral presentationsfrom the public will be scheduled between approximately 12 noon and 1 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 29, 2008. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 30, 2008.

Closed Committee Deliberations: On October 21, 2008, from 8 a.m. to 11 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information (5 U.S.C. 552b(c)(4)). During this session, the committee will discuss the manufacturing as well as relevant biochemical and physiochemical attributes of alglucosidase alfa and how they impact clinical efficacy.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Paul Tran at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee

meetings. Please visit our Web site at *http://www.fda.gov/oc/advisory/default.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 16, 2008.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E8–22437 Filed 9–23–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0513]

Product Tracing Systems for Fresh Produce; Public Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comment.

SUMMARY: The Food and Drug Administration (FDA) is announcing two public meetings regarding product tracing systems for fresh produce. The purpose of the meetings is to stimulate and focus a discussion about mechanisms to enhance product tracing systems for fresh produce and to improve FDA's ability to use the information in such systems to identify the source of contamination associated with fresh produce-related outbreaks of foodborne illness. This discussion will help FDA determine what short and long term steps we should take to enhance the current tracing system.

DATES: See ''How to Participate in the Meetings'' in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: See ''How to Participate in the Meetings'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: *For registration, requests to make an oral presentation, and submission of written material for the presentation*: Deborah Harris, EDJ Associates, Inc., 11300 Rockville Pike, suite 1001, Rockville, MD 20852, 240–221–4326, FAX: 301–945–4295, e-mail: *dharris@edjassociates.com*.

For general questions about the meeting, to request onsite parking for the October 16 meeting, or for special accommodations due to a disability: Juanita Yates, Center for Food Safety and Applied Nutrition, Food and Drug Administration (HFS–009), 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1731, e-mail: *Juanita.Yates@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. How to Participate in the Meetings

Stakeholders will have an opportunity to provide oral comments. Due to limited space and time, we encourage all persons who wish to attend one or both of the meetings, including those requesting an opportunity to make an oral presentation at one or both of the meetings, to register in advance. Depending on the number of oral presentations, we may need to limit the time of each oral presentation (e.g., 5 minutes each). If time permits FDA may grant requests for an opportunity to make a presentation from individuals or organizations that did not register in advance.

Table 1 of this document provides information on participation in the meetings and on submitting comments.

TABLE 1.

	Date	Address	Electronic Address	Other Information
First Public Meeting	October 16, 2008, from 9 a.m. to 5 p.m.	Harvey W. Wiley Federal Building, Food and Drug Administration, Center for Food Safety and Applied Nutrition, 5100 Paint Branch Pkwy., College Park, MD 20740-3835 (Metro stop: College Park on the Green Line)		
Advance registration	October 8, 2008	We encourage you to use electronic registration if possible.[1]	*http://www.cfsan.fda.gov/register.html*	Registration information, information on requests to make an oral presentation, and written material associated with an oral presentation may be posted without change to *http://www.regulations.gov*, including any personal information provided.
Make a request for oral presentation	October 1, 2008			
Provide a brief description of the oral presentation and any written material for the presentation	October 8, 2008			
Request special accommodations due to a disability	October 8, 2008	See **FOR FURTHER INFORMATION CONTACT**		
Request onsite parking	October 10, 2008	See **FOR FURTHER INFORMATION CONTACT**		

TABLE 1.—Continued

	Date	Address	Electronic Address	Other Information
Second Public Meeting	November 13, 2008, from 9 a.m. to 5 p.m.	Ronald V. Dellums Federal Building, Edward Roybal Auditorium, 1301 Clay St., 3d floor, Oakland, CA 94612		
Advance registration	October 30, 2008	We encourage you to use electronic registration if possible.[1]	*http://www.cfsan.fda.gov/register.html*	Registration information, information on requests to make an oral presentation, and written material associated with an oral presentation may be posted without change to *http://www.regulations.gov*, including any personal information provided.
Make a request for oral presentation	October 23, 2008			
Provide a brief description of the oral presentation and any written material for the presentation	October 30, 2008			
Request special accommodations due to a disability	October 30, 2008	See **FOR FURTHER INFORMATION CONTACT**		
Submit comments	January 22, 2009	Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane rm. 1061, Rockville, MD 20852	*http://www.regulations.gov*	All comments should be identified with the docket number found in brackets in the heading of this document. For additional information on submitting comments, see section IV of this document.

[1] You may also register by mail, fax, e-mail, or phone by providing registration information (including name, title, firm name, address, telephone number, fax number, and e-mail address), requests to make an oral presentation, and written material for the presentation to the contact person for registration (see **FOR FURTHER INFORMATION CONTACT**).

II. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov*. It may be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857.

III. Background

A. Introduction

Food can become contaminated at many different steps in the farm-to-table continuum—on the farm; in packing, processing, or distribution facilities; during storage or transit; at retail establishments; in restaurants; and in the home. In recent years, FDA has done a great deal to prevent both deliberate and unintentional contamination of food at each of these steps. FDA has worked with other Federal, State, local, tribal, and foreign counterpart food safety agencies, as well as with law enforcement agencies, intelligence-gathering agencies, industry, and academia, to significantly strengthen the Nation's food safety and food defense systems across the entire distribution chain. This cooperative work has resulted in a greater awareness of potential vulnerabilities, the creation of more effective prevention programs, new surveillance systems, and the ability to respond more quickly to outbreaks of foodborne illness. (An ''outbreak'' is the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.) However, changes in consumer preferences, changes in industry practices, and the rising volume of imports continue to pose significant challenges for the agency, particularly with respect to fresh produce. Outbreaks involving various types of fresh fruit and vegetables have led to thousands of confirmed illnesses in recent years (72 FR 8750, February 27, 2007, and Ref. 1), and many more unconfirmed or unreported illnesses.

When an outbreak of foodborne illness occurs, quick action is critical to prevent additional illness. The Centers for Disease Control and Prevention (CDC) of the U.S. Department of Health and Human Services, and State, local, and/or tribal health departments conduct epidemiologic investigations to identify the possible food(s) involved in an outbreak. After CDC and/or the State/local/tribal entity notify FDA that a specific food is implicated, FDA reviews and evaluates the epidemiologic data and assesses other potential causes for the outbreak (e.g., food worker illness, environmental contamination). Based on FDA's review and evaluation, an investigation to trace back the implicated food may be initiated to identify the source of the food and, potentially, of the contamination. Working with industry and with other domestic and, in some cases foreign, government agencies, FDA inspects or investigates points throughout the supply chain to determine where the contamination is likely to have occurred. Tracing food through a supply

chain may require us to find and examine products, packaging, and documentation (such as bills of lading, invoices, and other records maintained by the firm).

The ability to quickly identify the source of a contaminated product, and the path the product traveled between production and consumption, is critical to responding effectively to ongoing outbreaks of foodborne illness. Timely and accurate information gained from an investigation of the source of produce implicated in an outbreak of foodborne illness (traceback investigation) may:

- Help limit the public health impact of a foodborne illness outbreak, for example, by more quickly removing the contaminated produce from the market;
- Enable public health authorities and the food industry to provide targeted and accurate information about affected food to consumers and, as a result, restore or enhance consumer confidence in produce safety; and
- Help limit the source of the problem to a particular region or locality so that firms or regions that are not connected to the contaminated food are not adversely affected by a foodborne illness outbreak or the investigation of an outbreak.

In addition, the identification of sources of contaminated products may prevent future outbreaks by helping FDA and the food industry to identify and eliminate conditions that may have resulted in the food becoming contaminated and by helping them to understand better how the food became contaminated, so that the lessons learned can be used to prevent contamination in the future.

When an outbreak occurs, it also is critical that we be able to act quickly to take steps to prevent further illness. FDA may attempt to document the distribution of all implicated lots of food (traceforward operation) once the source of an outbreak is known to ensure that all contaminated food in commerce is removed from the market. Traceback investigations and traceforward operations are components of a ''product tracing'' system. As defined by the Codex Alimentarius Commission (Codex),[1] traceability/product tracing is the ability to follow the movement of a food through specified stage(s) of production, processing, and distribution (Ref. 2).

Traceback investigations involving fresh produce are among the most challenging investigations we face because the food is perishable and may no longer be available for testing by the time we conduct our investigation. In addition, fresh produce is often sold loose, without any packaging that would provide information about its source. Further, cases in which the produce was shipped, which may have provided such information, may also have been discarded by the time a traceback investigation is initiated. Industry practices, such as repacking produce from multiple sources, using different names for the same fresh produce as it travels throughout the supply chain, and not assigning specific identifiers to the produce, can complicate our traceback investigations even further.

We have had some recent successes in quickly identifying the source of an outbreak, but in some situations efforts to identify the source of the outbreak have proven difficult or impossible. We have learned that we need to be able to respond to the increased size and complexity of the fresh produce supply chain with a traceback capacity that is likewise more sophisticated, effective, and efficient and that reflects and responds to changing production and distribution patterns.

We are holding the public meetings to stimulate and focus a discussion about mechanisms to enhance product tracing systems for fresh produce and to improve FDA's ability to use the information in such systems to identify the source of contamination associated with fresh produce-related outbreaks of foodborne illness.

B. Information Elements Available in Current Product Tracing Systems

A product tracing system consists of information elements provided by parties in the supply chain. In general, this information is available in the form of records that parties in the supply chain establish and maintain apart from the produce. Some of this information may also be present on packaged food or on shipping cases of food items such as loose produce; some information applied to loose produce (e.g., on a sticker) may also provide information related to product tracing.

In the context of a foodborne illness outbreak, the information available through a product tracing system should enable an interested party (such as a party in the supply chain or a public health agency conducting a traceback investigation) to identify, at any specific stage of the supply chain, where the fresh produce came from, where the fresh produce was or is (e.g., in situations where a party in the supply chain has the fresh produce in its possession), where the fresh produce went, and who transported the fresh produce. This is commonly known as a ''one up/one down'' or ''one step back/one step forward'' system. In general, records that are part of such a system fall into one of two categories: Paper-based, human-readable records; or technology-based records with automated data capture (e.g., via bar codes or radiofrequency identification (RFID)), which may or may not also be human-readable.

To facilitate product tracing, FDA's regulations, at 21 CFR part 1, subpart J, ''Establishment, Maintenance, and Availability of Records,'' impose ''one up/one down'' recordkeeping requirements on certain persons who manufacture, process, pack, transport, distribute, receive, hold, or import food in the United States. The regulations identify the information that must be established and maintained, how long it must be maintained, and how quickly it must be available to FDA. This information includes where the food product came from and where it went. A detailed discussion of those requirements is beyond the scope of this document, which does not address compliance with the recordkeeping regulations.[2]

Other product information, relevant to some traceback investigations, is available on the product label of packaged foods. For example, section 403(e)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(e)) provides that a food in package form is misbranded unless it bears a label containing the name and place of business of the manufacturer, packer, or distributor. As another example, section 403(i)(1) of the act provides that a food is misbranded unless its label bears the common or usual name of the food, if there is one. Our regulations implementing these provisions are in part 101 (21 CFR part 101). However, under our labeling regulations, the term ''package'' does not include shipping containers or wrappings used solely for the transportation of such commodities in bulk or in quantity to manufacturers, packers, processors, or wholesale or retail distributors (see 21 CFR 1.20(a)).

[1] The Codex Alimentarius Commission was formed in 1963 by the Food and Agriculture Organization and the World Health Organization of the United Nations to develop food standards, guidelines, and related texts such as codes of practice, and is recognized under the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures as the international standards organization for food safety.

[2] For more information on the recordkeeping regulations, see ''What You Need to Know About Establishment and Maintenance of Records'' (Ref. 3) and ''Questions and Answers Regarding Establishment and Maintenance of Records'' (Ref. 4).

C. Structural and Geographic Characteristics of the Fresh Produce Industry Relevant to Product Tracing Systems

The fresh produce industry is particularly diverse, both structurally and geographically (Ref. 6). Structurally, the industry varies not only by commodity, region, and season, but also by distributor and retailer. For example, as discussed later in this section, parties in the supply chain may use one or more suppliers for the same type of fresh produce depending on factors including growing season, demand, and the variability of different harvests in different locations.

Geographically, more than 55 billion pounds of fresh produce are grown within the United States annually, and more than 26 billion pounds of fresh produce are imported into the United States every year from 58 countries (Ref. 7). These 81 billion pounds of produce often travel hundreds or thousands of miles on the way to consumers (usually in shipments of 10,000 pounds or much less), and change hands several times between different points in the complex supply chain (Ref. 7). The nature and complexity of the global produce market raise special challenges for public health agencies, and even those within the industry, to be able to trace the path of a particular product throughout the supply chain.

D. Challenges Associated with Traceback Investigations of Fresh Produce

The supply chain for a given type of fresh produce may be very complex. For example, several growers might supply their produce to a packer or distributor, and there may be multiple distributors who receive the product before its sale to or use by the ultimate consumer. Growers may send their produce to several packers or distributors, and suppliers may obtain produce from several packers or distributors as well as directly from growers. Parties in the supply chain may be within the United States or abroad; thus, produce might be imported into or exported from any point in the supply chain one or more times. Other parties in a food supply chain may include processors of fresh produce, who may chill it, cut it into smaller pieces, or combine pieces of fresh produce with other foods to make another food product (such as using lettuce to make a salad). Contamination can occur at almost any point in the fresh produce supply chain.

In some fresh produce supply chains, produce from multiple sources may be combined or commingled during packing or processing operations. This practice can complicate or even frustrate efforts to trace fresh produce throughout the supply chain. For example, a packing firm may buy a particular type of vegetable from multiple farms, and then sort the vegetables by size, color, quality, or some other attribute before packing into containers. As another example, a large truck may collect loose produce from multiple farms and then deliver the collected loose produce to a single processor or distributor. Even if we could trace a contaminated product back to the processor or distributor, or, in the second example, back to the packing firm, the commingling of loose produce before it reaches the processor or distributor or at the packing firm makes it difficult or impossible to distinguish which farm is the source of the contaminated produce. The complexity increases if the truck delivers the loose produce to more than one processor or distributor.

An additional challenge associated with a traceback investigation for fresh produce is that the produce may not always retain the same description as it moves through the supply chain. For example, one party in the supply chain may describe its fresh produce as ''red round tomatoes,'' while the next party in the supply chain may describe the same fresh produce as ''cooker tomatoes.'' Different descriptions for the same produce can make it very difficult or impossible to determine whether two records refer to the same or different products or shipments.

Another challenge associated with a traceback investigation for fresh produce is that there may be no identifier on the produce, its package, or its case, and in associated records. Moreover, there currently is no industry-wide or sector-wide standardization of the information captured in the documentation. This lack of standardization makes it difficult and time-consuming to cross-reference information currently available in product tracing systems.

E. How Has Product Tracing Information Available in Records and on Product Packages/Containers Helped Us During Traceback Investigations?

In the following paragraphs, we describe how we used product tracing information to conduct two recent traceback investigations—one involving a nonperishable packaged food, and one involving a perishable packaged food. The information available to us included information available in records established and maintained by parties in the supply chain and information available on packages or containers of the packaged food.

- In February 2007, CDC notified FDA of a multi-State outbreak of *Salmonella* Tennessee infections associated with the consumption of peanut butter. Peanut butter is a nonperishable packaged food, sold in jars. Consumers who became ill had open jars of peanut butter available for testing. Investigators were able to test samples of peanut butter taken from the jars and confirm the presence of *Salmonella* Tennessee in the peanut butter. Investigators were able to identify the manufacturer through information required to be on the label of the jars (§ 101.5(a)) and through a product code the manufacturer had voluntarily placed on the jars. This information made it possible for FDA to visit the manufacturing facility the day after we learned of the outbreak from CDC. Investigators were able to use the product code to look in the manufacturing facility for unopened jars of peanut butter manufactured at the same time as the jars available from consumers. Investigators took samples of peanut butter from these unopened jars and confirmed the presence of *Salmonella* Tennessee in those samples. Investigators uncovered conditions at the manufacturer's facility that were likely to have caused the contamination and obtained a positive environmental sample so there was no need to further trace the peanuts back to the farm. Our traceback investigation was facilitated because the implicated food was a nonperishable, packaged food that was available to investigators and contained information about the source of the implicated food on the product container.
- In September 2006, CDC informed FDA of a multi-State outbreak of illnesses associated with the consumption of fresh spinach contaminated with *E. coli* O157:H7. Fresh spinach is a perishable food that may not remain in consumers' homes after consumers become ill and CDC finds an association between the illness and the food. However, in this situation the spinach was sold in a package. The traceback investigation was facilitated because several consumers who became ill still had packages of fresh spinach in their refrigerators. As with the peanut butter, investigators were able to identify the processor through information required to be on the label of the packaged spinach (§ 101.5(a)) and through a product code the processor had voluntarily placed on the package. By looking at the processor's records, the investigators were able to identify the implicated farms associated with the

identified production lot of bagged spinach. This traceback investigation was more complex than the investigation for the peanut butter, because it required traceback beyond the processor to the farms. However, as with the peanut butter, the traceback investigation was greatly facilitated by the information on the label of the packaged food and on the package itself.

F. Industry Product Tracing Systems That Are in Use or Under Development in the United States

1. Commodity-Specific Efforts

Various recordkeeping and other practices designed to enhance product tracing systems are already carried out by industry within the food supply chain. For instance, to better monitor food safety practices of growers, the California cantaloupe industry has incorporated product tracing requirements that involve maintaining information such as packing date, field, and packing crew as part of their State marketing order (Ref. 9).

Similarly, the California Tomato Farmers cooperative has instituted documentation requirements in its membership agreement with growers to facilitate one up/one down tracking and product tracing. The documentation of packed tomatoes must include information about the source (i.e., grower, production location, lot identification, personnel/crew involved in the harvest of the product) and about the customer receiving the product. A system to track and trace tomatoes back to supply source and forward to customers must be developed and tested annually (Ref. 10).

Stakeholders have developed commodity-specific food safety guidelines for the entire supply chain for three commodities: Melons (Ref. 11), tomatoes (Ref. 8), and lettuce and leafy greens (Ref. 12).

2. Buyer-Led Initiatives

Large food retailers, such as supermarket chains, have become more active in ensuring the safety of the food products they purchase. One example of this is the increasing use of independent third-party food safety audits of grower and shipper operations to verify compliance with good agricultural and manufacturing practices. These practices generally include requirements that the grower or shipper maintain records that facilitate the tracing of product produced, handled, or processed in order to pass an audit.

For example, in February 2008, Wal-Mart, Inc., became the first U.S. grocery chain to require suppliers of its private label and other food products to have their factories certified against one of the internationally-recognized Global Food Safety Initiative (GFSI) standards (Ref. 13). The GFSI standard for traceability requires the supplier to develop and maintain appropriate procedures and systems to ensure (1) identification of any out-sourced product, ingredient, or service; (2) complete records of batches of in-process or final product and packaging throughout the production process; and (3) record of purchaser and delivery destination for all product supplied (Ref. 14).

3. Produce Traceability Initiative (PTI)

In October 2007, the Produce Marketing Association (PMA), the United Fresh Produce Association (UFPA), and the Canadian Produce Marketing Association (CPMA) initiated the joint PTI (Ref. 15). The PTI now includes more than 50 companies, including distributors, grower-shippers, and retailers. A principal objective of the PTI is to drive adoption of consistent ''traceability best practices'' throughout the produce supply chain from ''field to fork.'' In pursuing the goal of broad adoption of tracking and product tracing standards and practices, the PTI has established a timeline for a series of milestones for recording, tracking, and product tracing data on produce shipments. These milestones include establishing company prefixes; establishing an identification number for location; assigning global trade item numbers (GTINs) to produce cases; showing GTINs, lot numbers, and packing/harvesting dates on each case; encoding this information in bar codes; and reading and storing the information at each point in the supply chain. The PTI also calls for tracking and product tracing standards to be adopted at the case level initially, followed by standards for item-level coding (Refs. 5 and 16).

G. International Product Tracing Systems

Some countries have mandatory product tracing systems in place in various forms, although these systems are more prevalent with respect to animal identification than for food in general. The European Union (EU), in addition to having a mandatory product tracing system for animals, also requires a product tracing system for all food and feed businesses. Specifically, the EU requires all food and feed to be traceable ''one step forward and one step back'' in EU member states. Food and feed business operators must be able to document where a particular food or feed product came from and where it is going next. Specifically, they must be able to document the names and addresses of suppliers and customers, as well as the nature of the product and date of delivery. They are also encouraged to keep information on the volume and quantity of a product; the batch number, if one exists; and a more detailed description of the product, such as whether it is fresh or processed. Food and feed business operators must also have systems and procedures that allow them to provide this information to the competent authorities on demand. In addition to these general requirements, sector-specific requirements apply to certain categories of food products (fruit and vegetables, beef, fish, honey, olive oil) (Refs. 17 through 20). In 2007, the EU began a 4-year study to develop, test, and evaluate two full pilot product tracing systems—one for the tomato food chain and the other for the feed/dairy chain (Ref. 21).

In 2006, Codex established principles for tracing food through production and distribution processes (Ref. 2). The Codex principles are intended to assist government authorities in utilizing product tracing as a tool within their food inspection and certification system.

Certain private international standard setting organizations have also developed principles and other guidelines on product tracing systems for use by industry. For example, in 2007 the International Standards Organization (ISO) issued ISO 22005:2007, which provides general principles and basic requirements for designing and implementing a product tracing system along a food processor's supply chain.[3] Another example is the GS1 Global Traceability Standard (Ref. 22), which is being used by the PMA, CPMA, UFPA, and other associations involved in the PTI.

H. Actions Suggested by Stakeholders

Some consumer advocacy groups have asked us to develop and implement emergency regulations that would require source tracing for produce (farm-to-table); written food safety plans for farmers, processors, and packinghouses; and tighter controls on repacking (Ref. 23). Some industry trade associations have asked FDA and CDC to convene a meeting with industry representatives and work together to minimize the human and economic impact of an outbreak (Ref. 24). These

[3] ISO 22005:2007. ''Traceability in the feed and food chain—General principles and basic requirements for system design and implementation.'' July 2007. Available for purchase at *http://webstore.ansi.org*.

trade associations urged FDA and CDC to work in partnership with industry to find solutions to speed up and streamline outbreak identification and response. These trade associations also recommended that a working group be established to look at crisis management systems and that teams of industry experts be established to help in traceback investigations.

I. Issues and Questions for Discussion

As previously noted, we need to increase the speed and accuracy of traceback investigations to help limit the public health impact of a foodborne illness outbreak; to limit to a particular region, locality, farm(s), or processor(s) the source of the problem (where the source is in fact limited), so that an entire industry is not unnecessarily affected; to enable public health authorities and the food industry to provide targeted and accurate information about affected food to consumers; to institute steps to correct the source of contamination; and, as a result, to restore or enhance consumer confidence in produce safety.

We intend the public meetings to stimulate and focus a discussion about mechanisms to enhance product tracing systems for fresh produce and to improve FDA's ability to use the information in such systems to identify the source of contamination associated with fresh produce-related outbreaks of foodborne illness. This discussion will help FDA determine what short and long term steps, such as issuing regulations, we should take to enhance the current tracing system. Aspects of these measures could require new legal authority. We welcome public comments and/or data on the following issues related to product tracing systems for fresh produce:

1. Should a ''fresh produce identifier'' be assigned to fresh produce? If so, at what stage or stages in the supply chain should such an identifier be assigned or modified? What data or information would be useful to include in such an identifier? Should the identifier be placed on the fresh produce, the package, the shipping container, and/or the invoice or bill of lading? Should the location of the identifier depend on the type of produce or on other factors?

Our investigations of the 2006 outbreak associated with packaged fresh spinach and the 2007 outbreak associated with peanut butter were greatly facilitated by a product ''code'' that the party who packaged the implicated product had assigned to the packaged product. We seek comment on whether a ''fresh produce identifier'' should be assigned to fresh produce, and, if so, at what stage or stages in the supply chain and with what information elements.

2. What other data or information would be useful on the invoice or bill of lading, fresh produce, package, or shipping case? At what stage or stages in the supply chain should such data or information be included?

The product ''codes'' assigned to the packaged fresh spinach associated with the 2006 outbreak and to the peanut butter associated with the 2007 outbreak were present on the packaged products. We seek comment on whether any other data or information (in addition to or instead of the fresh produce identifier discussed in question 1) should be on or attached to the invoice, bill of lading, fresh produce, its package (when feasible), or the shipping case.

3. Should an enhanced product tracing system extend to all fresh produce? If not, what criteria should be used to determine coverage?

There are a number of factors that may increase or decrease the risk for contamination of produce. Such factors may include crop characteristics (e.g., proximity of the edible portion of the crop to the soil, or rough surface, such as cantaloupe); production practices or conditions (e.g., water quality for field and packing operations); method of irrigation; likelihood of animal intrusion; and worker health and hygiene. Should these or other factors (e.g., history of outbreaks) be considered in prioritizing the development and application of an enhanced product tracing system?

4. Should fresh produce be commingled? If commingling is unavoidable, what practices should an enhanced product tracing system include to ensure that fresh produce can be traced effectively and efficiently?

Some industry food safety guidelines advise against commingling (Ref. 8). Should parties in the supply chain for some or all commodities consider refining or designing their product tracing systems so that they can identify the source of individual pieces of fresh produce if they combine or commingle produce from multiple sources and link this information to the one-up/one-down records they establish and maintain? If such identification is not feasible, should parties in the supply chain for some or all commodities consider no longer combining or commingling produce? We seek comment on any measures already in place to address product tracing of commingled fresh produce and the extent to which such measures have been demonstrated to be successful in ensuring product tracing, particularly during traceback investigations.

5. What should be the scope of an enhanced product tracing system for fresh produce?

As stated previously, the supply chain for fresh produce is often complex. We seek comment concerning how an enhanced product tracing system for fresh produce should apply to various parties in the supply chain, including producers, packers, distributors, and retailers. More specifically, we seek comment on whether some or all aspects of an enhanced product tracing system for fresh produce should apply to some or all farms. For example, if a fresh produce identifier includes information about the date of harvest, the farm is the party who would have that information. It may be more practical for the farm to identify the date of harvest on the invoice when it ships the fresh produce than for the first party in the supply chain to subsequently contact the farm to determine the date of harvest.

We also seek comment on whether some or all aspects of an enhanced product tracing system for fresh produce should apply to some or all restaurants or retailers. For example, if a ''fresh produce identifier'' is assigned to produce a restaurant receives, we seek comment on whether the restaurant could establish and maintain records of that identifier or could retain the invoice or bill of lading if the information is contained on those documents.

We also seek comment on whether some or all aspects of an enhanced product tracing system for fresh produce should extend to consumers. Product tracing systems currently used by the fresh produce industry typically do not reach the consumer level. However, some segments of the supply chain can and do record some individual consumer information, and may be able to use this information to alert specific consumers about product recalls or for other purposes. For example, a retailer who has a ''frequent customer'' or ''bonus card'' program may record each cardholder's purchases. The retailer's consumer purchasing information also would be very helpful in those situations where the fresh produce that is possibly linked to a foodborne illness outbreak is eaten and the consumers have disposed of any identifiers on the fresh produce before a traceback investigation begins. Could such systems be adapted or modified to provide assistance with traceback investigations? Would there be any issues or concerns associated with such systems?

6. Should the data or information in an enhanced product tracing system be human-readable, technology-based, or both? If technology-based, what technology should be used?

''Human-readable'' information should enable all parties in the supply chain, regardless of the technology used, to read this information. By ''human-readable,'' we mean information consisting of numbers and/or letters capable of being read by the human eye. Technology-based systems could make it faster and easier to accurately record information such as a fresh produce identifier. For example, a person making a paper record of a human-readable identifier expressed in numbers or letters may mistakenly transpose or omit numbers or letters, thus creating erroneous entries in the records. In contrast, the potential for such mistakes is greatly reduced if the identifier is recorded using an automatic system such as a bar code or RFID. In addition, technology-based systems could greatly speed a traceback investigation. However, some parties may not have access to electronic technologies. We seek comment on whether data or information in an enhanced product tracing system should be human-readable, technology-based, or both. If technology-based, what technology should be used?

7. What (if any) data or information in an enhanced product tracing system should be standardized?

The lack of standardization in the information in current product tracing systems can frustrate traceback investigations. We seek comment on whether the various segments of the fresh produce industry should develop standards for the content and format of records, particularly of electronic records that could help make electronic record systems interoperable. We seek comment on the existence and utility of existing standards relevant to some or all of the information elements that would be in an enhanced product tracing system, such as in a fresh produce identifier. We also seek comment on whether such standards should be developed and on whether current or newly developed standards should be identified in any guidance or regulations issued by FDA. We also seek comment on whether and how current or newly developed standards for the content and format of electronic systems could have practical utility for parties who continue to use paper-based technology. For example, could human-readable data that support standardized technology-based data be useful to parties who continue to use paper-based technology?

8. What are the costs, benefits, and feasibility of implementing an enhanced product tracing system?

Further enhancing the product tracing system for fresh produce could aid us in shortening the duration of outbreaks and limiting the number of people who become ill. It could also give us more information to use in preventing future outbreaks. However, these benefits will not come equally from all types of fresh produce. Enhancing the product tracing system beyond current practices and requirements for certain types of fresh produce might not significantly enhance public health if the fresh produce has not been associated with foodborne illness or any known risk factors. An enhanced fresh product tracing system for fresh produce may also impose burdens on entities in the supply chain. We seek comment on the costs, benefits, and feasibility of implementing an enhanced product tracing system for each of the parties in the supply chain.

We recognize that enhancing product tracing of fresh produce may not be just a matter of keeping more or different records or adding more information to product or packaging, but also of changing business practices. We request comment on the extent to which an enhanced product tracing system for fresh produce will affect comingling and repacking of produce and the cost of any such changes in the supply chain.

9. Would enhancing FDA's role in developing and implementing effective product tracing systems for fresh produce, through increased regulation, guidance, or additional legal authorities, improve the effectiveness of traceback investigations and traceforward operations? What mandatory and voluntary measures would be most effective in achieving the goal of enhancing product tracing systems for fresh produce and improving FDA's ability to use the information in such systems to identify the source of contamination associated with fresh produce-related outbreaks of foodborne illness? How would these measures help FDA work better with industry and other stakeholders during traceback investigations and traceforward operations?

IV. Comments

Interested persons may submit to the Division of Dockets Management (see table 1 of this document) written or electronic comments for consideration at or after the meeting in addition to, or in place of, a request for an opportunity to make an oral presentation. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that on January 15, 2008, the FDA Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA only through FDMS at *http://www.regulations.gov*.

V. References

We have placed the following references on display in the Division of Dockets Management (see table 1 of this document). You may see them between 9 a.m. and 4 p.m., Monday through Friday. (FDA has verified the Web site addresses, but FDA is not responsible for any subsequent changes to Web sites after this document publishes in the **Federal Register**.)

1. U.S. Food and Drug Administration, 1996–2007 Produce Outbreaks (unpublished compilation).

2. Codex Alimentarius Commission. 2006. Principles for Traceability/Product Tracing As a Tool Within A Food Inspection and Certification System. CAC/GL60–2006. Available at *http://www.codexalimentarius.net/web/standard_list.do?lang=en*. Accessed and printed on July 18, 2008.

3. U.S. Food and Drug Administration. 2004. ''What You Need to Know About Establishment and Maintenance of Records.'' Available at *http://www.cfsan.fda.gov/~acrobat/fsbtrec.pdf*.

4. U.S. Food and Drug Administration. ''Questions and Answers Regarding Establishment and Maintenance of Records. Edition 4.'' Available at *http://www.cfsan.fda.gov/~dms/recguid4.html*.

5. Produce Marketing Association and Canadian Produce Marketing Association. 2006. Fresh Produce Traceability. A Guide To Implementation. Available at *http://www.pma.com/cig/tech/traceability.cfm*. Accessed and printed on June 18, 2008.

6. Roberta Cook, ''The U.S. Fresh Produce Industry: An Industry in Transition,'' in Postharvest Technology of Horticultural Crops (Adel Kader ed., 2001).

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Dated: September 18, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–22430 Filed 9–19–08; 4:15 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 60-Day Proposed Information Collection: Indian Health Service Background Investigations of Individuals in Positions Involving Regular Contact With or Control Over Indian Children, OPM–306

AGENCY: Indian Health Service, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which requires 60 days for public comment on proposed information collection projects, the Indian Health Service (IHS) is publishing for comment a summary of a proposed information collection to be submitted to the Office of Management and Budget (OMB) for review.

Proposed Collection: Title: 0917–0028, ''IHS Background Investigations of Individuals in Positions Involving Regular Contact With or Control Over Indian Children, OPM–306. Type of Information Collection Request: Extension, without revision, of currently approved information collection, 0917–0028, ''IHS Background Investigations of Individuals in Positions Involving Regular Contact With or Control Over Indian Children, OPM–306.

Form Number: OPM–306. Forms: Declaration for Federal Employment. Need and Use of Information Collection: This is a request for approval of collection information required by Section 408 of the Indian Child Protection and Family Violence Prevention Act, Public Law 101–630, 104 Stat. 4544, and 25 U.S.C. 3201–3211. The IHS is required to compile a list of all authorized positions within the IRS where the duties and responsibilities involve regular contact with, or control over, Indian children; and to conduct an investigation of the character of each individual who is employed, or is being considered for employment in a position having regular contact with, or control over, Indian children. Section 3207(b) of the Indian Child Protection and Family Violence Prevention Act was amended by Section 814 of U.S.C. 3031, the Native American Laws Technical Corrections Act of 2000, which requires that the regulations prescribing the minimum standards of character ensure that none of the individuals appointed to positions involving regular contact with, or control over Indian children have been found guilty of, or entered a plea of nolo contendere or guilty to any felonious offense, or any of two or more misdemeanor offenses under Federal, State, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children. In addition, 42 U.S.C. 13041 requires each agency of the Federal Government, and every facility operated by the Federal Government (or operated under contract with the Federal Government), that hires (or contracts for hire) individuals involved with children under the age of 18 or child care services to assure that all existing and newly hired employees undergo a criminal history background check. The background is to be initiated through the personnel program of the

applicable Federal agency. This section requires employment applications for individuals who are seeking work for an agency of the Federal Government, or for a facility or program operated by (or through contract with) the Federal Government, in positions involved with the provision to children under the age of 18 or child care services, to contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child. Affected Public: Individuals and households. Type of Respondents: Individuals.

The table below provides: Types of data collection instruments, Estimated number of respondents, Number of responses per respondent, Average burden hour per response, and Total annual burden hour(s).

ESTIMATED BURDEN HOURS

Data collection instrument	Estimated number of respondents	Responses per respondent	Average burden hour per response	Total annual burden hours
Addendum to OPM–306 Declaration for Federal Employment 42 CFR Part 36	3000	1	12/60	600
Total	3000			600

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Request for Comments: Your written comments and/or suggestions are invited on one or more of the following points: (a) Whether the information collection activity is necessary to carry out an agency function; (b) whether the agency processes the information collected in a useful and timely fashion; (c) the accuracy of the public burden estimate (the estimated amount of time needed for individual respondents to provide the requested information); (d) whether the methodology and assumptions used to determine the estimates are logical; (e) ways to enhance the quality, utility, and clarity of the information being collected; and (f) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Send Comments and Requests for Further Information: Send your written comments, requests for more information on the proposed collection, or requests to obtain a copy of the data collection instrument(s) and instructions to: Ms. Janet Ingersoll, Acting IRS Reports Clearance Officer, 801 Thompson Avenue, TMP, Suite 450, Rockville, MD 20852, call non-toll free (301) 443–6177, send via facsimile to (301) 443–2316, or send your e-mail requests, comments, and return address to: *janet.ingersollihs.gov*.

Comment Due Date: Your comments regarding this information collection are best assured of having full effect if received within 60 days of the date of this publication.

Dated: September 16, 2008.

Christopher Mandregan, Jr.,

Acting Deputy Director, Indian Health Service.

[FR Doc. E8–22359 Filed 9–23–08; 8:45 am]

BILLING CODE 4165–16–M

DEPARTMENT OF HOMELAND SECURITY

United States Immigration and Customs Enforcement

Agency Information Collection Activities: New Information Collection; Comment Request

ACTION: 60-Day Notice of New Information Collection; Form I–333, Obligor Change of Address.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 24, 2008.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), Lee Shirkey, Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, 425 I Street, NW., Room 1122, Washington, DC 20536; (202) 353–2266.

Comments are encouraged and will be accepted for sixty days until November 24, 2008. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New information collection.

(2) *Title of the Form/Collection:* Obligor Change of Address.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–333, U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or Households, Business or other non-profit. The information collected on the Form I–333 is necessary for U.S. Immigration and Customs Enforcement (ICE) to provide immigration bond obligors a standardized method to notify ICE of address updates. Upon receipt of the formatted information records will

then be updated to ensure accurate service of correspondence between ICE and the obligor.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 12,000 responses at 15 minutes (.25 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,000 annual burden hours.

Comments and/or questions; requests for a copy of the proposed information collection instrument, with instructions; or inquiries for additional information should be directed to: Lee Shirkey, Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, 425 I Street, NW., Room 1122, Washington, DC 20536; (202) 353–2266.

Dated: September 4, 2008.

Lee Shirkey,

Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. E8–20971 Filed 9–23–08; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5231–N–01]

Multifamily Mortgage Insurance Premiums (MIPs) and Credit Subsidy Obligations for Fiscal Year (FY) 2009

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice announces the mortgage insurance premiums (MIPs) for Federal Housing Administration (FHA) multifamily mortgage insurance programs that have commitments to be issued or reissued in Fiscal Year (FY) 2009. The FY2009 MIPs are the same as in FY2008. This annual notice includes for the first time two additional MIPs for the hospital mortgage insurance programs: (1) Supplemental loans for hospitals; and (2) refinancing for existing FHA-insured hospitals. These are not new MIPs and the amounts charged for them will be the same as in previous years.

In addition to announcing MIPs for FY2009, this notice announces that credit subsidy obligations are required for firm commitments issued or reissued for FHA's three positive credit subsidy programs: (1) Section 221(d)(3) New Construction/Substantial Rehabilitation for Nonprofit/Cooperatives; (2) Section 241(a) Supplemental Loans for apartments only; and (3) Section 223(d) Operating Loss Loans. These obligations are not new for FY2009.

DATES: *Effective Date:* October 1, 2008.

FOR FURTHER INFORMATION CONTACT: Eric Stevenson, Deputy Director, Policy Division, Office of Multifamily Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone: 202–708–1142 (this is not a toll-free number). Hearing- or speech-impaired individuals may access these numbers through TTY by calling the Federal Information Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

HUD's multifamily housing mortgage insurance regulation at 24 CFR 207.254 provides as follows:

> Notice of future premium changes will be published in the **Federal Register**. The Department will propose MIP changes for multifamily mortgage insurance programs and provide a 30-day public comment period for the purpose of accepting comments on whether the proposed changes are appropriate.

Under this regulation, HUD is required to publish a notice for public comment only when there are premium ''changes.'' Since HUD is not seeking to implement any premium changes for FY2009 for the multifamily mortgage insurance programs listed in this notice, a notice and public comment is not required. HUD is merely providing this notice to ensure that there is clarity as to the multifamily insured housing MIPs for FY2009, and is not seeking public comments.

II. Low-Income Housing Tax Credits

MIP rates for many multifamily FHA mortgage programs depend on whether or not the sponsor is combining low-income housing tax credits with the FHA-insured loan. Under the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), and HUD's implementing instructions, a sponsor is required to submit a certification regarding governmental assistance, including any low-income housing tax credits, with mortgage insurance applications.

III. MIPs for Multifamily Programs for FY 2009

This notice announces the MIPs that will be in effect during FY2009 for the multifamily housing programs listed in this notice and for FHA's hospital mortgage insurance program authorized under section 242 of the National Housing Act, 12 U.S.C. 1715z–7. Section 241(a) Supplemental Loans and Section 223(a)(7) Refinancing of existing FHA-insured mortgages under Section 242 Hospital Program, which is overseen by FHA's Office of Insured Health Care Facilities, have been added for the first time to the MIP table in this annual notice. No changes in the basis points charged on multifamily loan and hospital programs are proposed for FY2009. The effective date for these mortgage insurance premiums is October 1, 2008.

Credit Subsidy

This notice also announces that a credit subsidy obligation continues to be required for the three sections of the National Housing Act listed below. However, if the mortgagor's equity is produced from low-income housing tax credits (LIHTC) for Sections 221(d)(3) or 241(a), a credit subsidy obligation will not be required. For the loans requiring a credit subsidy obligation, the program office inserts a special clause into the firm commitment or an invitation pertaining to a Site Appraisal and Market Analysis (SAMA)/Feasibility/Multifamily Accelerated Processing (MAP) letter. The clause states that the firm commitment is contingent upon availability of funds.

- Section 221(d)(3) New Construction/Substantial Rehabilitation for Nonprofit/Cooperatives.
- Section 223(d) Operating Loss Loans for both apartments and health care facilities.
- Section 241(a) Supplemental Loans for additions or improvements for apartments only.

The mortgage insurance premiums to be in effect for FHA firm commitments issued or reissued in FY2009 are shown in the table below:

FISCAL YEAR 2009 MIP RATES

[Multifamily Loans and Hospital Programs]

	Basis points
FHA Apartments	
207 Multifamily Housing New Construction/Sub Rehab without LIHTC	50
207 Multifamily Housing New Construction/Sub Rehab with LIHTC	45
207 Manufactured Home Parks without LIHTC	50
207 Manufactured Home Parks with LIHTC	45
221(d)(3) New Construction/Substantial Rehabilitation (NC/SR) for Nonprofit/Cooperative Mortgagor without LIHTC	80
221(d)(3) Limited dividend with LIHTC	45
221(d)(4) NC/SR without LIHTC	45
221(d)(4) NC/SR with LIHTC	45
220 Urban Renewal Housing without LIHTC	50
220 Urban Renewal Housing with LIHTC	45
213 Cooperative	50
207/223(f) Refinance or Purchase for Apartments without LIHTC	*45
207/223(f) Refinance or Purchase for Apartments with LIHTC	*45
223(a)(7) Refinance of Apartments without LIHTC	45
223(a)(7) Refinance of Apartments with LIHTC	45
223d Operating Loss Loan for Apartments	80
241(a) Supplemental Loans for Apartments/coop without LIHTC	80
241(a) Supplemental Loans for Apartments/coop with LIHTC	45
FHA Health Care Facilities	
232 NC/SR Health Care Facilities without LIHTC	57
232 NC/SR—Assisted Living Facilities with LIHTC	45
231 Elderly Housing without LIHTC	50
231 Elderly Housing with LIHTC	45
232/223(f) Refinance for Health Care Facilities without LIHTC	*50
232/223(f) Refinance for Health Care Facilities with LIHTC	*45
223(a)(7) Refinance of Health Care Facilities without LIHTC	50
223(a)(7) Refinance of Health Care Facilities with LIHTC	45
223d Operating Loss Loan for Health Care Facilities	80
241(a) Supplemental Loans for Health Care Facilities without LIHTC	57
241(a) Supplemental Loans for Health Care Facilities with LIHTC	45
FHA Hospitals	
242 Hospitals	50
223(a)(7) Refinance of Existing FHA-insured Hospital	50
241(a) Supplemental Loans for Hospitals	50

*The First Year MIP for the section 207/223(f) loans for apartments is one percent for the first year, as specified in sections 24 CFR 207.232b(a). The first year MIP for a 232/223(f) health care facility remains at 100 basis points.

Dated: September 15, 2008.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. E8–22333 Filed 9–23–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974, As Amended; Addition of a New System of Records

AGENCY: Office of the Secretary.

ACTION: Proposed addition of a new Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), the Department of the Interior is issuing public notice of its intent to add a new Department-wide Privacy Act system of records, DOI–02, ''Interior Uniform Relocation Assistance Program Records.''

DATES: Comments must be received by *November 3, 2008.*

ADDRESSES: Any persons interested in commenting on this proposed addition of a new Privacy Act system of records may do so by submitting comments in writing to the Office of the Secretary Acting Privacy Act Officer, Linda Thomas, U.S. Department of the Interior, MS–116 SIB, 1951 Constitution Avenue, NW., Washington, DC 20240, or by e-mail to *Linda_Thomas@nbc.gov.*

FOR FURTHER INFORMATION CONTACT: Mary Heying, Office of Acquisition and Property Management, by phone at 202–208–4080, by fax at 202–219–4244, by e-mail at *Mary_Heying@ios.doi.gov*, or by mail at U.S. Department of the Interior, Office of Acquisition and Property Management, MS 2607 MIB, 1849 C Street, NW., Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The Interior Uniform Relocation Assistance Program Records system will contain information from individuals and businesses displaced as a result of Federal real estate acquisition for the purpose of determining the amount of their relocation benefit. The system will contain information about the individual claimant, residential moving costs, replacement housing payments, down payments and incidental expenses for residential relocations; and information about business claimants, nonresidential moving costs, nonresidential direct loss of personal property; and relocation and reestablishment expenses for nonresidential relocations. For residential relocations, the information collected will include the name, social security number, address, and phone number of the claimant, occupancy status, dwelling type, number of rooms, names, gender, relationship and age of all household members, relocated address and date of relocation, replacement housing or rental payments including moving cost, storage costs,

and advance payments received, average household monthly income, incidental expenses including legal and closing costs, title search fee, notary fee, recording and surveying fees, transfer taxes, home inspection fee, and computation of relocation benefit. For nonresidential relocations, the information collected will include the name, social security number or tax identification number, address and phone number of the claimant, the type of business, type of ownership, citizenship status, dates of business operation, replacement business address, moving, storage and search expenses, direct loss of personal property as a result of the move or discontinuing the business, reestablishment expenses, and computation of relocation benefit. Collection of data will be by claim for relocation payment application forms submitted by a displaced person or business. This new system of records notice will be effective as proposed at the end of the comment period unless comments are received which would require a contrary determination. The Department will publish a revised notice if changes are made based upon a review of comments received.

Dated: September 19, 2008.

Linda S. Thomas,

Office of the Secretary Acting Privacy Act Officer.

SYSTEM NAME:

Interior Relocation Assistance Program Records, DOII–02.

SYSTEM LOCATION:

Data covered by this system are maintained at the following locations:

(1) Bureau of Land Management, Salem District Office, 1717 Fabry Road, SE., Salem, OR 97306;

(2) Bureau of Reclamation, Finance and Accounting Division, Denver Federal Center, Building 67, 13th Floor, Denver, CO 80225–0007;

(3) National Park Service, Land Resources Division, 1201 Eye Street, NW., Washington, DC 20005; and

(4) U.S. Fish and Wildlife Service, Division of Realty, 4401 N. Fairfax Drive, Suite 622, Arlington, VA 22203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system covers individuals and businesses that are displaced as a result of Federal real estate acquisition.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) The information collected for residential relocations from Claim for Relocation Payments—Residential, DI–381, includes the name, social security number, address, telephone number, and occupancy status of the claimant; dwelling type; number of rooms; names, gender, relationship and age of all household members; relocated address and date of relocation; replacement housing or rental payments including moving cost, storage costs, and advance payments received; average household monthly income; incidental expenses including legal and closing costs; title search fee; notary fee; recording and surveying fees; transfer taxes; home inspection fee; and computation of relocation benefit.

(2) For nonresidential relocations, the information collected from Claim for Relocation Payments—Nonresidential, DI–382, includes the name, social security number or tax identification number, address, and phone number of the claimant; the type of business; type of ownership; citizenship status; dates of business operation; replacement business address; moving, storage and search expenses; direct loss of personal property as a result of the move or discontinuing the business; reestablishment expenses; and computation of relocation benefit.

The Office of Management and Budget has approved these two forms under information collection 1084–0010, which is discussed at 71 FR 11219, published March 6, 2006.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 4601 *et seq.*, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records maintained in this system is to establish the amount of benefits due an individual or business displaced by Federal real estate acquisition.

Disclosures outside the Department of the Interior (DOI) may be made:

(1) To authorized title companies and closing agents for title policies and closings.

(2) To the United States Department of Justice for preliminary and final title opinions and condemnation proceedings.

(3) To any criminal, civil, or regulatory law enforcement authority (whether Federal, state, territorial, local, tribal, or foreign) when a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature, and the disclosure is compatible with the purpose for which the records were compiled.

(4) (a) To any of the following entities or individuals, when the circumstances set forth in paragraph (b) are met:

(i) The U.S. Department of Justice (DOJ);

(ii) A court or an adjudicative or other administrative body;

(iii) A party in litigation before a court or an adjudicative or other administrative body; or

(iv) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(b) When:

(i) One of the following is a party to the proceeding or has an interest in the proceeding:

(A) DOI or any component of DOI;

(B) Any other Federal agency appearing before the Office of Hearings and Appeals;

(C) Any DOI employee acting in his or her official capacity;

(D) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(E) The United States, when DOJ determines that DOI is likely to be affected by the proceeding; and

(ii) DOI deems the disclosure to be:

(A) Relevant and necessary to the proceeding; and

(B) Compatible with the purpose for which the records were compiled.

(5) To a congressional office in response to a written inquiry that an individual covered by the system, or the heir of such individual if the covered individual is deceased, has made to the office.

(6) To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files or to enable that agency to respond to an inquiry by the individual to whom the record pertains.

(7) To the Department of the Treasury to effect payment to Federal, state, and local government agencies, nongovernmental organizations, and individuals, or to recover debts owed to the United States.

(8) To appropriate agencies, entities, and persons when:

(a) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; and

(b) The Department has determined that as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interest, identity theft or fraud, or harm to the security or integrity of this system or

other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and

(c) The disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(9) To Federal, state, territorial, local, tribal, or foreign agencies that have requested information relevant or necessary to the hiring, firing, or retention of an employee or contractor, or the issuance of a security clearance, license, contract, grant, or other benefit, when the disclosure is compatible with the purpose for which the records were compiled.

(10) To representatives of the National Archives and Records Administration to conduct records management inspections under the authority of 44 U.S.C. 2904 and 2906.

(11) To state and local government and tribal organizations to provide information needed in response to court order and/or discovery purposes related to litigation, when the disclosure is compatible with the purpose for which the records were compiled.

(12) To an expert, consultant, or contractor (including employees of the contractor) of DOI that performs services requiring access to these records on DOI's behalf to carry out the purposes of the system.

(13) To the Office of Management and Budget during the coordination and clearance process in connection with legislative affairs as mandated by OMB Circular A–19.

(14) To the news media when the disclosure is compatible with the purpose for which the records were compiled.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1996 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in manual files. The Forms DI–381 and DI–382 are maintained in paper form because of the need to have actual signatures. Electronic records where applicable will generally contain only ancillary data such as e-mail communications pertaining to the actual system of records, which is a paper system. Such ancillary electronic records are stored on magnetic media at the various computer processing centers. Manual file documents are stored in standard office filing equipment in locked rooms.

RETRIEVABILITY:

Records are indexed by Bureau assigned project numbers and individual or business name, as applicable.

SAFEGUARDS:

Uniform Relocation Assistance Program Records are maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual and computerized records. Access to records is limited to authorized personnel whose official duties require such access.

(1) *Physical Security:* Paper records are maintained in locked file cabinets and/or in secured rooms in Federal government offices with appropriate security measures meeting Departmental guidelines. Electronic ancillary records are on secure servers with appropriate firewalls, passwords, and IT security complying with Departmental policies and procedures.

(2) *Technical Security:* Ancillary electronic records are maintained in conformity with Office of Management and Budget and Departmental guidelines reflecting the implementation of the Federal Information Security Management Act. Electronic data is protected through user identification, passwords, database permissions and software controls. These security measures establish different degrees of access for different types of users. An audit trail is maintained and reviewed periodically to identify unauthorized access.

(3) *Administrative Security:* All DOI and contractor employees with access to Interior Uniform Relocation Assistance Program Records are required to complete Privacy Act, Federal Records Act, and Security Awareness training prior to being given access to the system, and on an annual basis, thereafter.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with General Records Schedule 3, Item 1, and in accordance with specific Bureau record schedules, Bureau of Land Management Schedule 30, Item 1, Bureau of Reclamation Class Code LND–3.00, National Park Service Schedule L14, and U.S. Fish and Wildlife Service Schedule PROP–110.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Director, Office of Acquisition and Property Management, Office of the Secretary, Department of the Interior, MS 2607 MIB, 1849 C Street, NW., Washington, DC 20240.

(2) Chief, Division of Lands, Realty and Cadastral Survey, Bureau of Land Management, 1620 L Street, NW., Suite 1000, Washington, DC 20036;

(3) Manager, Finance and Accounting Division, Bureau of Reclamation, Denver Federal Center, Building 67, Denver, CO 80225–0007;

(4) Chief, Land Resources Division, National Park Service, 1201 Eye Street NW., Washington, DC 20005; and

(5) Chief, Division of Realty, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 622, Arlington, VA 22203.

NOTIFICATION PROCEDURE:

If you wish to determine if this system of records contains information about you, you must write to the appropriate bureau/office System Manager at the respective address listed above. Your request must be in writing and signed by you. To ensure proper handling of your request, you should include the words ''PRIVACY ACT INQUIRY'' at the top of the first page of your letter and on the envelope in which you mail the letter, in compliance with 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

If you wish to obtain access to any records that the system may contain that are about you, you must write to the appropriate bureau/office System Manager at the address listed above. Your request must be in writing and signed by you, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

If you wish to request correction of a record maintained about you, you must write to the appropriate bureau/office System Manager at the address listed above. Your request must be in writing and signed by you, and meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Records in the system contain information submitted by claimants and applicants displaced as a result of Federal real estate acquisition and supporting documentation for the purpose of determining the amount of their relocation benefit.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–22425 Filed 9–23–08; 8:45 am]

BILLING CODE 4310–RF–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV030–08–1430-ER; 08–08807; TAS: 14X1109]

Notice of Intent to Prepare an Environmental Impact Statement for the Blackhawk to Heybourne Transmission Line Project, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: The Bureau of Land Management (BLM) Carson City District Office, Carson City, Nevada, intends to prepare an Environmental Impact Statement (EIS) for Sierra Pacific Power Company's Blackhawk to Heybourne Transmission Line Project which will run through Storey, Lyon, Carson City and Douglas counties. This notice announces the beginning of the scoping process and solicits input on the identification of issues.

DATES: The BLM will accept comments until October 31, 2008. The BLM will announce public scoping meetings through local news media, mailings, and the BLM Web site *http://www.blm.gov/nv/st/en/fo/carson_city_field.html* at least 15 days prior to each meeting.

ADDRESSES: Submit written comments to:

- BLM Carson City District Office, *Attn:* Blackhawk EIS Project Manager, 5665 Morgan Mill Road, Carson City, NV 89701.
- *Fax:* (775) 885–6147.
- *E-mail: blackhawkeis@blm.gov.*

Documents pertinent to this proposal may be examined at the Carson City District Office.

FOR FURTHER INFORMATION CONTACT: For further information and to have your name added to the Blackhawk EIS mailing list, call Mark Struble, (775) 885–6107; or e-mail *blackhawkeis@blm.gov.*

SUPPLEMENTARY INFORMATION: The BLM Carson City District Office will prepare an EIS for the Blackhawk to Heybourne Transmission Line Project (Project) to analyze the direct, indirect, and cumulative impacts resulting from construction of a new 120 kV electrical transmission line and two new substations proposed in a right-of-way (ROW) application submitted by Sierra Pacific Power Company. The proposed Project includes the construction of approximately 34 miles of an electrical 120 kV transmission line through four counties in Nevada, beginning at the proposed new Blackhawk Substation in Storey County. From the proposed Blackhawk Substation four new 120 kV transmission lines would run parallel, crossing U.S. Highway 50, for approximately four miles where two of the lines would fold into an existing transmission line north of the Carson River. From that point the remaining two lines would continue southwest, crossing the Carson River, and running eight miles to the existing Dayton Substation in Lyon County. From the Dayton Substation one transmission line would run south over two miles, then west approximately six miles, parallel with existing lines to the existing Brunswick Substation in Carson City. From the Brunswick Substation the transmission line parallels existing powerlines straight south for approximately seven miles to the existing Prison Hill Substation in Carson City. At this point the line would parallel an existing line south for less than a mile before turning west for approximately three and a half miles in a new corridor through a saddle in Hot Springs Mountain and across the Douglas County water treatment facility, then south for approximately one mile paralleling an existing line and terminating at the proposed new Heybourne Substation in Douglas County. The proposed transmission line runs parallel with existing transmission lines along all but the first four miles in Storey and Lyon counties and three and a half miles in Douglas County. The BLM will work closely with interested parties to identify the best possible alternatives and management decisions that will take into account local, regional, and national needs and concerns.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the EIS process. The EIS will address issues brought forth through scoping and will be evaluated by an interdisciplinary team of BLM and other agency specialists. A range of alternatives and mitigating measures will be considered to evaluate and minimize environmental impacts and to assure that the proposed actions do not result in undue or unnecessary degradation of public lands. Federal, State, and local agencies and other individuals or organizations that may be interested in or affected by the BLM decision on the Blackhawk to Heybourne Transmission Line Project are urged to participate in the EIS process. It is important that those interested in the proposed activities participate in the scoping and commenting processes of the EIS. Written comments may be provided to the BLM at the public scoping meetings or may be submitted to the BLM using one of the methods listed in the Addresses section above. Comments will be accepted until October 31, 2008.

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.

Dated: September 11, 2008.

Patrick Gubbins,

Manager, Carson City District Office.

[FR Doc. E8–22336 Filed 9–23–08; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–957–08–1420–BJ]

Notice of Filing of Plats of Survey, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Survey, Wyoming.

SUMMARY: The Bureau of Land Management (BLM) has filed the plats of survey of the lands described below in the BLM Wyoming State Office, Cheyenne, Wyoming, on the dates indicated.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003.

SUPPLEMENTARY INFORMATION: These surveys were executed at the request of the Bureau of Land Management and U.S. Forest Service, and are necessary for the management of resources. The lands surveyed are:

The plat and field notes representing the metes and bounds survey of Lot 4, section 8, Township 18 North, Range 79 West, of the Sixth Principal Meridian, Wyoming, Group No. 794, was accepted July 23, 2008.

The plat and field notes representing the dependent resurvey of a portion of the Fifth Standard Parallel North, through Ranges 93 and 94 West, a portion of the east boundary, the subdivisional lines, and the subdivision of certain sections, Township 20 North,

Range 94 West, Sixth Principal Meridian, Wyoming, Group No. 673, was accepted July 23, 2008.

The plat and field notes representing the dependent resurvey of a portion of the north boundary and subdivisional lines, the subdivision of section 4, and the metes and bounds survey of lots 5 and 6, section 4, Township 27 North, Range 103 West, of the Sixth Principal Meridian, Wyoming, Group No. 687, was accepted August 7, 2008.

The plat representing the entire record of the dependent resurvey of a portion of Tract 49, designed to restore the corners in their true locations according to the best available evidence, Township 52 North, Range 97 West, Sixth Principal Meridian, Wyoming, Group No. 769, was accepted August 25, 2008.

The plat and field notes representing the dependent resurvey of Tract 105, portions of Tracts 106 and 107, a portion of the subdivisional lines, and the subdivision of Tracts 105 and 107, Township 52 North, Range 96 West, Sixth Principal Meridian, Wyoming, Group No. 770, was accepted August 25, 2008.

The plat and field notes representing the dependent resurvey of the south, east and west boundaries, a portion of the north boundary, and the subdivisional lines, Township 54 North, Range 78 West, Sixth Principal Meridian, Wyoming, Group No. 767, was accepted September 16, 2008.

The plat and field notes representing the dependent resurvey of a portion of the Ninth Standard Parallel North through Range 110 West, portions of the east boundary and subdivisional lines, and the subdivision of section 1, Township 36 North, Range 111 West, of the Sixth Principal Meridian, Wyoming, Group No. 768, was accepted September 16, 2008.

Copies of the preceding described plats and field notes are available to the public at a cost of $1.10 per page.

Dated: September 17, 2008.

John P. Lee,

Chief Cadastral Surveyor, Division of Support Services.

[FR Doc. E8–22337 Filed 9–23–08; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–936–1430–ET; HAG–08–0208; WAOR–42920]

Notice of Proposed Withdrawal Extension and Opportunity for Public Meeting; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As required by 43 CFR 2310.3–1, notice is hereby given that on the behalf of the United States Forest Service, the Bureau of Land Management proposes to extend Public Land Order No. 6776 for a 20-year period. This order withdrew approximately 8,950 acres of National Forest System land from surface entry and mining to protect the natural, scenic, and recreational values, and the investment in federal funds in the North Cascades Scenic Highway Zone. The withdrawal created by Public Land Order No. 6776 will expire on April 17, 2010, unless extended. This notice also gives an opportunity to comment on the proposed action and to request a public meeting.

DATES: Effective Date: Comments and requests for a public meeting must be received by December 23, 2008.

ADDRESSES: Comments and meeting requests should be sent to the Oregon/Washington State Director, BLM, P.O. Box 2965, Portland, Oregon 97208–2965.

FOR FURTHER INFORMATION CONTACT: Gregory B. Graham, Okanogan-Wenatchee National Forest, 509–664–9262, or, Charles R. Roy, Bureau of Land Management Oregon/Washington State Office, 503–808–6189.

SUPPLEMENTARY INFORMATION: The United Stated Forest Service has filed an application to extend Public Land Order No. 6776 (55 FR 14422 (1990)) lands from location and entry under the mining laws for a 20 year period, subject to valid existing rights.

The areas described aggregates approximately 8,950 acres in Chelan, Okanogan, Skagit, and Whatcom Counties.

The use of a right-of-way, interagency agreement, or cooperative agreement would not adequately constrain non-discretionary uses and would not provide adequate protection of the Federal investment in the improvements located on the land.

There are no suitable alternative sites with equal or greater benefit to the government.

No additional water rights will be needed to fulfill the purpose of the requested withdrawal.

The preliminary mineral potential evaluation found the above described lands to have a high potential for locatable minerals.

The purpose of the proposed withdrawal extension is to protect the scenic, natural, and recreation values, and the investment of federal funds at the North Cascades Scenic Highway Zone.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to the State Director at the address indicated above.

Comments, including names and street addresses of respondents, will be available for public review at the address indicated above during regular business hours.

Individual respondents may request confidentiality. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organization or businesses, will be made available for public inspection in their entirety.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the State Director at the address indicated above within 90 days from the publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

Fred O'Ferrall,

Chief, Branch of Lands and Mineral Resources.

[FR Doc. E8–22347 Filed 9–23–08; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

National Park Service

Public Notice: Clarifying the Definition of ''Substantial Restoration of Natural Quiet'' at Grand Canyon National Park, AZ

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Disposition of Public Comments and Adoption of Clarification.

SUMMARY: On April 9, 2008, the National Park Service (NPS) published a Public Notice of agency policy in the **Federal Register** with the above title (73 FR 19246–19248), clarifying the NPS definition of substantial restoration of natural quiet at Grand Canyon National Park (GCNP) to distinguish between aircraft noise generated above and below 17,999 feet mean sea level (MSL), and requesting comments on the proposed clarification. Specifically, the NPS proposed the following clarification:

(a) Substantial restoration of natural quiet at GCNP will be achieved when the reduction of noise from aircraft operations at or below 17,999 feet MSL results in 50% or more of the park achieving restoration of the natural quiet (*i.e.*, no aircraft audible) for 75% to 100% of the day, each and every day; and

(b) The NPS defines the substantial restoration of natural quiet from all aircraft above 17,999 feet MSL to mean that there will be an overall reduction in aviation noise generated above 17,999 feet MSL above the park over time through implementation of measures in accordance with Federal Aviation Administration (FAA) commitments.

The NPS also clarified that 50% of the park is a minimum in the restoration goal.

The public comment period was open from April 9 to May 9, 2008. The NPS received and analyzed 127 comments in response to the Public Notice. Comments were received from the National Air Transportation Association; environmental groups (*e.g.*, Sierra Club, Audubon Society, and Grand Canyon Trust); air tour operators; and the general public. Comments beyond the scope of this clarification may be considered in the development of the Environmental Impact Statement for Special Flight Rules in the Vicinity of Grand Canyon National Park (EIS).

DATES: The clarification as published on April 9, 2008, is effective immediately.

FOR FURTHER INFORMATION CONTACT: Ken McMullen, Grand Canyon National Park, 823 N. San Francisco St., Suite B, Flagstaff, AZ 86001, Telephone (928) 779–2095.

SUPPLEMENTARY INFORMATION:

Background

In response to the comments received pursuant to the publication of the NPS Public Notice in the April 9, 2008 **Federal Register**, the NPS explains the reasons for and the expected effects of the proposed clarification below and in the *Discussion of Comments* to follow.

Reasons for the Clarification

The notice published on April 9, 2008 in the **Federal Register** clarifies the definition used by GCNP for achieving substantial restoration of natural quiet as mandated by the 1987 Overflights Act (Pub. L. 100–91) (Overflights Act). This clarification of the definition is necessary to address current aircraft noise impacts, to comply with the intent of recommendations provided in the 1995 Report to Congress [1], and to respond to a 2002 U.S. Court of Appeals decision.[2] The provisions of Special Federal Aviation Regulation (SFAR) 50–2 have not resulted in substantial restoration of natural quiet at GCNP. Given the volume of high altitude commercial jet and general aviation traffic overflying the Grand Canyon above 17,999 feet MSL, the substantial restoration goal as previously defined cannot be attained.

Discussion of Comments

The NPS received 127 comments regarding the clarification of the definition of the ''substantial restoration of natural quiet'' at GCNP. Of those, 40 comments were substantive in nature while 87 were not substantive. NPS Directors Order 12, *Conservation Planning, Environmental Impact Analysis, and Decision Making,*[3] defines substantive comments as those that raise, debate, or question a point of fact or policy. Comments solely in favor of or against the proposed action are not considered substantive. Also, a large number of comments were received that did not address the proposed clarification regarding 17,999 feet MSL; many addressed other issues that commentors said should be addressed in the EIS. While such comments are not substantive for this clarification, they will be considered as the EIS is developed. Substantive comments about the clarification are summarized and responded to below.

1. One commentor suggested the addition of the word ''such'' for clarity, so that Part (a) would read: ''Substantial restoration of natural quiet at GCNP is achieved when the reduction of noise from aircraft operations at or below 17,999 feet MSL results in 50% or more of the park achieving restoration of natural quiet (i.e., no such aircraft audible) for 75% to 100% of the day * * *''

NPS Response: The NPS believes that Part (a) of the clarification as stated in 73 FR 19246–19248 is sufficiently clear to address only those aircraft at or below 17,999 feet MSL. Therefore, the suggested change is not made.

2. Comments were received urging NPS to clarify that Part (b) is not a definition of the statutory term, but rather policy goals based upon FAA commitments. Two commentors stated that the FAA commitments are alluded to but not specified.

NPS Response: Part (b) of 73 FR 19246–19248 clarifies but does not redefine the NPS goal for substantial restoration of natural quiet from all aircraft above 17,999 feet MSL above the park. This goal is supported by FAA policy commitments to: (1) Actively pursue efforts to continue to reduce aircraft source noise throughout the aviation system. The recently introduced NextGen Aviation Reform Act strengthens the FAA's research and development capability and includes a performance objective for lower noise aircraft technology; (2) when the FAA is engaged in airspace redesign that affects a national park and there are alternative choices consistent with safety, operational, and environmental parameters, the FAA will give favorable consideration to alternative routes away from sensitive park resources; and, (3) as the FAA transitions to a more dynamic, satellite-based technology, future navigational flexibility will allow the FAA to reconsider opportunities to reduce national park overflights that are

[1] National Park Service. 1995. *Report of Effects of Aircraft Overflights on the National Park System*, Report to Congress, July.

[2] *United States Air Tour Association, et al., Petitioners* v. *Federal Aviation Administration, et al., Respondents; Grand Canyon Trust, et al., Intervenors*, 353 U.S. App. D.C. 213; 298 F.3d. 997; 2002. U.S. App.

[3] National Park Service. 2001. *Director's Order #12 and Handbook: Conservation Planning, Environmental Impact Analysis and Decision Making*, January.

not possible today without severe airspace impacts.[4]

3. Several commentors disagreed with including or excluding flights above 17,999 feet MSL in the clarification or implied that the Notice misstates and overstates the consideration of high altitude overflights in the 1995 Report to Congress. One said that clarification on high-altitude flights is needed from Congress rather than from the NPS; another stated that rerouting commercial overflights (non-sightseeing) above 17,999 feet MSL is not covered by the Overflights Act and is an otherwise impractical solution for reducing aviation noise.

NPS Response: Consistent with the Overflights Act and a 2002 U.S. Court of Appeals decision, the impacts of all aircraft overflights need to be analyzed. This clarification does not dismiss the impacts of any type of overflight, but it does remove flights above 17,999 feet MSL from consideration when determining the percentage of the park achieving substantial restoration of natural quiet. The Grand Canyon Working Group (GCWG) recommended that the FAA and NPS work together to address these high altitude issues in a manner consistent with the proposed clarification to allow the EIS to proceed. All aircraft noise will be considered in the EIS analysis. The primary effect of the clarification is that aircraft noise from above 17,999 feet MSL will be analyzed in the EIS as part of cumulative effects, while the aircraft noise at and below that level will be analyzed as part of the direct effects of the actions proposed in the EIS alternatives.

4. Two comments were received suggesting that Congress did not intend for the NPS or the FAA to impose regulations on high-altitude flights in order to achieve substantial restoration of natural quiet.

NPS Response: The Overflights Act required a study of all aircraft overflights at GCNP in part to distinguish between the noise impacts produced by various types of aircraft, including commercial aviation. The study resulted in the 1995 Report to Congress which recommended an analysis of how to reduce other adverse impacts from overflights, such as protection of the park experience and public health and safety. Because high altitude commercial aviation overflights make noise and cause impacts to park resources such as the natural soundscape and visitor experience, the GCWG recommended that the FAA and NPS work together to address the high altitude noise separately from low-level air tour, air tour-related, military, and general aviation aircraft overflights (at and below 17,999 feet MSL). The NPS determined that addressing aircraft noise in this manner is consistent with the law, and allows the EIS to proceed. The FAA has jurisdiction over high-altitude flights and has committed to the management actions described above in the NPS Response to Comment #1. In addition, the NPS has the responsibility to manage all park resources, including the natural soundscape.

5. Ten comments were received suggesting that the minimum of 50% of the park that will achieve restoration of natural quiet was too low and should be increased. Additional comments suggest that NPS should maintain the original definition for substantial restoration of natural quiet. Several commentors appeared to be under the impression that NPS was changing the definition of substantial restoration of natural quiet.

NPS Response: NPS is not changing the definition, but merely clarifying it in the Notice. In addition to the clarification related to 17,999 feet MSL, the Notice also clarifies that 50% of the park is a minimum in the restoration goal. The definition of substantial restoration of natural quiet remains as defined in the 1995 NPS Report to Congress. The Notice simply clarifies how the definition will be applied in environmental analysis related to FAA rulemaking actions at GCNP.

6. One comment was received stating that the Notice did not discuss, cite or otherwise disclose the professionally prepared September 2007 analysis/critique of the MITRE Report.[5]

NPS Response: The MITRE report[6] was a key factor in requiring the NPS to clarify the definition to address flights above 17,999 feet MSL, as discussed at 73 FR 19246–19248. The conclusion of the report was that it was unsafe, at the time, to modify national airspace over the park or divert commercial jet traffic off of existing routes that cross over the park and the Special Flight Rules Area (SFRA). FAA made the decision to accept the MITRE report outcome, and to maintain existing national airspace structure and operation over the park and the SFRA. Though the critique and the report itself arrived at different conclusions, the NPS deferred to the FAA as the jurisdictional authority and their decision to support the MITRE study conclusions, and to continue FAA's airspace policies.

7. One comment was received that a change in the definition with regard to high-altitude aircraft noise was unwarranted and imprudent given the current issues facing the aviation industry (i.e., rising fuel prices, climate change concerns).

NPS Response: The NPS is implementing a clarification to the existing definition. Although the larger aviation industry issues are beyond the scope of the **Federal Register** Notice, if appropriate, they will be considered in the EIS impact analysis.

Conclusion

The NPS is not changing the definition of substantial restoration of natural quiet, but merely clarifying the scope and intent of the original definition. This clarification is necessary for the NPS and the FAA to meet the goals of the Overflights Act, and to proceed with assessing aircraft noise impacts in the EIS.

As discussed above, the National Park Service has carefully considered and responded to the comments received. Based on this consideration, the NPS decision is to adopt the clarification of the NPS definition of substantial restoration of natural quiet at Grand Canyon National Park as published at 73 FR 19246–19248.

Dated: July 31, 2008.

Anthony J. Schetzsle,

Deputy Director, Intermountain Region, National Park Service.

[FR Doc. E8–22343 Filed 9–23–08; 8:45 am]

BILLING CODE 4310–70–P

[4] Elwell, D. 2007. Personal communication with D. Verhey, letter dated March 6. U.S. Department of Transportation, Federal Aviation Administration.

[5] Sierra Club. Independent Review: Study for Grand Canyon Working Group (MITRE report critique). 2007. September.

[6] Abrahamsen, T.R., G.F. Marani, and R. Bearer. 2006. *Impact on Restricting Flights from Grand Canyon Airspace.* The MITRE Corporation CAASD for the Federal Aviation Administration and National Park Service, Report No. F063–B06–050, presented to the Grand Canyon Working Group, September.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–622]

In the Matter of Certain Base Plugs; Notice of Commission Decision Not to Review an Initial Determination Granting a Joint Motion To Terminate Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination

(''ID'') (Order No. 6) granting a joint motion to terminate the above-captioned investigation as to all Respondents.

FOR FURTHER INFORMATION CONTACT: Jonathan J. Engler, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3112. Copies of the ALJ's IDs and all other non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On December 19, 2007, the Commission instituted this investigation, based on a complaint filed by Anchor Sports I, Inc. of Richardson, Texas (''Anchor''). The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain base plugs by reason of infringement of certain claims of U.S. Patent No. 6,142,882. The complaint, as supplemented, further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint named two firms as respondents, Schutt Sports, Inc. of Litchfield, Illinois (''Schutt''), and East Texas Sports Center, Inc. (''East Texas'') of Marshall, Texas. The complainant requested that the Commission issue a limited exclusion order and cease and desist orders.

On August 7, 2008, Anchor, Schutt and East Texas filed a joint motion seeking termination of this investigation based upon a settlement agreement. On August 27, 2008, the ALJ issued an initial determination, Order No. 6, terminating the investigation on the basis of the settlement agreement. The ALJ found no indication that termination of the investigation on the basis of the settlement agreement would adversely affect the public interest, and that the procedural requirements for terminating the investigation had been met. No petitions for review were filed.

The Commission has determined not to review the subject ID. The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: September 18, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–22302 Filed 9–23–08; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–458 and 731–TA–1154 (Preliminary)]

Certain Kitchen Appliance Shelving and Racks From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of certain kitchen appliance shelving and racks, provided for in subheadings 7321.90.50, 7321.90.60, 8418.99.80, and 8516.90.80 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of China and sold in the United States at less than fair value (LTFV).[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in these investigations under sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in these investigations under sections 705(a) and 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigations is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On July 31, 2008, a petition was filed with the Commission and Commerce by Nashville Wire Products Inc., Nashville, TN, SSW Holding Company, Inc., Elizabethtown, KY, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, and the International Association of Machinists and Aerospace Workers, District Loge 6, Clinton, IA., alleging that an industry in the United States is materially injured and threatened with material injury by reason of imports of certain kitchen appliance shelving and racks from China allegedly subsidized by the government of China and sold at less than fair value. Accordingly, effective July 31, 2008, the Commission instituted countervailing duty investigation No. 701–TA–458 (Preliminary) and antidumping duty investigation No. 731–TA–1154 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 7, 2008 (73 FR 46033). The conference was held in Washington, DC, on August 21, 2008, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on September 15, 2008. The views of the Commission are contained in USITC Publication 4035 (September 2008), entitled *Certain Kitchen Appliance Shelving and Racks from China: Investigation Nos. 701–TA–458 and 731–TA–1154 (Preliminary)*.

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[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Deanna Tanner Okun recused herself to avoid any conflict of interest or appearance of a conflict.

By order of the Commission.

Issued: September 18, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–22301 Filed 9–23–08; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121—NEW]

Bureau of Justice Statistics; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Proposed Collection; Clinical Indicators of Sexual Violence in Custody.

The Department of Justice (DOJ), Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 24, 2008. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Paul Guerino, Statistician, Bureau of Justice Statistics, 810 Seventh Street, NW., Washington, DC 20531 (phone 202–616–3277).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection*: New data collection.

(2) *Title of the Form/Collection*: Clinical Indicators of Sexual Violence in Custody.

(3) *Agency form number, if any, and the applicable component of the U.S. Department of Justice sponsoring the collection*: Form numbers not available at this time. The Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice is the sponsor for the collection.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary*: State, Local, or Tribal Government. *Other*: Federal Government, Business or other for-profit, Not-for-profit institutions. The work under this clearance will be used to create a pilot surveillance system to collect clinical indicators of sexual violence among inmates in response to the Prison Rape Elimination Act of 2003 (Pub. L. 108–79).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond*: It is estimated that 35 health providers will spend approximately 10 minutes on average completing the surveillance form for each inmate exhibiting clinical indicators of sexual violence. Over a twelve month period, jail health providers are each expected to spend a total of 630 minutes completing surveillance forms and prison health providers are each expected to spend a total of 330 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection*: There are an estimated 383 total burden hours associated with this collection.

If additional information is required, contact: Lynn Bryant, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530 (phone: 202–514–4304).

Dated: September 18, 2008.

Lynn Bryant,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. E8–22350 Filed 9–23–08; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Under the Resource Conservation and Recovery Act (RCRA)

Pursuant to 28 CFR 50.7, notice is hereby given that on September 17, 2008, two proposed consent decrees in *United States and Alabama Department of Environmental Management* v. *Brown Wood Preserving Co., Inc., and the James Graham Brown Foundation, Inc.,* Civil Action No. 2:08–CV–1720–RDP, were lodged with the United States District Court for the Northern District of Alabama.

These Consent Decrees will resolve claims asserted by the United States and the Alabama Department of Environmental Management (''ADEM'') against Brown Wood Preserving Co., Inc. (''Brown Wood'') and the James Graham Brown Foundation, Inc. (''JGBF'') for injunctive relief and civil penalties based on violations of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6928, that occurred at a wood treatment facility located in Northport, Alabama, formerly owned and operated by JGBF and presently owned and operated by Brown Wood. The complaint in this action alleges that Brown Wood operated a hazardous waste disposal facility without a permit or interim status, in violation of 42 U.S.C. 6925(a), 40 CFR parts 264 and 270, and failed to properly respond to hazardous waste leaks from storage tanks, in violation of 40 CFR 264.196, and applicable parallel administrative provisions under Alabama state law. The complaint further alleges that the facility will be transferred back to JGBF by the end of 2008, and that injunctive relief against both defendants is necessary in order to prevent continuing violations of RCRA.

The proposed Consent Decrees settle these claims by requiring Brown Wood to shut down all wood preserving and treatment operations at the Facility and to transfer the Facility back to JGBF, which will, in turn, clean up the hazardous waste contamination at the Facility pursuant to a RCRA corrective action agreement between ADEM and JGBF.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC

20044–7611, and should refer to *United States* v. *Brown Wood Preserving Co., Inc., et al.*, D.J. Ref. #90–7–1–07281.

The consent decrees may be examined at the Office of the United States Attorney for the Northern District of Alabama, 1801 Fourth Ave. North, Birmingham, Alabama, and at U.S. EPA Region 4, Office of Regional Counsel, 61 Forsyth Street, Atlanta, GA 30303. During the public comment period, the consent decrees may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html*. Copies of the consent decrees 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 copies of both consent decrees from the Consent Decree Library, please enclose a check in the amount of $48.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8–22256 Filed 9–23–08; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0184]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day Notice of Information Collection Under Review: School Crime Supplement (SCS) to the National Crime Victimization Survey (NCVS).

The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics will be submtting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 24, 2008. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Katrina Baum, Statistician, Bureau of Justice Statistics, Office of Justice Programs, Department of Justice, 810 7th Street, NW., Washington, DC 20531, or facsimile (202) 307–1463.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Reinstatement, without change, of a previously approved collection for which approval has expired.

(2) *Title of the Form/Collection:* School Crime Supplement (SCS) to the National Crime Victimization Survey.

(3) *Agency form number, if any, and the applicable component of the department sponsoring the collection*: SCS–1. Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary*: Persons ages 12 to 18 in NCVS sampled households in the United States. The School Crime Supplement (SCS) to the National Crime Victimization Survey collects, analyzes, publishes, and disseminates statistics on the prevalence, economic cost, and consequences of identity theft on victims.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply*: Approximately 9,445 persons ages 12 to 18 will complete an SCS interview. We estimate the average length of the ITS interview for these individuals will be 0.167 hours (10 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection*: The total respondent burden is approximately 1,577 hours.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: September 18, 2008.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E8–22352 Filed 9–23–08; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary; Submission for OMB Review: Comment Request

September 18, 2008.

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 Amy Hobby at 202–693–4553 (this is not a toll-free number) or 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 Employment Standards Administration (ESA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316, Fax: 202–395–6974 (these are not toll-free numbers), e-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment Standards Administration.

Type of Review: Revision of a currently approved collection.

Title of Collection: Agreement and Undertaking.

OMB Control Number: 1215–0034.

Agency Form Number(s): OWCP–1.

Affected Public: Businesses or other for-profits.

Total Estimated Number of Respondents: 20.

Total Estimated Annual Burden Hours: 5.

Total Estimated Annual Costs Burden: $9.

Description: The OWCP–1 is a form completed by employers to provide the Secretary of Labor with authorization to sell securities or to bring suit under indemnity bonds deposited by the self-insured employers in the event there is a default in the payment of benefits. For additional information, see related notice published at 73 FR 31889 on June 4, 2008.

Agency: Employment Standards Administration.

Type of Review: Extension without change of an existing OMB Control Number.

Title of Collection: Certificate of Medical Necessity.

OMB Control Number: 1215–0113.

Agency Form Number(s): CM–893.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Total Estimated Number of Respondents: 3,200.

Total Estimated Annual Burden Hours: 1,253.

Total Estimated Annual Costs Burden: $0.

Description: The Certificate of Medical Necessity is completed by the coal miner's doctor and is used by the Division of Coal Mine Worker's Compensation to determine if the miner meets impairment standards to qualify for durable medical equipment, home nursing, and/or pulmonary rehabilitation. For additional information, see related notice published at 73 FR 31890 on June 4, 2008.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E8–22341 Filed 9–23–08; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of *September 8 through September 12, 2008*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.*, conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–63,850; Conn-Selmer, Inc., Monroe, NC: August 11, 2007.

TA–63,938; Parker Hosiery Company, Inc., Old Fort, NC: August 25, 2007.

TA–63,986; Khoury, Inc., Kingsford, MI: September 3, 2007.

TA–63,592; Ganton Technologies, LLC, Intermet Manufacturing Corporation, Pulaski, TN: June 16, 2007.

TA–63,638; Modular Technologies of America, Inc., Magna Closures—Shelby Modules Division, Shelby Township, MI: June 24, 2007.

TA–63,711; Lear Corporation, SSD Division, Fenton, MI: July 17, 2007.

TA–63,730; Chesapeake Hardwood Products, Inc., Chesapeake, VA: July 18, 2007.

TA–63,835; Megtec Systems, Inc., Vero Beach, FL: August 7, 2007.

TA–63,884; Lan-Tex, Inc., D and G Services, Statesville, NC: August 15, 2007.

TA–63,808; Soft Socks, Inc., Burlington, NC: August 1, 2007.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–63,828; Lear Corporation, Liberty, MO: July 14, 2007.

TA–63,832; Carestream Health, Inc., Mammography Film Division, Windsor, CO: August 6, 2007.

TA–63,855; Dart Container Corporation of California, Corona Production Facility, Corona, CA: August 1, 2007.

TA–63,907; Rayloc Division, Division of Genuine Parts Co., Distribution Center, Williamsport, MD: August 19, 2007.

TA–63,916; Walker Bay Boats, Inc., A Subsidiary of Orcam Holdings Limited, Yakima, WA: August 19, 2007.

TA–63,925; Hutchinson FTS, Low Pressure Byrdstown Division, Byrdstown, TN: September 27, 2008.

TA–63,937; Indian Industries, Escalade Sports, Inc., Table Tennis Division, Evansville, IN: June 1, 2008.

TA–63,951; CFM U.S. Corporation, Huntington, IN: August 27, 2007.

TA–63,468; Circor International, Inc., Flow Technologies Division, Spartanburg, SC: June 2, 2007.

TA–63,802; AFA Products, Inc., Continental AFA Dispensing Company, Forest City, NC: August 1, 2007.

TA–63,843; Ace Precision Castings, LLC, Helping Hands Temp, Marshalltown, IA: August 8, 2007.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–63,788; Hanes Dye and Finishing, A Subsidiary of Hanes Companies, Leggett & Platt, Inc., Butner, NC: July 30, 2007.

TA–63,749; Lear Corporation, Bridgeton, MO: July 24, 2007.

TA–63,824; Modern Plastics Corporation, Benton Harbor, MI: July 25, 2007.

TA–63,963; Fisher Corporation, Troy, MI: September 29, 2008.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

None.

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

None.

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

TA–63,827; Home and Networks Mobility-WiMax System Test Dept., A Subsidiary of Motorola, Inc., Schaumburg, IL.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–63,821; MSSC, LLC, Marion, IL.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased

imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–62,946; Pioneer Tool and Mold, Division of Plastek Industries, Inc., Erie, PA.

TA–63,858; Ascentron, White City, OR.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–63,715; Quality Logistics Systems, Inc., DePere, WI.

TA–63,761; Level 3 Communications, L.L.C., Austin, TX.

TA–63,822; ACN Communications, Gwinn, MI.

TA–63,969; HD Supply, Inc., Plumbing and HVAC Division, Columbus, GA.

TA–63,974; Element Customer Care LLC, Durham, NC.

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

None.

I hereby certify that the aforementioned determinations were issued during the period of *September 8 through September 12, 2008.* Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 18, 2008.

Erin Fitzgerald,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E8–22399 Filed 9–23–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,713]

Canterbury Printing Company of Rome Incorporated, Rome, NY; Notice of Affirmative Determination Regarding Application for Reconsideration

On September 11, 2008, the Department of Labor (Department) received a request for administrative reconsideration of the Department's Notice of negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) applicable to workers and former workers of the subject firm. The negative determination was issued on July 28, 2008. The Department's Notice of determination was published in the **Federal Register** on August 12, 2008 (73 FR 46924). Workers produce printed materials including postcards, calendars, and journals.

The negative determination was based on the Department's findings that the subject firm did not import printed materials or shift production of those articles to a foreign country during the relevant period. The Department's survey of the subject firm's major declining customer revealed no increased imports of postcards, calendars and journals during the relevant period.

In the request for reconsideration, the Graphic Communications Conference of the International Brotherhood of Teamsters Union, Local 503–M (Union) stated that the ''import of foreign printed products put a severe economic strain on Canterbury Press, which forced the company to close.''

The Department has carefully reviewed the Union's request for reconsideration and has determined that the Department will conduct further investigation.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 17th day of September 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–22403 Filed 9–23–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,802]

Shorewood Packaging Corporation, a Subsidiary of International Paper, Home Entertainment Division, Edison, NJ; Notice of Negative Determination on Reconsideration

On July 16, 2008, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on July 28, 2008 (73 FR 43787).

The initial investigation resulted in a negative determination based on the finding that imports of printed paper primarily for music and gaming packaging did not contribute importantly to worker separations at the subject firm and no shift of production to a foreign source occurred.

In the request for reconsideration the petitioner provided an additional list of customers, who purchased packaging products for the pharmaceutical and cosmetic industries.

On reconsideration the Department of Labor contacted the company official of the subject firm to verify the information addressed by the petitioner and requested an additional list of customers. The Department surveyed these customers regarding their purchases of like or directly competitive products with printed paper for packaging during 2006, 2007, and January through February 2008 over the corresponding 2007 period. The survey revealed that only one customer imported printed paper for packaging, however imports by this customer have been declining during the relevant period. The remaining customers did not import like or directly competitive products with printed paper for packaging during the relevant period.

The petitioner also alleged that Shorewood Packaging Corporation ''had plans to open new facilities in Europe and Asia'' and that Shorewood Packaging was outsourcing jobs from the subject firm overseas.

The company official of the subject firm confirmed that Shorewood Packaging Corporation has facilities abroad and described the functions of each facility. However, the company official stated that there was no shift in production from the subject firm to any foreign facility in the relevant period. The company official clarified that the reason behind the closure of the subject firm was the change in the market for the products manufactured by the Edison facility.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Shorewood Packaging Corporation, a subsidiary of International Paper, Home Entertainment Division, Edison, New Jersey.

Signed at Washington, DC, this 17th day of September 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–22402 Filed 9–23–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61,409]

Delphi Corporation, Powertrain Operations, Including On-Site Leased Workers From Trison Business Solutions, Inc. and Bartech, Rochester, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on June 8, 2007, applicable to workers of Delphi Corporation, Powertrain Operations, Rochester, New York. The notice was published in the **Federal Register** on June 22, 2007 (72 FR 34482).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of fuel systems and emission components; specifically cruse control housings, integrated air fuel modules, canisters, linear exhaust gas recyclers throttle bodies and pressure regulators.

New information shows that workers leased from Trison Business Solutions, Inc. and Bartech were employed on-site at the Rochester, New York location of Delphi Corporation, Powertrain Operations. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include leased workers from Trison Business Solutions, Inc. and Bartech working on-site at the Powertrain Operation, Rochester, New York location of the subject firm.

The amended notice applicable to TA-W–61,409 is hereby issued as follows:

''All workers of Delphi Corporation, Powertrain Operations, including on-site leased workers from Trison Business Solutions, Inc. and Bartech, Rochester, New York, who became totally or partially separated from employment on or after April 24, 2006, through June 8, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 19th day of September 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–22401 Filed 9–23–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,878; TA–W–63878A; TA–W–63,878B]

Gerber Scientific, Inc., Gerber Scientific International, Inc., South Windsor, CT, Including Employees of Gerber Scientific, Inc., Gerber Scientific International, Inc., South Windsor, CT, Working in the Following Locations: Broadway, VA; Coraopolis, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on August 27, 2008, applicable to workers of Gerber Scientific, Inc., South Windsor, Connecticut. The notice was published in the **Federal Register** on September 12, 2008 (73 FR 53045).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of computer controlled systems for manufacturing apparel, soft goods, lenses for eyewear and signs.

New information shows that worker separations have occurred involving employees of the South Windsor, Connecticut location of Gerber Scientific, Inc., Gerber Scientific International, Inc. working in Broadway, Virginia and Coraopolis, Pennsylvania. Mr. Eric Fulk and Mr. Thomas Glatch provided engineering support function services for the production of computer controlled systems for manufacturing apparel, soft goods, lenses for eyewear and signs produced at the South Windsor, Connecticut location of the subject firm.

Information also shows that workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Gerber Scientific International, Inc.

Accordingly, the Department is amending this certification to properly reflect these matters.

The intent of the Department's certification is to include all workers of Gerber Scientific, Inc., Gerber Scientific International, Inc., South Windsor, Connecticut who were adversely affected by increased imports of computer controlled systems for manufacturing apparel, soft goods, lenses for eyewear and signs following a shift in production to China.

The amended notice applicable to TA–W–63,878 is hereby issued as follows:

''All workers of Gerber Scientific, Inc., Gerber Scientific International, Inc., South Windsor, Connecticut, (TA–W–63,878), including employees in support of Gerber Scientific, Inc., Gerber Scientific International, Inc., South Windsor, Connecticut, working in Broadway, Virginia (TA–W–63,878A) and Coraopolis, Pennsylvania (TA–W–63,878B), who became totally or partially separated from employment on or after August 14, 2007, through August 27, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 19th day of September 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–22404 Filed 9–23–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,807; TA–W–60,807A]

NothelferGilman, Incorporated, Currently Known as ThyssenKrupp Drauz Nothelfer NA, Inc., Formerly Known as Gilman Engineering and Manufacturing Company, Including On-Site Leased Workers From Advanced Project Services, LLC, Aerotek, Inc., Human Capital Solutions, Impact Engineering Solutions, Inc., Techstaff of Milwaukee, Inc. and Manpower, Inc., Janesville, WI, Including an Employee of NothelferGilman, Incorporated, Currently Known as ThyssenKrupp Drauz Nothelfer NA, Inc., Formerly Known as Gilman Engineering and Manufacturing Company, Janesville, WI Located in Auburn Hills, MI; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on March 8, 2007, applicable to workers of NothelferGilman, Inc., formerly known as Gilman Engineering and Manufacturing Company, including on-site leased workers from Advanced Project Services, LLC, Aerotek, Inc., Human Capital Solutions, Impact Engineering Solutions, Inc., and Techstaff of Milwaukee, Inc., Janesville, Wisconsin. The notice was published in the **Federal Register** on March 22, 2007 (72 FR 13528). The certification was amended on July 22, 2008 to show that NothelferFilman, Incorporated is currently known as ThyssenKrupp Drauz Nothelfer NA and to include on-site leased workers. The notice was published in the **Federal Register** on July 30, 2008 (73 FR 44282).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of assembly and welding systems.

New information shows that a worker separation has occurred involving an employee working in support of the Janesville, Wisconsin facility of the subject firm located in Auburn Hills, Michigan. Mr. Paul D'Angelo provided business development services directly for the production of assembly and welding systems at the Janesville, Wisconsin location of the subject firm. The Department has determined that Mr. Paul D'Angelo was sufficiently under the control of the Janesville, Wisconsin location to be covered under this certification.

Based on these findings, the Department is amending this certification to include an employee in support of the firm's Janesville, Wisconsin facility located in Auburn Hills, Michigan.

The intent of the Department's certification is to include all workers of NothelferGilman, Inc., formerly known as Gilman Engineering and Manufacturing Company, Janesville, Wisconsin who were adversely affect by increased imports of assembly and welding systems.

The amended notice applicable to TA–W–60,807 is hereby issued as follows:

All workers of NothelferGilman, Inc., currently known as ThyssenKrupp Drauz Nothelfer NA, Inc., formerly known as Gilman Engineering and Manufacturing Company, including on-site leased workers of Advanced Project Services, LLC, Aerotek, Inc., Human Capital Solutions, Impact Engineering Solutions, Inc., Techstaff of Milwaukee, Inc. and Manpower, Inc., Janesville, Wisconsin (TA–W–60,807) including an employee in support of NothelferGilman, Inc., currently known as ThyssenKrupp Drauz Nothelfer NA, Inc., formerly known as Gilman Engineering and Manufacturing Company, Janesville, Wisconsin located in Auburn Hills, Michigan (TA–W–60,807A), who became totally or partially separated from employment on or after January 22, 2007, through March 8, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 19th day of September 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–22400 Filed 9–23–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 6, 2008.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 6, 2008.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 17th day of September 2008.

Erin Fitzgerald,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 9/8/08 and 9/12/08]

TA–W	Subject firm (Petitioners)	Location	Date of institution	Date of petition
63997	Lapeer Metal Stamping, Inc. (Wkrs)	Dearborn, MI	09/08/08	09/04/08
63998	Jabil Global Service (State)	St. Petersburg, FL	09/08/08	09/05/08
63999	Rahmann Belting and Industrial Rubber (Wkrs)	Gastonia, NC	09/08/08	09/04/08
64000	Northwood Manufacturing (State)	La Grande, OR	09/08/08	09/05/08
64001	Fleetwood Travel Trailers of Oregon, Inc. (State)	La Grande, OR	09/08/08	09/05/08
64002	Lapeer Metal Stamping—Sebewaing (Wkrs)	Sebewaing, MI	09/08/08	09/05/08
64003	Lapeer Metal Stamping—T. Clemens Mich. Div. (Wkrs)	Mt. Clemens, MI	09/08/08	09/05/08
64004	Trelleborg Wheel Systems America, Inc. (TWSA) (Comp)	Hartville, OH	09/09/08	09/08/08
64005	Sli Lighting Products, Inc. (29574)	Mullins, SC	09/09/08	09/08/08
64006	Amphenol Corporation (Wkrs)	Sidney, NY	09/09/08	08/28/08
64007	Lexis Nexis (Wkrs)	Dayton, OH	09/09/08	09/05/08
64008	Clasonickansei North America, Inc. (Comp)	Irvine, CA	09/09/08	09/08/08
64009	Rexnard Industries, LLC (USW)	West Milwaukee, WI	09/09/08	09/06/08
64010	Blue Water Automotive Systems, Inc.—St. Clair (Comp)	St. Clair, MI	09/09/08	09/08/08
64011	Johnson Controls, Inc. (Comp)	Cadiz, KY	09/09/08	09/08/08
64012	Metro Furniture (Comp)	Oakland, CA	09/10/08	09/09/08
64013	Sala Burgress Automotive (Comp)	Cary, NC	09/10/08	09/09/08
64014	Delphi Powertrain—CTCM (Wkrs)	Auburn Hills, MI	09/10/08	09/09/08
64015	Kam Manufacturing, Inc. (Wkrs)	Van Wert, OH	09/10/08	09/09/08
64016	Turbine Airfoil Designs (Comp)	Harrisburg, PA	09/10/08	09/09/08
64017	The News Messenger (Wkrs)	Fremont, OH	09/10/08	09/09/08
64018	Hoffmaster Group, Inc. (USW)	Appleton, WI	09/10/08	09/09/08
64019	Whittier Wood Products (Comp)	Eugene, OR	09/10/08	09/09/08
64020	American Multimedia, Inc. (Wkrs)	Burlington, NC	09/10/08	09/03/08
64021	Robert Bosch, LLC (Comp)	Sumter, SC	09/10/08	09/09/08
64022	Honeywell International/Scanning and Mobility (Comp)	Skaneateles Falls, NY	09/10/08	09/09/08
64023	CBC Latrobe Acquisitions, LLC (Wkrs)	Latrobe, PA	09/10/08	09/08/08
64024	Blackstone NEY Ultrasonics (Wkrs)	Jamestown, NY	09/10/08	09/09/08
64025	Rail Terminal Service (State)	Dupo, IL	09/11/08	09/10/08
64026	St. Louis Post Dispatch (CWA)	St. Louis, MO	09/11/08	09/10/08
64027	Delphi Powertain (Wkrs)	Flint, MI	09/11/08	09/09/08
64028	Edinboro Molding, Inc. (Comp)	Edinboro, PA	09/11/08	09/10/08
64029	Tennessee Wood Resources, LLC (Comp)	Jamestown, TN	09/11/08	09/10/08
64030	Fairchild Semiconductor (State)	So. Portland, ME	09/11/08	09/10/08
64031	Gates Corporation (Comp)	Jefferson, NC	09/11/08	09/06/08
64032	Schawk, Inc. (Wkrs)	Cincinnati, OH	09/11/08	09/08/08
64033	Eaton Corporation (UAW)	Auburn, IN	09/11/08	09/10/08
64034	Regina Behar Enterprises, Inc. (Wkrs)	Miami Lakes, FL	09/11/08	09/08/08
64035	The Hershey Company (Comp)	Reading, PA	09/12/08	09/11/08
64036	Hamilton Dental Designs, Inc. (State)	Modesto, CA	09/12/08	09/11/08
64037	U.S. Textile Corporation (Comp)	Lancaster, SC	09/12/08	09/11/08
64038	Phoenix Leather, Inc. (Comp)	Brockton, MA	09/12/08	09/11/08
64039	Kaz, Inc. (Comp)	Hudson, NY	09/12/08	09/12/08
64040	Borg Warner Thermal Systems (Wkrs)	Fletcher, NC	09/12/08	09/05/08

[FR Doc. E8–22398 Filed 9–23–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,973]

Steelcase, Inc., Global Headquarters, Grand Rapids, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on September 3, 2008, in response to a petition filed by a state agency representative on behalf of workers of Steelcase, Inc., Global Headquarters, Grand Rapids, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 15th day of September 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–22405 Filed 9–23–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,016]

Turbine Aifoil Designs, Inc., Harrisburg, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade September 10, 2008 in response to a worker petition filed a company official on behalf of workers at Turbine Airfoil Designs, Inc., Harrisburg, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 18th day of September 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–22397 Filed 9–23–08; 8:45 am]

BILLING CODE 4510–FN–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 08–14]

Notice of Amendment to Compact With the Government of the Republic of Mali

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: In accordance with Section 609(i)(2) of the Millennium Challenge Act of 2003, as amended (Pub. L. 108–199, Division D), the Millennium Challenge Corporation is publishing a summary, justification and the complete text of the Amendment to Millennium Challenge Compact between the United States of America, acting through the Millennium Challenge Corporation, and the Government of the Republic of Mali. Representatives of the United States Government and the Government of the Republic of Mali executed the Amendment documents on September 11, 2008.

Dated: September 19, 2008.

William G. Anderson, Jr.,

Vice President and General Counsel, Millennium Challenge Corporation.

Summary of Amendment to Millennium Challenge Compact With the Government of the Republic of Mali

The Board of Directors of the Millennium Challenge Corporation (*MCC*) has approved an amendment (the *Amendment*) to the existing approximately $460.8 million, five-year Millennium Challenge Compact (the *Compact*) between the United States of America, acting through MCC, and the Government of the Republic of Mali.

Background

The Millennium Challenge Compact between the United States of America and the Government of the Republic of Mali was signed November 13, 2006, and entered into force on September 17, 2007. The Mali Compact previously had three major projects—the Alatona Irrigation Project, the Airport Improvement Project, and the Industrial Park Project (each as defined in the Compact). Extensive feasibility studies of the Industrial Park Project and Airport Improvement Project highlighted the following issues:

Policy and institutional arrangements related to the industrial park and industrial development were not in place, and reforms critical to a successful industrial park would have taken several years and significant effort to achieve. Therefore, it was no longer advisable to invest in industrial park physical infrastructure.

The estimated costs of both the Airport Improvement and Industrial Park Projects were significantly higher than the amounts budgeted for such projects in the Compact. After a series of extensive consultations, MCA-Mali (the Malian entity implementing the Compact) formally requested that the Industrial Park Project be eliminated from the Compact and that funds from such project be reallocated and used for the Airport Improvement Project. It was agreed that the Alatona Irrigation Project would remain as set forth in the existing terms of the Compact with respect to its scope and budget allocation.

Scope of the Amendment

The Amendment memorializes the proposed restructuring by enacting the following changes: (a) Funds currently allocated under the Compact to the Industrial Park Project will be reallocated to the Airport Improvement Project; and (b) the description of the Airport Improvement Project will be refined based on the results of the feasibility studies.

In addition, given the challenges to achieving full implementation of the Airport Improvement Project within the term of the Compact, the Amendment revised the description of the Airport Improvement Project in the annexes to the Compact to allow the MCC to have future decision points regarding the scope of the Airport Improvement Project without having to further amend the Compact. No material changes are currently required to the scope or budget for the Alatona Irrigation Project.

Finally, the Amendment revised the amendment provision of the Compact to permit additional amendments to the Compact, if necessary, without requiring such amendments to be subject to the domestic approval process that was required for the Compact, and the Amendment will update certain information, such as the MCC Principal Representative and the name of certain Government of Mali ministries on the MCA-Mali board of directors.

Effect of the Amendment

The restructuring of the Compact will decrease overall compact risk since the Industrial Park Project was the most risky project under the Compact. The Amendment will decrease the environmental and social footprint of the Compact program; thereby decreasing the overall risks.

The Airport Improvement Project will be implemented under significant time constraints, taking into account that the Compact entered into force on September 17, 2007. Although there appears ample time to design and renovate the Airport runway and other infrastructure, the schedule to design and construct the proposed new terminal building is tight. It also must be taken into account that, worldwide, implementation delays are common with airports and large construction projects of this nature.

An implementation plan to address the completion risk has been developed and incorporated into the restructuring of the Compact, which includes a series of milestones for the preparation of a design brief for the proposed new terminal building, the mobilization of a project management team, and the activation of a design and supervision consultant. In the event one or more of these milestones are missed, the implementation plan will be revised by MCC. Under the new plan, MCC believes that the Airport Improvement Project will be completed within the five-year term of the Compact.

Amendment to Millennium Challenge Compact Between the United States of America Acting Through the Millennium Challenge Corporation and the Government of the Republic of Mali Amendment to Millennium Challenge Compact

This Amendment to Millennium Challenge Compact (this ''*Amendment*'') is made by and between the United States of America, acting through the Millennium Challenge Corporation, a United States government corporation (''*MCC*''), and the Government of the Republic of Mali (the ''*Government*'') (each referred to herein individually as a ''*Party*'' and collectively, as the ''*Parties*''). All capitalized terms used in this Amendment that are not otherwise defined herein have the meanings given to such terms in the Compact (as defined below).

Recitals

Whereas, the Parties entered into that certain Millennium Challenge Compact by and between the United States of America, acting through MCC, and the Government, on November 13, 2006 (the ''*Compact*''), which entered into force on September 17, 2007, pursuant to which MCC grants to the Government, subject to the terms and conditions of the Compact, MCC Funding in an amount not to exceed Four Hundred

Sixty Million Eight Hundred Eleven Thousand One Hundred and Sixty-Four United States Dollars (US$ 460,811,164) for a program to reduce poverty through economic growth in Mali (the ''*Program*'');

Whereas, results of early studies and procurements suggest that the Program Objective, originally conceived as comprising three Project Objectives at the time of Compact signature, should be restructured to remove one Project Objective, revise the scope of another Project Objective, reallocate MCC Funding from the removed Project Objective to the rescoped Project Objective and correct the projections of the final Project Objective (the ''*Program Restructuring*'');

Whereas, the Parties further desire to revise the description of the Board to acknowledge agreements made between the Parties and with MCA-Mali following the date of signature of the Compact;

Whereas, in an effort to memorialize the Program Restructuring, the Parties hereby desire to amend certain parts of the Compact and its Annexes without changing the overall value or term of the Compact.

Now, Therefore, in consideration of the foregoing and the mutual covenants and agreements set forth herein and in the Compact, the Parties hereby agree as follows:

Amendments

1. Amendment to Section 1.1

Section 1.1 (*Compact Goal; Objectives*) of the Compact is hereby amended and restated as follows:

Section 1.1 Compact Goal; Objectives. The goal of this Compact is to reduce poverty through economic growth in Mali by increasing production and productivity of agriculture, as well as expanding Mali's access to markets and trade (the ''*Compact Goal*''). The key to advancing the Compact Goal is through the development of critical infrastructure and policy reform for productive sectors and addressing Mali's constraints to growth by capitalizing on two of its major assets, the Bamako-Sénou International Airport (the ''*Airport*''), the gateway for regional and international trade, and the agricultural potential of the Niger River (collectively, the ''*Program Objective*''). The Parties have identified the following project-level objectives (each, a ''*Project Objective*'') of this Compact to advance the Program Objective, and thus the Compact Goal, each of which is described in more detail in the Annexes attached hereto:

(a) Establish an independent and secure link to the regional and global economy through infrastructure investments at the Airport and policy reform of the national air transport system (the ''*Bamako-Sénou Airport Improvement Project Objective*''); and

(b) Increase the agricultural production and productivity in the Alatona zone of the Office du Niger (''*ON*'') through the construction of a road, irrigation infrastructure, social infrastructure, agricultural services, land allocation and increased access to credit (the ''*Alatona Irrigation Project Objective*'').

The Government expects to achieve, and shall use its best efforts to ensure the achievement of, the Compact Goal, Program Objective and Project Objectives during the Compact Term. The Program Objective and the individual Project Objectives are collectively referred to herein as ''*Objectives*'' and each individually as an ''*Objective*.''

2. Amendment to Section 5.1

Section 5.1 (*Communications*) of the Compact is amended by replacing the notice information with the following:

''To MCC: Millennium Challenge Corporation, Attention: Vice President for Compact Implementation, (with a copy to the Vice President and General Counsel), 875 15th Street, NW., Washington, DC 20005, United States of America, Facsimile: +1 (202) 521–3700, Telephone: +1 (202) 521–3600, E-mail: *VPImplementation@mcc.gov* (Vice President for Compact Implementation); *VPGeneralCounsel@mcc.gov* (Vice President and General Counsel)

To the Government: Secretary General of the Presidency, BP 10 Koulouba, Republic of Mali, Facsimile: +223 223–80–30, Telephone: +223 223–0026, E-mail: *cdiango@koulouba.pr.ml*.''

3. Amendment to Section 5.2

Section 5.2 (*Representatives*) of the Compact is amended by (i) deleting the words ''Vice President for Operations'' therein and replacing them with ''Vice President for Compact Implementation'' and (ii) deleting the words ''Prime Minister'' and replacing them with ''Secretary General of the Presidency.''

4. Amendment to Section 5.3

Section 5.3 (*Amendments*) of the Compact is amended and restated as follows:

''Section 5.3 Amendments. The Parties may amend this Compact only by a written agreement signed by the Principal Representatives of the Parties.''

5. Amendment to Section 5.11

Section 5.11 (*Signatures*) of the Compact shall be amended by deleting the phrase ''or an amendment to this Compact pursuant to Section 5.3'' from the text of the first sentence of Section 5.3.

6. Amendment to Exhibit A

Exhibit A (*Definitions*) of the Compact shall be amended by: (i) deleting the following terms and their definitions in their entirety: ''BDS,'' ''Industrial Park,'' ''Industrial Park Project.'' ''Industrial Park Project Objective,'' the second ''Institutional Strengthening Activity,'' ''MSMEs,'' ''Primary and Secondary Infrastructure Activity,'' ''Resettlement Activity,'' and ''Revenue Authority,'' and (ii) replacing all references to ''Schedule 3 of Annex I'' with references to ''Schedule 2 of Annex I.''

7. Amendment to Annex I

Annex I (*Program Description*) of the Compact shall be amended by deleting such Annex I (including its Schedules) in its entirety and replacing it with the substitute Annex I (including attached Schedules) attached hereto as Exhibit A.

8. Amendment to Annex II

Annex II (*Summary of Multi-Year Financial Plan*) of the Compact shall be amended by deleting such Annex II (including its Exhibit) in its entirety and replacing it with the substitute Annex II (including the attached Exhibit) attached hereto as Exhibit B.

9. Amendment to Annex III

Annex III (*Description of the M&E Plan*) of the Compact shall be amended by deleting such Annex III in its entirety and replacing it with the substitute Annex III attached hereto as Exhibit C.

General Provisions

10. Further Assurances

Each Party hereby covenants and agrees, without necessity of any further consideration, to execute and deliver any and all such further documents and take any and all such other action as may be reasonably necessary or appropriate to carry out the intent and purpose of this Amendment.

11. Effect of This Amendment

From and after the Amendment Effective Date (as defined below), the Compact and this Amendment shall be read together and construed as one document, and each reference in the Compact to the ''Compact,'' ''hereunder,'' ''hereof'' or words of like import referring to the Compact, and each reference to the ''Compact,''

''thereunder,'' ''thereof'' or words of like import in any Supplemental Agreement or in any other document or instrument delivered pursuant to the Compact or any Supplemental Agreement, shall mean and be construed as a reference to the Compact, as amended by this Amendment.

12. Limitations

Except as expressly amended by this Amendment, all of the provisions of the Compact remain unchanged and in full force and effect.

13. Amendment Effective Date

This Amendment shall enter into force on the date of the last letter in an exchange of letters between the Principal Representatives of each Party confirming that each Party has completed its domestic requirements for entry into force of this Amendment (including as set forth in Paragraph 14) and that all conditions set forth in Paragraph 15 have been satisfied by the Government and MCC (the ''*Amendment Effective Date*'').

14. Domestic Requirements

Prior to entry into force of this Amendment, the Government shall proceed in a timely manner to seek domestic ratification of this Amendment as necessary or required by the laws of Mali, or similar domestic requirement, in order that: (a) This Amendment shall be considered an international agreement under Mali law, (b) no laws of Mali (other than the Constitution of Mali) now or hereafter in effect shall take precedence or prevail over this Amendment or the Compact, as amended hereby, during the Compact Term (or a longer period to the extent provisions of the Compact remain in force following the expiration of the Compact Term pursuant to Section 5.13 of the Compact), and (c) each of the provisions of this Amendment is valid, binding and in full force and effect under the laws of Mali. The Government shall initiate such process promptly after the conclusion of this Amendment.

15. Condition Precedent to Amendment Effective Date

As a condition precedent to the Amendment Effective Date, the Government shall deliver a certificate signed and dated by the Principal Representative of the Government, or such other duly authorized representative of the Government acceptable to MCC, that:

(a) Certifies that the Government has completed all of its domestic requirements in order that, and attaches a legal opinion from the Supreme Court of Mali (or such other competent person acceptable to MCC) to the effect that, (1) this Amendment shall have the status of an international agreement, and the Compact, as amended hereby, continues to have the status of an international agreement, (2) no laws of Mali (other than the Constitution of Mali) now or hereafter in effect shall take precedence or prevail over this Amendment, or the Compact as amended hereby, during the Compact Term (or a longer period to the extent provisions of this Compact remain in force following the Compact Term pursuant to Section 5.13 of the Compact), and (3) each of the provisions of this Amendment shall be valid, binding and in full force and effect under the laws of Mali, and the Compact, as amended hereby, continues to be valid, binding and in full force and effect under the laws of Mali; and

(b) Attaches thereto, and certifies that such attachments are true, correct and complete copies of all decrees, legislation, regulations or other governmental documents relating to its domestic requirements for this Amendment to enter into force and the satisfaction of Paragraph 14, which MCC may post on its Web site or otherwise make publicly available.

16. English Language

This Amendment is prepared and executed in English and, in the event of any ambiguity or conflict between this official English version and any translation made for the convenience of the Parties, this official English version will prevail.

17. Governing Law

The Parties acknowledge and agree that this Amendment is an international agreement entered into for the purpose of amending the Compact and as such will be interpreted in a manner consistent with the Compact and will be governed by the principles of international law.

18. Counterparts

This Amendment may be executed in counterparts, each of which shall constitute an original, but when taken together, shall constitute one instrument.

19. Provisional Application

Upon signature of this Amendment, the Parties will provisionally apply this Amendment until the Amendment Effective Date.

In Witness Whereof, the undersigned, duly authorized by their respective governments, have signed this Amendment to be dated the later of the dates indicated below their signatures and this Amendment shall become effective in accordance with Paragraph 13.

Millennium Challenge Corporation, on behalf of the United States of America, Name: Darius Mans, Title: Vice President for Compact Implementation, Date: 9/11/08.

The Government of the Republic of Mali, Name: Diango Cissoko, Title: Secretary General of the Presidency, Date: 9/11/08.

Exhibit A Annex I (Program Description)

Annex I Program Description

This Annex I to the Compact (this ''*Program Annex*'') generally describes the Program that MCC Funding will support in Mali during the Compact Term and the results to be achieved from the investment of MCC Funding. Prior to any MCC Disbursement or Re-Disbursement, including for the Projects described herein, MCC, the Government (or a mutually acceptable Government Affiliate) and MCA-Mali shall enter into the Disbursement Agreement, which agreement shall be in form and substance mutually satisfactory to the Parties, and signed by the Principal Representative of each Party (or in the case of a Government Affiliate, the principal representative of such Government Affiliate) and of MCA-Mali.

Except as specifically provided herein, the Parties may amend this Program Annex without amending the Compact only by written agreement signed by the Principal Representative of each Party. Each capitalized term used but not defined in this Program Annex shall have the same meaning given such term elsewhere in this Compact. Unless otherwise expressly stated, each Section reference herein is to the relevant Section of the main body of this Compact.

1. Background; Consultative Process

(a) Background.

Mali is a landlocked country of 1.24 million sq km that shares a border with seven West African countries. One of the world's poorest countries, Mali ranks 174 out of 177 on the United Nations Development Program's Human Development Index, with low levels of literacy (19%) and life expectancy of 47.9 years. Sixty-four percent of Mali's approximately 13 million people are poor, a third living in extreme poverty. MCC's investments will support the development of key infrastructure and policy reform for productive sectors, by addressing the country's constraints to growth and capitalizing on two of Mali's major assets, the Airport, gateway for

regional and international trade, and the Niger River Delta for irrigated agriculture. As proposed by the Government, the Program will create a platform for increased production and productivity of agriculture, as well as expand Mali's access to markets and trade.

Investment in the Airport infrastructure will establish an independent and secure link to the regional and global economy, addressing the specific need of a landlocked, developing country. The investments in the Alatona zone of ON will be a catalyst for the transformation and commercialization of family farms. It will support Mali's national development strategy to increase the contribution of the rural sector to economic growth and help achieve national food security. These investments will be strengthened by policy reforms and institutional support such as formal land titles for the rural poor, demand-driven rural advisory services, an improved business environment, and increased access to markets and trade. These hard and soft investments will impact the poor in Mali, particularly Malian farmers, not only in Project zones but, over time, on a national and regional scale. The Program reinforces the Government's approach and commitment to democracy, decentralization, and empowerment of local communities. MCC-financed interventions will complement and reinforce national strategies for poverty reduction and economic growth.

(b) Consultative Process.

The Program strongly supports the third pillar of the poverty reduction strategy paper (''*PRSP*''): development of infrastructure and key support for productive sectors. The participatory process of the PRSP is characterized as having ''breadth'' and being ''systematic.'' The national structure for the implementation of the PRSP identified the following among the top constraints to economic growth in its consultative process:

(i) Climatic risks affecting the rural sector with consequences on the national economy;

(ii) High cost of factors of production;

(iii) Fluctuations in prices of principal import and export products; and

(iv) Isolation/landlocked nature of the country.

The Program was designed to address these constraints. Priorities were defined by the national PRSP structure and refinement occurred in consultation with civil society and the private sector. This consultative process enriched and helped form the Proposal and its development. The insistence on rural land ownership and titling derived from dialogue with civil society and private sector actors. The need for inclusion of a strong component of social services for the Alatona zone was also reinforced through the consultative process.

Members of the Government, private sector, and civil society (national non-governmental organizations and U.S. non-governmental organizations) played an active role in developing the Millennium Challenge Account proposal. Local non-governmental organizations (''*NGOs*''), including village-level women's associations, were directly involved in the process through numerous on-site workshops and meetings in the ON region. Consultations also took place with private sector and civil society actors around Bamako, as well as communities surrounding the Airport domain, who emphasized the need for improved infrastructure and increased economic activity to reduce poverty. Lastly, the Consultative Process involved participation of the U.S. NGO community, that has a strong presence in Mali, working on health, education, agriculture, governance, and economic development programs throughout the country.

2. Overview.

(a) Projects. The Parties have identified the Projects that the Government will implement, or cause to be implemented, using MCC Funding to advance each Objective. Each Project is described in the Schedules to this Program Annex. The Schedules to this Program Annex also identify one or more of the activities that will be undertaken in furtherance of each Project (each, a ''*Project Activity*''), as well as the various activities within each Project Activity. Notwithstanding anything to the contrary in this Compact, the Parties may agree to modify, amend, terminate or suspend these Projects or to create a new project by written agreement signed by the Principal Representative of each Party without amending this Compact; *provided, however,* any such modification or amendment of a Project or creation of a new project shall (i) be consistent with the Compact Goal; (ii) not cause the amount of MCC Funding to exceed the aggregate amount specified in Section 2.1(a) of this Compact; (iii) not cause the Government's responsibilities or contribution of resources to be less than specified in Section 2.2 of this Compact or elsewhere in this Compact; and (iv) not extend the Compact Term.

(b) Beneficiaries. The intended beneficiaries of each Project are described in the respective Schedule to this Program Annex and Annex III to the extent identified as of the date hereof. The intended beneficiaries shall be identified more precisely during the initial phases of implementation of the Program. The Government shall provide to MCC information on the population of the areas in which the Projects will be active, disaggregated by gender, income level and age. The Parties shall agree upon the description of the intended beneficiaries and the Parties will make publicly available a more detailed description of the intended beneficiaries of the Program, including publishing such description on the MCA-Mali Web site.

(c) Civil Society. Civil society shall participate in overseeing the implementation of the Program through its representation on the Board and the Advisory Councils, as provided in Section 3(d) and Section 3(e), respectively, of this Program Annex. In addition, ongoing consultations with the civil society regarding the manner in which each Project is being implemented will take place throughout the Compact Term.

(d) Monitoring and Evaluation. Annex III generally describes the plan to measure and evaluate progress toward achievement of the Compact Goal and the Objectives (the ''*M&E Plan*''). As outlined in the Disbursement Agreement and other Supplemental Agreements, continued disbursement of MCC Funding under this Compact (whether as MCC Disbursements or Re-Disbursements) shall be contingent on, among other things, successful achievement of certain Targets as set forth in the M&E Plan.

3. Implementation Framework

The implementation framework and the plan for ensuring adequate governance, oversight, management, monitoring and evaluation (''*M&E*'') and fiscal accountability for the use of MCC Funding is summarized below and in the Schedules attached to this Program Annex, and as may otherwise be agreed in writing by the Parties.

(a) General. The elements of the implementation framework will be further described in the Supplemental Agreements and in a set of detailed documents for the implementation of the Program, consisting of (i) a Multi-Year Financial Plan, (ii) a Fiscal Accountability Plan, (iii) a Procurement Plan, (iv) an M&E Plan, and (v) a Work Plan (each, an ''*Implementation Document*''). MCA-Mali shall adopt each Implementation Document in

accordance with the requirements and timeframe as may be specified in this Program Annex, Annex II, Annex III, and the Disbursement Agreement or as may otherwise be agreed by the Parties from time to time. MCA-Mali may amend any Implementation Document without amending this Compact, *provided* that any material amendment of such Implementation Document has been approved by MCC and is otherwise consistent with the requirements of this Compact and any Supplemental Agreement. By such time as may be specified in the Disbursement Agreement, or as may otherwise be agreed by the Parties from time to time, MCA-Mali shall adopt a work plan for the overall administration of the Program (the ''*Work Plan*''). The Work Plan shall set forth, with respect to (i) the administration of the Program, (ii) the monitoring and evaluation of the Program, and (iii) the implementation of each Project, the following: (1) each activity to be undertaken or funded by MCC Funding (to the level of detail mutually acceptable to MCA-Mali and MCC), (2) the Detailed Budget, and (3) where appropriate, the allocation of roles and responsibilities for specific activities, other programmatic guidelines, performance requirements, targets, and other expectations related thereto.

(b) Government.

(i) The Government shall promptly take all necessary and appropriate actions to carry out the Government Responsibilities and other obligations or responsibilities of the Government under and in furtherance of this Compact, including undertaking or pursuing such legal, legislative or regulatory actions or procedural changes and contractual arrangements as may be necessary or appropriate to achieve the Objectives, to successfully implement the Program, to designate any rights or responsibilities to any Permitted Designee, and to establish a legal entity, in a form mutually agreeable to the Parties (''*MCA–Mali*''), which shall be a Permitted Designee and shall be responsible for the oversight and management of the implementation of this Compact on behalf of the Government. The Government shall promptly deliver to MCC certified copies of any documents, orders, decrees, laws or regulations evidencing such legal, legislative, regulatory, procedural, contractual or other actions.

(ii) The Government shall ensure that MCA-Mali is duly authorized and organized, sufficiently staffed and empowered to carry out fully the Designated Rights and Responsibilities. Without limiting the generality of the preceding sentence, MCA-Mali shall be organized, and have such roles and responsibilities, as described in Section 3(d) of this Program Annex and as provided in the Governing Documents.

(c) MCC.

(i) Notwithstanding Section 3.11 of this Compact or any provision in this Program Annex to the contrary, and except as may be otherwise agreed upon by the Parties from time to time, MCC must approve in writing each of the following transactions, activities, agreements and documents prior to the execution or carrying out of such transaction, activity, agreement or document and prior to MCC Disbursements or Re-Disbursements in connection therewith:

(1) MCC Disbursements;

(2) Each Implementation Document (including each component thereto) and any material amendments and supplements thereto;

(3) Any Audit Plan;

(4) Agreements (i) between the Government and MCA-Mali, (ii) between the Government, a Government Affiliate, MCA-Mali or any other Permitted Designee, on the one hand, and any Provider or Affiliate of a Provider, on the other hand, which require such MCC approval under applicable law, the Disbursement Agreement, any Governing Document, or any other Supplemental Agreement, or (iii) in which the Government, a Government Affiliate, MCA-Mali or any other Permitted Designee appoints, hires, or engages any of the following in furtherance of this Compact:

(A) Auditor;

(B) Reviewer;

(C) Fiscal Agent;

(D) Procurement Agent;

(E) Bank;

(F) Implementing Entity (as required under Section 3(f) of this Program Annex); and

(G) A member of the Board (including any Observer), any Officer or any other key employee of MCA-Mali (including agreements involving the terms of any compensation for any such person).

(Any agreement described in clause (i) through (iii) of this Section 3(c)(i)(4) of this Program Annex and any amendments and supplements thereto, each, a ''*Material Agreement*'');

(5) Any modification, termination or suspension of a Material Agreement, or any action that would have the effect of such a modification, termination or suspension of a Material Agreement;

(6) Any agreement that is (A) not at arm's length or (B) with a party related to the Government, MCA-Mali or any of their respective Affiliates;

(7) Any Re-Disbursement that requires such MCC approval under applicable law, any Governing Document, or any other Supplemental Agreement (each, a ''*Material Re-Disbursement*'');

(8) Any pledge of any MCC Funding or any Program Assets, or any guarantee, directly or indirectly, of any indebtedness (each, a ''*Pledge*'');

(9) Any decree, legislation, regulation, contractual arrangement (including the Governance Agreement), or other charter document establishing or governing MCA-Mali (each, a ''*Governing Document*'');

(10) Any disposition, in whole or in part, liquidation, dissolution, winding up, reorganization or other change of (A) MCA-Mali, including any revocation or modification of or supplement to any Governing Document related thereto, or (B) any subsidiary or Affiliate of MCA-Mali;

(11) Any change in character or location of any Permitted Account;

(12) Formation or acquisition of any direct or indirect subsidiary, or other Affiliate, of MCA-Mali;

(13) (A) Any change of any member of the Board (including any Observer), of the member serving as the Chair or in the composition or size of the Board, and the filling of any vacant seat of any member of the Board (including any Observer), (B) any change of any Officer or other key employee of MCA-Mali or in the composition or size of the Management, and the filling of any vacant position of any Officer or other key employee of MCA-Mali, and (C) any material change in the composition or size of any Advisory Council;

(14) Any decision by MCA-Mali to engage, to accept or to manage any funds from any donor agencies or organizations in addition to MCC Funding during the Compact Term;

(15) Any decision to amend, supplement, replace, terminate, or otherwise change any of the foregoing; and

(16) Any other activity, agreement, document or transaction requiring the approval of MCC in this Compact, applicable law, any Governing Document, the Disbursement Agreement, or any other Supplemental Agreement between the Parties.

(ii) MCC shall have the authority to exercise its approval rights set forth in this Section 3(c) of this Program Annex in its sole discretion and independent of any participation or position taken by the MCC Representative at a meeting of the Board. MCC retains the right to revoke its approval of any matter, agreement, or action if MCC concludes, in its sole discretion, that its approval was issued on the basis of incomplete, inaccurate or misleading information furnished by the Government, any

Government Affiliate, MCA-Mali or any other Permitted Designee. Notwithstanding any provision in this Compact or any Supplemental Agreement to the contrary, the exercise by MCC of its approval rights under this Compact or any Supplemental Agreement shall not (1) diminish or otherwise affect the Government Responsibilities or any other obligations or responsibilities of the Government under this Compact or any Supplemental Agreement, (2) transfer any such obligations or responsibilities of the Government, or (3) otherwise subject MCC to any liability.

(d) MCA-Mali.

(i) General. Unless otherwise agreed by the Parties in writing, MCA-Mali shall, as a Permitted Designee, be responsible for the oversight and management of the implementation of this Compact. MCA-Mali shall be governed by applicable law and the Governing Documents. Each Governing Document shall be in form and substance satisfactory to MCC and effective on or before the time specified in the Disbursement Agreement, and based on the following principles:

(1) The Government shall ensure that MCA-Mali shall not assign, delegate or contract any of the Designated Rights and Responsibilities without the prior written consent of the Government and MCC. MCA-Mali shall not establish any Affiliates or subsidiaries (direct or indirect) without the prior written consent of the Government and MCC.

(2) Unless otherwise agreed by the Parties in writing, MCA-Mali shall consist of (A) an independent board of directors (the ''*Board*'') to oversee MCA-Mali's responsibilities and obligations under this Compact (including any Designated Rights and Responsibilities) and (B) a management unit to have overall management (the ''*Management*'') responsibility for the implementation of this Compact.

(3) The Government shall ensure that the Governing Documents comply with the requirements set forth in this Program Annex.

(ii) Board.

(1) Formation. The Government shall ensure that the Board shall be formed, constituted, governed and operated in accordance with the terms and conditions set forth in the Governing Documents and any Supplemental Agreement.

(2) Composition. Unless otherwise agreed by the Parties in writing, the Board shall consist of no more than eleven (11) voting members and two (2) non-voting observers identified below.

(A) The Board shall initially be composed of eleven (11) voting members as follows, *provided* that the members identified in subsections (i)—(vi) below (each, a ''*Government Member*,'' and each of the other voting members, a ''*Civil Member*'') may be replaced by another government official from a ministry or other government body relevant to the Program activities pursuant to the Governing Documents, subject to approval by MCC (such replacement to be referred to thereafter as a Government Member):

(i) Representative from the President's Office, appointed as the chair (''*Chair*'') as provided in the Governing Documents;

(ii) Representative from the Ministry responsible for transportation;

(iii) Representative from the Ministry responsible for finance;

(iv) Representative from the Ministry responsible for economy;

(v) Representative from the Ministry responsible for agriculture;

(vi) Representative from the Ministry responsible for territorial administration;

(vii) Representative from the National Committee for Business Owners;

(viii) Representative from the Chamber of Commerce and Industry;

(ix) Representative from the Chamber of Agriculture;

(x) Representative from civil society organizations representing youth, selected by the relevant national NGOs and civil society organizations and based on selection criteria agreed upon by the Parties; and

(xi) Representative from civil society organizations representing women, selected by the relevant national NGOs and civil society organizations and based on selection criteria agreed upon by the Parties.

(B) The non-voting observers of the Board (each, an ''*Observer*'') shall be:

(i) A representative designated by MCC (the ''*MCC Representative*''); and

(ii) A representative of environmental NGOs, selected by the relevant national NGOs and civil society organizations and based on selection criteria agreed upon by the Parties.

(C) Each Government Member position (other than the Chair) shall be filled by the individual, during the Compact Term, holding the office identified and all Government Members (including the Chair) shall serve in their capacity as the applicable Government officials and not in their personal capacity.

(D) Each Civil Member shall serve for the Compact Term.

(E) The Voting Members, by majority vote, may alter the size of the Board in accordance with the Governing Documents so long as the total does not exceed eleven (11) members.

(F) Each Observer shall have rights to attend all meetings of the Board, participate in the discussions of the Board, and receive all information and documents provided to the Board, together with any other rights of access to records, employees or facilities as would be granted to a member of the Board under the Governing Documents.

(G) The Voting Members shall exercise their duties solely in accordance with the best interests of MCA-Mali, the Program, the Compact Goal and the Objectives, and shall not undertake any action that is contrary to those interests or would result in personal gain or a conflict of interest.

(3) Roles and Responsibilities. The roles and responsibilities of the Board shall include the following:

(A) The Board shall oversee the Management, the overall implementation of the Program, and the performance of the Designated Rights and Responsibilities.

(B) Certain actions may be taken and certain agreements, documents or instruments executed and delivered, as the case may be, by MCA-Mali only upon the approval and authorization of the Board as provided under applicable law or as set forth in any Governing Document, including each MCC Disbursement Request, selection or termination of certain Providers and any Implementation Document.

(C) The Chair, unless otherwise provided in the applicable Governing Documents, shall certify any documents or reports delivered to MCC in satisfaction of the Government's reporting requirements under this Compact or any Supplemental Agreement between the Parties (the ''*Compact Reports*'') or any other documents or reports from time to time delivered to MCC by MCA-Mali (whether or not such documents or reports are required to be delivered to MCC), and that such documents or reports are true, correct and complete.

(D) Without limiting the generality of the Designated Rights and Responsibilities that the Government may designate to MCA-Mali, and subject to MCC's contractual rights of approval as set forth in Section 3(c) of this Program Annex, elsewhere in this Compact or any Supplemental Agreement, the Board shall have the exclusive authority as between the Board and the Management for all actions defined for the Board in any Governing Document and which are expressly designated therein as responsibilities that cannot be delegated further.

(E) The Board shall meet with and exchange information with the Advisory

Councils, as contemplated in Section 3(e) of this Program Annex. Without limiting the generality of the foregoing, the Board shall take each Advisory Council's suggestions into consideration in connection with any amendment to the M&E Plan, pursuant to Section 5(b) of Annex III.

(4) Indemnification of Civil Members, Observers, and Officers. The Government shall ensure, at the Government's sole cost and expense, that appropriate insurance is obtained and appropriate indemnifications and other protections are provided, acceptable to MCC and to the fullest extent permitted under the laws of Mali, to ensure that (A) the Civil Members and the Observers shall not be held personally liable for the actions or omissions of the Board or MCA-Mali and (B) Officers shall not be held personally liable for the actions or omissions of the Board, MCA-Mali or actions or omissions of the Officer so long as properly within the scope of Officer's authority. Pursuant to Section 5.5 and Section 5.8 of this Compact, the Government and MCA-Mali shall hold harmless the MCC Representative for any liability or action arising out of the MCC Representative's role as an Observer on the Board. The Government hereby waives and releases all claims related to any such liability and acknowledges that the MCC Representative has no fiduciary duty to MCA-Mali. In matters arising under or relating to this Compact, the MCC Representative is not subject to the jurisdiction of the courts or any other governmental body of Mali. MCA-Mali shall provide a written waiver and acknowledgement that no fiduciary duty to MCA-Mali is owed by the MCC Representative.

(iii) Management. Unless otherwise agreed in writing by the Parties, the Management shall report, through its chief executive officer (the ''*Director General*'') or other Officer as designated in any Governing Document, directly to the Board and shall have the composition, roles and responsibilities described below and set forth more particularly in the Governing Documents.

(1) Composition. The Government shall ensure that the Management shall be composed of qualified experts from the public or private sectors, including such officers and staff as may be necessary to carry out effectively its responsibilities, each with such powers and responsibilities as set forth in the Governing Documents, and from time to time in any Supplemental Agreement between the Parties, including the following: (A) Director General; (B) Director of Finance and Administration; (C) Legal Adviser; (D) Director of Procurement; (E) Director of Environmental and Social Assessment; (F) Director of Monitoring and Evaluation; (G) Director of Airport Improvement Project; and (H) Director of Alatona Irrigation Project. Each person holding the position in any of the sub-clauses (A) through (H), and such other offices as may be created and designated in accordance with any Governing Document and any Supplemental Agreement, shall be referred to as an ''*Officer*.'' The Management shall be supported by appropriate administrative and support personnel consistent with the Detailed Budget for Program administration and any Implementation Document.

(2) Appointment of Officers. The Director General shall be selected after an open and competitive recruitment and selection process, and appointed in accordance with the Governing Documents, which appointment shall be subject to MCC approval. Such appointment shall be further evidenced by such document as the Parties may agree. Unless otherwise specified in the Governing Documents, the Officers of MCA-Mali other than the Director General shall be selected and hired by the Board after an open and competitive recruitment and selection process, and appointed in accordance with the Governing Documents, which appointment shall be subject to MCC approval. Such appointment shall be further evidenced by such document as the Parties may agree.

(3) Roles and Responsibilities. The roles and responsibilities of the Management shall include:

(A) The Management shall assist the Board in overseeing the implementation of the Program and shall have principal responsibility (subject to the direction and oversight of the Board and subject to MCC's contractual rights of approval as set forth in Section 3(c) of this Program Annex or elsewhere in this Compact or any Supplemental Agreement) for the overall management of the implementation of the Program.

(B) Without limiting the foregoing general responsibilities or the generality of Designated Rights and Responsibilities that the Government may designate to MCA-Mali, the Management shall develop each Implementation Document, oversee the implementation of the Projects, manage and coordinate monitoring and evaluation, ensure compliance with the Fiscal Accountability Plan, and such other responsibilities as set out in the Governing Documents or otherwise delegated to the Management by the Board from time to time.

(C) Appropriate Officers as designated in the Governing Documents shall have the authority to contract on behalf of MCA-Mali under any procurement undertaken in accordance with the Disbursement Agreement (including the Procurement Guidelines) in furtherance of the Program.

(D) The Management shall have the obligation and right to approve certain actions and documents or agreements, including certain Re-Disbursements, MCC Disbursement Requests, Compact Reports, certain human resources decisions and certain other actions, as provided in the Governing Documents.

(e) Advisory Councils.

(i) Formation. The Government shall ensure the establishment of (1) an advisory council to the Board representing the beneficiaries of the Airport Improvement Project (''*Airport Project Advisory Council*''); and (2) an advisory council to the Board representing the beneficiaries of the Alatona Irrigation Project (the ''*Alatona Zone Advisory Council*,'' and, together with the Airport Project Advisory Council, the ''*Advisory Councils*'' and each an ''*Advisory Council*''), which Advisory Councils shall be independent of MCA-Mali and shall be established to the satisfaction of MCC. The Government shall take all steps necessary to establish the Advisory Councils as soon as possible following the execution of this Compact.

(ii) Composition.

(1) Each Advisory Council shall consist of no more than seventeen (17) voting members and shall be composed of representatives of relevant banking organizations, microfinance institutions, farmer associations, women's associations, chambers of commerce, local government, anti-corruption associations and environmental and social organizations (''*Civil Society Stakeholders*'').

(2) The Government shall take all actions necessary and appropriate to ensure that each Advisory Council is established consistent with this Section 3(e) of this Program Annex and as otherwise specified in the Governing Documents or otherwise agreed in writing by the Parties. The composition of each Advisory Council may be adjusted by agreement of the Parties from time to time to ensure, among others, an adequate representation of the intended beneficiaries of the relevant Projects. Each member of an Advisory Council may appoint an alternate, approved by majority vote of the other members of such Advisory Council, to serve when the member is unable to

participate in a meeting of the Advisory Council.

(iii) Roles and Responsibilities. Each Advisory Council shall be a mechanism to provide representatives of the private sector, civil society and local government the opportunity to provide advice and input to MCA-Mali regarding the implementation of this Compact. At the request of any Advisory Council, MCA-Mali shall provide such information and documents as it deems advisable, subject to appropriate treatment of such information and documents by the members of such Advisory Council. Specifically, during each meeting of an Advisory Council, MCA-Mali shall present an update on the implementation of this Compact and progress towards achievement of the Objectives. Each Advisory Council shall have an opportunity to provide regularly to MCA-Mali its views or recommendations on the performance and progress on the Projects and Project Activities, any Implementation Document, procurement, financial management or such other issues as may be presented from time to time to such Advisory Council or as otherwise raised by such Advisory Council.

(iv) Meetings. Each Advisory Council shall hold at least two general meetings per year as well as such other periodic meetings as may be necessary or appropriate from time to time. The members of each Advisory Council shall be provided timely advance notice of all such general meetings, invited to participate in all such meetings and afforded an opportunity during each such meeting to present their views or recommendations to such Advisory Council.

(v) Accessibility; Transparency. The members of each Advisory Council shall be accessible to the beneficiaries they represent to receive the beneficiaries' comments or suggestions regarding the Program. The notices for, and the minutes (including the views or recommendations of the Civil Society Stakeholders expressed) of all general meetings of, each Advisory Council shall be made public on the MCA-Mali Web site or otherwise (including television, radio and print) in a timely manner.

(f) Implementing Entities. Subject to the terms and conditions of this Compact and any other Supplemental Agreement between the Parties, MCA-Mali may engage one or more Government Affiliates to implement and carry out any Project, Project Activity (or a component thereof) or any other activities to be carried out in furtherance of this Compact (each, an ''*Implementing Entity*''). The Government shall ensure that MCA-Mali enters into an agreement with each Implementing Entity, in form and substance satisfactory to MCC, that sets forth the roles and responsibilities of such Implementing Entity and other appropriate terms and conditions (including the payment of the Implementing Entity, if any) (an ''*Implementing Entity Agreement*''). Any Implementing Entity Agreement between MCA-Mali and a Government Affiliate that is a Provider or as may otherwise be required under the Disbursement Agreement shall be in form and substance satisfactory to MCC. The Implementing Entity shall report directly to the relevant Officer, as designated in the applicable Implementing Entity Agreement or as otherwise agreed by the Parties.

(g) Fiscal Matters.

(i) Fiscal Agent. The Government shall ensure that MCA-Mali engages a fiscal agent following an international competitive process (a ''*Fiscal Agent*''), who shall be responsible for, among other things: (1) Assisting MCA-Mali in preparing the Fiscal Accountability Plan; (2) ensuring and certifying that Re-Disbursements are properly authorized and documented in accordance with established control procedures set forth in the Disbursement Agreement, the Fiscal Agent Agreement and other Supplemental Agreements; (3) Re-Disbursement from, and cash management and account reconciliation of, any Permitted Account established and maintained for the purpose of receiving MCC Disbursements and making Re-Disbursements (to which the Fiscal Agent has sole signature authority); (4) providing applicable certifications for MCC Disbursement Requests; (5) maintaining and retaining proper accounting, records and document disaster recovery system of all MCC-funded financial transactions and certain other accounting functions; (6) producing reports on MCC Disbursements and Re-Disbursements (including any requests therefor) in accordance with established procedures set forth in the Disbursement Agreement, the Fiscal Agent Agreement, the Fiscal Accountability Plan, or any other Supplemental Agreements; (7) assisting in the preparation of budget development procedures; and (8) internal management of the Fiscal Agent operations. Upon the written request of MCC, the Government shall ensure that MCA-Mali terminates the Fiscal Agent, without any liability to MCC, and the Government shall ensure that MCA-Mali engages a new Fiscal Agent, subject to approval by the Board and MCC. The Government shall ensure that MCA-Mali enters into an agreement with the Fiscal Agent, in form and substance satisfactory to MCC, that sets forth the roles and responsibilities of the Fiscal Agent and other appropriate terms and conditions, such as payment of the Fiscal Agent (a ''*Fiscal Agent Agreement*''). Such Fiscal Agent Agreement shall not be terminated until MCA-Mali has engaged a successor Fiscal Agent or as otherwise agreed by MCC in writing.

(h) Auditors and Reviewers. The Government shall ensure that MCA-Mali carries out the Government's audit responsibilities as provided in Sections 3.8(d), (e) and (f) of this Compact, including engaging one or more auditors (each, an ''*Auditor*'') required by Section 3.8(d) of this Compact. As requested by MCC in writing from time to time, the Government shall ensure that MCA-Mali also engages (i) an independent reviewer to conduct reviews of performance and compliance under this Compact pursuant to Section 3.8(f) of this Compact, which reviewer shall have the capacity to (1) conduct general reviews of performance or compliance, (2) conduct environmental audits, and (3) conduct data quality assessments in accordance with the M&E Plan, as described more fully in Annex III; and/or (ii) an independent evaluator to assess performance as required under the M&E Plan (each, a ''*Reviewer*''). MCA-Mali shall select any such Auditor(s) and Reviewer(s) in accordance with any Governing Document or other Supplemental Agreement. The Government shall ensure that MCA-Mali enters into an agreement with each Auditor and each Reviewer, in form and substance satisfactory to MCC, that sets forth the roles and responsibilities of the Auditor or Reviewer with respect to the audit, review or evaluation, including access rights, required form and content of the applicable audit, review or evaluation and other appropriate terms and conditions such as payment of the Auditor or Reviewer (the ''*Auditor/Reviewer Agreement*''). In the case of a financial audit required by Section 3.8(d) of this Compact, such Auditor/Reviewer Agreement shall be effective no later than one hundred and twenty (120) days prior to the end of the relevant period to be audited; *provided, however*, if MCC requires concurrent audits of financial information or reviews of performance and compliance under this Compact, then such Auditor/Reviewer Agreement shall be effective no later than the date agreed by the Parties in writing.

(i) Procurement Agent. The Government shall ensure that MCA-Mali

engages one or more procurement agents through an international competitive process (each, a ''*Procurement Agent*'') to carry out and certify specified procurement activities in furtherance of this Compact on behalf of the Government, MCA-Mali, or the Implementing Entity. The roles and responsibilities of each Procurement Agent and the criteria for selection of a Procurement Agent shall be as set forth in the applicable Implementation Letter or Supplemental Agreement. The Government shall ensure that MCA-Mali enters into an agreement with each Procurement Agent, in form and substance satisfactory to MCC, that sets forth the roles and responsibilities of the Procurement Agent with respect to the conduct, monitoring and review of procurements and other appropriate terms and conditions, such as payment of the Procurement Agent (each, a ''*Procurement Agent Agreement*''). Any Procurement Agent shall adhere to the procurement standards set forth in the Disbursement Agreement and the Procurement Guidelines and ensure procurements are consistent with the procurement plan adopted by MCA-Mali pursuant to the Disbursement Agreement (the ''*Procurement Plan*''), unless MCA-Mali and MCC otherwise agree in writing.

4. Finances and Fiscal Accountability

(a) Multi-Year Financial Plan; Detailed Budget.

(i) Multi-Year Financial Plan. The multi-year financial plan for the Program, showing the estimated amount of MCC Funding allocable to each Project, the administration of the Program (and its components) and the monitoring and evaluation of the Program (the ''*Multi-Year Financial Plan*'') over the Compact Term on an annual basis, is summarized in Annex II to this Compact.

(ii) Detailed Budget. During the Compact Term, the Government shall ensure that MCA-Mali timely delivers to MCC a detailed budget, at a level of detail and in a format acceptable to MCC, for the administration of the Program, the monitoring and evaluation of the Program, and the implementation of each Project (the ''*Detailed Budget*''). The Detailed Budget shall be a component of the Work Plan and shall be delivered by such time as specified in the Disbursement Agreement, or as may otherwise be agreed by the Parties.

(iii) Expenditures. Unless the Parties otherwise agree in writing, no financial commitment involving MCC Funding shall be made, no obligation of MCC Funding shall be incurred, and no Re-Disbursement shall be made or MCC Disbursement Request shall be submitted, for any activity or expenditure unless the expense for such activity or expenditure is provided for in the Detailed Budget, and unless uncommitted funds exist in the balance of the Detailed Budget for the relevant period.

(iv) Modifications to Multi-Year Financial Plan or Detailed Budget. Notwithstanding anything to the contrary in this Compact, MCA-Mali may amend the Multi-Year Financial Plan, the Detailed Budget, or any component thereof (including any amendment that would reallocate the funds among the Projects, the Project Activities, or any activity under Program administration or M&E), without amending this Compact so long as MCA-Mali requests in writing and receives the approval of MCC for such amendment and such amendment is consistent with the requirements of this Compact (including Section 4 of Annex II), the Disbursement Agreement and any other Supplemental Agreement between the Parties. Any such amendment shall (1) be consistent with the Compact Goal and the Implementation Documents; (2) shall not cause the amount of MCC Funding to exceed the aggregate amount specified in Section 2.1(a) of this Compact; and (3) shall not cause the Government's obligations or responsibilities or overall contribution of resources to be less than as specified in Section 2.2(a) of this Compact, this Annex I or elsewhere in this Compact. Upon any such amendment, MCA-Mali shall deliver to MCC a revised Detailed Budget, together with a revised Multi-Year Financial Plan, reflecting such amendment, along with the next MCC Disbursement Request.

(b) Disbursement and Re-Disbursement. The Disbursement Agreement, as amended from time to time, shall specify the terms, conditions and procedures on which MCC Disbursements and Re-Disbursements shall be made. The obligation of MCC to make MCC Disbursements or approve Re-Disbursements is subject to the fulfillment, waiver or deferral of any such terms and conditions. The Government and MCA-Mali shall jointly submit the applicable request for an MCC Disbursement (the ''*MCC Disbursement Request*'') as may be specified in the Disbursement Agreement. MCC will make MCC Disbursements for valid and approved requirements upon request by the Fiscal Agent from time to time as provided in the Disbursement Agreement or as may otherwise be agreed by the Parties, subject to Program requirements and performance by the Government, MCA-Mali and other relevant parties in furtherance of this Compact. Re-Disbursements will be made from time to time based on requests by an authorized representative of the appropriate party designated for the size and type of Re-Disbursement in accordance with any Governing Document and Disbursement Agreement; *provided, however*, unless otherwise agreed by the Parties in writing, no Re-Disbursement shall be made unless and until the written approvals specified herein and in any Governing Document and the Disbursement Agreement for such Re-Disbursement have been obtained and delivered to the Fiscal Agent.

(c) Fiscal Accountability Plan. By such time as specified in the Disbursement Agreement or as otherwise agreed by the Parties, MCA-Mali shall adopt, as part of the Implementation Documents, a plan that identifies the principles, mechanisms and procedures to ensure appropriate fiscal accountability for the use of MCC Funding provided under this Compact, including the process to ensure that open, fair, and competitive procedures will be used in a transparent manner in the administration of grants or cooperative agreements and the procurement of goods, works and services for the accomplishment of the Objectives (the ''*Fiscal Accountability Plan*''). The Fiscal Accountability Plan shall set forth, among others, requirements with respect to the following matters: (i) Re-Disbursements, timely payment to vendors, cash management and account reconciliation; (ii) funds control and documentation; (iii) accounting standards and systems; (iv) content and timing of reports; (v) preparing budget development procedures and the Compact implementation budget; (vi) policies concerning records, document disaster recovery, public availability of all financial information and asset management; (vii) procurement and contracting practices; (viii) inventory control; (ix) the role of independent auditors; (x) the roles of fiscal agents and procurement agents; (xi) separation of duties and internal controls; and (xii) certifications, powers, authorities and delegations.

(d) Permitted Accounts. The Government shall establish, or cause to be established, such accounts (each, a ''*Permitted Account*,'' and, collectively, the ''*Permitted Accounts*'') as may be agreed by the Parties in writing from time to time, including:

(i) A single, completely separate United States Dollar interest-bearing

account (the ''*Special Account*'') at a commercial bank, subject to MCC approval, that is procured through a competitive process to receive MCC Disbursements;

(ii) If necessary, an interest-bearing local currency of Mali account (the ''*Local Account*'') at a commercial bank in Mali, subject to MCC approval, that is procured through a competitive process for the purpose of making Re-Disbursements; and

(iii) Such other interest-bearing accounts to receive MCC Disbursements in such banks as the Parties mutually agree upon in writing.

No other funds shall be commingled in a Permitted Account other than MCC Funding and Accrued Interest thereon. All MCC Funding held in an interest-bearing Permitted Account shall earn interest at a rate of no less than such amount as the Parties may agree in the applicable Bank Agreement or otherwise. MCC shall have the right, among others, to view any Permitted Account statements and activity directly on-line, where feasible, or at such other frequency as the Parties may otherwise agree. By such time as shall be specified in the Disbursement Agreement or as otherwise agreed by the Parties, the Government shall ensure that, for each Permitted Account, MCA-Mali enters into an agreement with the applicable Bank, satisfactory to MCC, that sets forth the signatory authority, access rights, anti-money laundering and anti-terrorist financing provisions, and other terms related to the Permitted Account (each, a ''*Bank Agreement*''). For purposes of this Compact, the banks holding an account referenced in Sections 4(d) of this Program Annex are each a ''*Bank*'' and are collectively referred to as the ''*Banks.*''

5. Transparency; Accountability

Transparency and accountability to MCC and to the beneficiaries are important aspects of the Program and the Projects. Without limiting the generality of the foregoing, and in an effort to achieve the goals of transparency and accountability, the Government shall ensure that MCA-Mali:

(a) Establishes an e-mail suggestion box as well as a means for other written comments that interested persons may use to communicate ideas, suggestions or feedback to MCA-Mali;

(b) Considers as a factor in its decision-making the recommendations of the Advisory Councils;

(c) Develops and maintains, in a timely, accurate and appropriately comprehensive manner, the MCA-Mali Web site that includes postings of information and documents in English and French;

(d) Posts on the MCA-Mali Web site, and otherwise makes publicly available via appropriate means (including television, radio and print), in the appropriate language the following documents or information from time to time:

(i) This Compact;

(ii) All minutes of the meetings of the Board and the meetings of the Advisory Councils, unless otherwise agreed by the Parties;

(iii) The M&E Plan, as amended from time to time, along with periodic reports on Program performance;

(iv) Such financial information as may be required by this Compact, the Disbursement Agreement or any other Supplemental Agreement, or as may otherwise be agreed from time to time by the Parties;

(v) All Compact Reports;

(vi) All audit reports by an Auditor and any periodic reports or evaluations by a Reviewer;

(vii) All relevant environmental impact assessments and supporting documents, and such other environmental documentation as MCC may request;

(viii) A copy of the Disbursement Agreement, as amended from time to time;

(ix) A copy of any document relating to the formation, organization and governance of MCA-Mali, including all Governing Documents, together with any amendments thereto; and

(x) A copy of the Procurement Guidelines, any procurement policies or procedures and standard documents, certain information derived from each Procurement Plan (as specified in the Disbursement Agreement), and all bid requests and notifications of awarded contracts.

6. Environmental Accountability

(a) The Government shall ensure that MCA-Mali (or any other Permitted Designee) (i) undertakes and completes any environmental impact assessments (each, an ''*EIA*''), any environmental assessment (each an ''*EA*''), environmental management plans (each, an ''*EMP*'') and resettlement action plans (each, a ''*RAP*''), each in form and substance satisfactory to MCC, and as required under the laws of Mali, the Environmental Guidelines, this Compact or any Supplemental Agreement or as otherwise required by MCC; and (ii) undertakes to implement any environmental and social mitigation measures identified in such assessments or plans to MCC's satisfaction.

(b) The Government shall commit to fund all necessary costs of environmental mitigation (including costs of resettlement) not specifically provided for in the budget for any Project.

Schedule 1 to Annex I Airport Improvement Project

This Schedule 1 generally describes and summarizes the key elements of the project that the Parties intend to implement in furtherance of the Bamako-Sénou Airport Improvement Project Objective (the ''*Airport Improvement Project*''). Additional details regarding the implementation of the Airport Improvement Project will be included in the Implementation Documents and in the relevant Supplemental Agreements.

1. Background

Economic growth and poverty reduction depend on enhanced access to markets and trade, but Mali's access is severely constrained. The Airport Improvement Project will expand Mali's access to markets and trade through improvements to the transportation infrastructure at the Airport, and better management of the national air transport system. The Government recognizes the importance of improved air transportation infrastructure. Mali's PRSP for 2002 includes rehabilitation of Airport infrastructure to ''promote access of Malian producers to domestic and international markets.''

Mali, a landlocked country, depends heavily on inadequate rail and road networks that result in high transportation costs, as well as on freight transport through seaports in neighboring countries, such as Conakry, Guinea (Bamako's closest port which is 1000 km away) and Abidjan, Cote d'Ivoire. In the last few years, the instability in Cote d'Ivoire has dramatically limited Mali's market access. Before the outbreak of the Ivorian crisis, 70% of Malian exports were transported via the port of Abidjan. In 2003, this amount dwindled to less than 18% due to the aforementioned crisis. Mali cannot control overland routes to international and regional markets. Therefore, air traffic has become Mali's lifeline for transportation of both passengers and export products.

The deteriorating conditions at the Airport will soon limit the Airport's capacity to handle air traffic growth if significant capital improvements are not made. The Airport's basic infrastructure dates from 1974, is in poor condition, and is inadequate to handle increased passenger and cargo traffic. On the

airside, the runway is too short to accommodate large aircraft without take-off load penalties and range restrictions, the aeronautical pavements urgently need resurfacing and reinforcement, the air navigation aids are reaching the end of their useful life, and airfield security is deficient. On the landside, the passenger terminal building is too small to handle current traffic volumes at acceptable levels of service, and the facilities and equipment are in poor physical condition. Current utility infrastructure related to both the airside and landside activities at the Airport are being used at maximum capacity and suffer from unreliable and non-dedicated service.

2. Summary of Project and Related Project Activities

The Airport Improvement Project is intended to remove constraints to air traffic growth and increase the Airport's efficiency in both passenger and freight handling through airside and landside infrastructure improvements, as well as the establishment of appropriate institutional mechanisms to ensure effective management, operation, and maintenance of the Airport facilities over the long term.

Since the Airport Improvement Project must be completed within the Compact Term and within the established budget, if, at any time during design, procurement and implementation activities, MCC reasonably determines that there is a high risk that the Airport Improvement Project will not be completed within the Compact Term and/or the established budget, then MCC may, in consultation with MCA-Mali, appropriately revise the scope of the applicable Project Activities to ensure project completion within the Compact Term and the established budget.

The Airport Improvement Project includes the following Project Activities:

- Airside Infrastructure. Improvements will include reinforcement and resurfacing of existing runway, taxiway and apron area pavements, including stabilization and reinforcement of the shoulders associated with the airside pavements; extension of the runway by roughly 480 m to the northeast in order to allow long-range aircraft to take off with maximum payloads; expansion of the aircraft parking apron area; transfer/replacement and upgrading of air navigation aids following the runway extension; refurbishing and extension of the airfield lighting systems; reinforcement of airside security equipment and facilities, as needed, in order to satisfy International Civil Aviation Organization (ICAO) standards and recommended practices and complement other security works and equipment; improvements to the earthworks and drainage of the airport airside, as needed, in order to satisfy relevant Malian standards; extension of the taxiway system by construction of a stub taxiway connecting the runway and the aircraft parking apron, a partial parallel taxiway and an aircraft turnaround at the northeast end of the runway.
- Landside Infrastructure. Improvements will include construction of a new passenger terminal building with a floor area of approximately 15,000 square meters and a capacity of approximately 1.5 million passengers per annum at a Category ''C'' Level of Service according to International Air Transportation Association (IATA) standards; construction of other related landside facilities, including access and internal circulation roads and vehicle parking lots; construction of an integrated central utilities plant; construction and installation of water supply and distribution systems; construction and installation of wastewater drainage and treatment facilities, storm water and solid waste disposal systems; demolition of the existing air freight terminal and blast fences; demolition, replacement and enlargement of the ground service equipment facilities adjacent to the apron area.
- Institutional Strengthening. Infrastructure improvements will be accompanied by the establishment of appropriate institutional mechanisms to ensure effective management, operation and maintenance of the Airport facilities over the long term. These measures will involve both the management of the Airport, as well as the wider regulatory framework governing the civil aviation sector in Mali.

In connection with the Project Activities, MCA-Mali will assist and take all necessary steps to ensure that the joint EIA, EMP/EMS, including an HIV/AIDS awareness plan, and RAP (consistent with World Bank Operational Policy 4.12 on Involuntary Resettlement) for all activities of the Airport Improvement Project are processed and permits delivered in accordance with Mali Decrét No. 03–594–P–RM on environmental impact studies and the Environmental Guidelines, all of which will be subject to MCC approval. MCC Funding will support implementation of the environmental and social mitigation measures identified in the EIA, EMP/EMS, and RAP, in a manner satisfactory to MCC, according to the conditions precedent set forth in the Disbursement Agreement.

The M&E Plan (described in Annex III) will set forth anticipated results and, where appropriate, regular benchmarks that may be used to monitor the progress of the implementation of the Airport Improvement Project. Performance against these benchmarks, as well as the overall impact of the Airport Improvement Project, will be assessed and reported at the intervals to be specified in the M&E Plan, or as otherwise agreed by the Parties, from time to time. The Parties expect that additional indicators will be identified during implementation of the Airport Improvement Project. The *expected results* from, and the *key benchmarks* to measure progress on, the Airport Improvement Project, as well as the Project Activities undertaken or funded thereunder, are set forth in Annex III.

Conditions precedent to each Project Activity under the Airport Improvement Project, and the sequencing of such Project Activities, shall be set forth in the Disbursement Agreement, other Supplemental Agreements and the relevant Implementation Documents.

The following summarizes each Project Activity under the Airport Improvement Project:

(a) Project Activity: Airside Infrastructure (the ''Airside Infrastructure Activity'')

Although the existing aircraft pavements, runway, and parking apron surfaces are functional, they are more than thirty years old and detailed studies have indicated that they will deteriorate progressively without near-term improvements. In addition to being in poor condition, the runway is also one of the shortest in West Africa, which has further constrained the Airport's ability to attract air services to Mali and retain them. This Project Activity will improve the design parameters (geometry and bearing strength) of the airside infrastructure and improve safety and security operations such that the Airport can more efficiently accommodate a greater volume of air traffic, a wider range of destinations and heavier aircraft and payloads in the future.

Specifically, MCC Funding will support the following:

(i) Resurfacing, reinforcement, and expansion of the runway, apron, and aircraft pavement areas through (1) a structural overlay to existing apron, taxiway, and runway areas; (2) an extension of the runway of at least 400 meters; and (3) extension of the taxiway system and aircraft parking aprons to provide for safer and more efficient

aircraft circulation and additional aircraft stands to provide capacity to accommodate forecast airline traffic, overnight staging and a back-up for smaller domestic and charter aircraft.

(ii) Replacement and upgrading of existing aging navigational aids to bring Airport facilities up to a ''common level of service,'' as the equipment has reached the end of its useful life. The extension of the runway will also require additions to the airfield lighting system.

(iii) Improvement to airfield security will include works and equipment required to ensure compliance with international security standards and complement projects funded by the World Bank and other sources.

(b) Project Activity: Landside Infrastructure (the ''Landside Infrastructure Activity'')

Due to limited expansion over the past 32 years, the ability of the terminal to accommodate passenger traffic has steadily deteriorated to the point that it operates at IATA Level of Service ''F'' (chronic congestion and frequent system breakdown). The existing ground support equipment facilities are inefficient, outdated, and lacking in space for storage of materials; their current location separates passenger activities from Airport support operations and constrains expansion of the passenger terminal facilities, with a resulting negative impact on the functionality and security of the Airport. As passenger and cargo traffic increase over the next 10–15 years, significant utility infrastructure improvements will also be needed to meet projected demand. This Project Activity will expand the size, quality, and operational efficiency of the Airport's landside infrastructure so that it can accommodate the significant increases in passenger and cargo traffic forecast for Mali in the future.

Specifically, MCC Funding will support the following:

(i) Upgrade of the passenger terminal facilities by constructing a new passenger terminal building.

(ii) Enhancement of support facilities to accommodate aircraft servicing and ground support activities, airport maintenance and auxiliary equipment.

(iii) Provision for road and terminal parking improvements to enhance the safety and efficiency of current vehicular circulation and parking areas and accommodate future projected needs.

(iv) Construction of supporting utility infrastructure to handle the projected service requirements of the Airport. In particular, wastewater, water, solid waste, power, telecommunications, and drainage systems will be improved and enhanced.

(c) Project Activity: Institutional Strengthening (the ''Institutional Strengthening Activity'')

Under the present division of jurisdictions, a number of entities have responsibility for the civil aviation sector in Mali in general and the regulation, oversight, management, operation, and development of the Airport in particular. The Ministry of Equipment and Transport has overall responsibility, with oversight and regulation of the civil aviation sector and airports delegated to a new independent agency, ANAC. The Airport's maintenance and operation responsibilities are split between the air navigation service provider, ASECNA, for airside facilities and the Airport operator, Aéroports du Mali (''*AdM*''), for landside facilities. ASECNA is responsible for the ''technical'' aspects of the Airport, including the runway, taxiways, apron, airfield lighting, navigational aids, control tower, telecommunications and fire fighting and rescue facilities. AdM, in turn, is responsible for the ''commercial'' aspects of the Airport, including the passenger terminal, landside roads and parking, cargo terminal, flight kitchen and freight forwarders' facilities. According to the existing institutional arrangements, both organizations operate and maintain facilities put at their disposal by the Government.

Specifically, MCC Funding will support the following:

(i) Reinforcement of the new civil aviation regulatory and oversight agency (ANAC) by providing technical assistance to implement a new organizational structure, administrative and financial procedures, staffing and training, and providing equipment and facilities.

(ii) Rationalization and reinforcement of the Airport's management and operations agency (AdM) by providing technical assistance to establish a model for the management of the Airport and the long-term future status and organizational structure of AdM, including provision for eventual private sector participation.

3. Beneficiaries

Improvements in the airside and landside facilities in the Airport are intended to support economic growth through (a) increased revenue generated by growth in passenger and aircraft traffic, and (b) increases in the value and volume of goods shipped through the Airport. Direct beneficiaries include passengers who spend less time going through Airport procedures prior to boarding, additional Airport services employees for Airport operations, baggage handling, and flight kitchen, as well as passenger terminal commercial concessions. An increase in foreign passengers implies additional substantial benefits for the tourism industry, both in terms of increased revenues to hotels and restaurants and additional employment and wages.

The indirect impact of the Airport Improvement Project through increased tourism and impact on the informal sector could have a significant effect on growth and poverty reduction. Increased demand for airline services should have significant additional long-term benefits for Mali as tourist facilities expand in tandem with increased tourism. Further, new business travelers may translate into additional foreign investment for Mali which could transform the economic profile of the country.

The informal sector active around the Airport will benefit from an expansion of Airport passenger and cargo traffic. Since unemployment and underemployment in the Bamako region are substantial, a proportion of new service employees are likely to transfer from low paying, sporadic informal activity to higher paying, steady work at the Airport, an additional important indirect benefit to the economy.

A majority of those impacted by the Airport Improvement Project are expected to be women since official Malian employment data indicate that 82% of hotel and restaurant workers in Bamako are women. Women also account for 56% of the informal sector and the majority of working women in Bamako are employed in the informal sector. Further analysis using data from specific surveys to be conducted, will provide more detailed and reliable data on employment and poverty in the Bamako area.

4. Donor Coordination; Role of Private Sector and Civil Society

The Airport Improvement Project leverages and complements other donor, private sector and civil society activities in Mali as described below. Throughout implementation, MCC will continue to collaborate with these donors to strengthen the institutional reforms and broaden access to the Airport for passengers and goods.

USDOT Safe Skies for Africa (SSFA)

The SSFA program is intended to promote sustainable improvements in aviation safety, security, and air navigation, and to support Africa's integration into the global economy. It is based on the premise that ''Safe Skies'' are a prerequisite for increased trade

and investment and long-term economic development in Africa. Specific goals of the SSFA program include: (a) Increasing the number of sub-Saharan African countries that meet ICAO safety standards (based on Federal Aviation Administration (FAA) assessments); (b) improving airport security in the region; and (c) improving regional air navigation services. SSFA coordinates activities of other agencies such as the FAA, TSA (Transportation Security Administration) and the National Transportation Safety Board to improve the capacities of African aviation organizations.

Under this program, the United States serves as a technical advisor and facilitator of actions taken by the African nations, with assistance from the private sector, regional institutions and international organizations. While host governments bear primary responsibility for funding the program, the Department of Homeland Security, through the TSA, continuously consults with, and provides advice to, host-nation authorities. TSA also performs periodic aviation security audits in order to track national progress in meeting the goals and objectives of the SSFA.

In April 2008, TSA conducted a security survey of the Airport and an appraisal of the Government's progress in meeting the SSFA program goals and the international aviation security standards of ICAO. This survey revealed that the Government is taking concrete steps to respond to the comprehensive security audit of the Airport conducted by ICAO in December 2004 including adoption of a number of security-related plans and programs at the national level and at the level of the operators at the Airport.

The Government, through ANAC, is actively involved in the SSFA process. The senior leadership of ANAC is aware of the challenges they face and appear to have a clear understanding of what actions are necessary to achieve their agency's goals.

Technical training programs presented by the TSA and ICAO have given the Government a basic understanding of the international civil aviation security system and has aided the Government in developing its National Aviation Security Plan. The Government has taken advantage of the training offered, but still has some way to go in the development of national training standards/programs to ensure sustainability of operations.

The above-mentioned TSA survey recommended that the TSA Representative for Mali remain actively engaged with the Government to ensure success of the Airport Improvement Project and that the TSA should consult with the MCC Representatives to provide expert advice in order to incorporate security into the new airport terminal design.

World Bank

The World Bank is assisting in the funding of a regional program in West and Central Africa aimed at improving civil aviation safety and security as a key element of improving the performance and affordability of air transportation and optimizing its role as an engine of economic and social development. With respect to Mali, a country agreement under this program focuses on strengthening the oversight capacities of ANAC and improving Airport security and safety, including the provision of civil aviation authority equipment, Airport screening equipment, a crisis center to meet ICAO requirements, some Airport infrastructure and consulting services aimed at reform and capacity building.

The World Bank has also signed an agreement with the Government for the ''Mali Growth Support Project'' which includes, among other activities, loan financing for the development of Airport and industrial park facilities located within the Airport domain. It also includes assistance aimed at strengthening the management of the Airport and Industrial Park. The program is to be realized between 2006 and 2011.

COSCAP/WAEMU

Mali is a signatory of a recent agreement involving the West African Economic and Monetary Union (''*WAEMU*'') and Mauritania and ICAO, referred to as Cooperative Operational Safety and Continuing Airworthiness Project (''*COSCAP*''), with the goal of promoting the security and safety of aviation in the West African region. Under this agreement, a permanent community agency of safety and security is to be established, with the aim of achieving better efficiency and economy by means of the common use of resources on the part of the signatory countries.

Private Sector and Civil Society

Private sector and civil society participated in the consultative process that resulted in inclusion of the Airport Improvement Project in the Compact. This Project aims to leverage investment by businesses in the Airport, as well as through businesses that benefit from Airport traffic (including airlines, ground support operators, retail concessions, businesses exporting and importing through the Airport, tourism operators, etc.), so efforts will be made to continue to involve their feedback on the design and implementation of this Project. Both civil society and the private sector will be represented on the MCA–Mali Board of Directors and Advisory Councils. In addition, consultations on the EIA will be conducted with affected parties and other stakeholders, in accordance with the Environmental Guidelines, Mali Decrét No. 03–594–P–RM on environmental impact studies, and the draft Arrête Interministeriel on the procedure for public consultation on environmental impact studies. Also, consultations of persons affected by the Airport Improvement Project will be conducted for the RAP, consistent with World Bank Operational Policy 4.12 on Involuntary Resettlement.

5. U.S. Agency for International Development (''USAID'')

Both USAID-funded ''Mali Finance'' and ''TradeMali'' projects have improved the value chains of agricultural products such as mangoes and green beans. These high value products have strong potential for increased exportation via air freight. The new IICEM (Mali Economic Growth Initiative and Innovations) program of USAID/Mali builds on the achievements of the ''Mali Finance,'' ''TradeMali'' and ''PRODEPAM'' (Program in Development of Agricultural Production) projects to pursue the following goals: (a) Expansion of irrigated agriculture from lowland, flood control-type irrigated perimeters, (b) development of appropriate mechanisms and instruments with key partner banks and microfinance institutions to support production and marketing, (c) the expansion of markets and marketing for producers' groups and traders, and (d) introduction of improved production and processing technologies.

6. Sustainability

The Airport Improvement Project will build on recent Government efforts to reform the Malian civil aviation sector through the Institutional Strengthening Activity, providing technical assistance to both ANAC and AdM. The Airport Improvement Project will also assist in improving the maintenance and operation of the Airport by ensuring the implementation of efficient, transparent and effective private participation in the management of the Airport, in collaboration with relevant Government entities, as well as the private sector. Environmental and social sustainability is expected to be achieved through the

development and implementation of an EMP that will guide construction activities and implementation of pollution control for new and rehabilitated infrastructure. An Environmental Management System (''*EMS*'') will be developed to provide for continuing environmental sustainability of Airport operations. AdM and the DNCPN will receive technical assistance to develop environmental capacity during the Compact Term. AdM will be required to seek ISO 14000 certification prior to the end of the Compact Term. AdM will also be required to hire an Airport and Industrial Park environmental manager to oversee the implementation of environmental requirements.

7. Proposals

Public solicitations for proposals are anticipated to procure goods, works and services, as appropriate, to implement all Project Activities under the Airport Improvement Project. MCA–Mali will develop, subject to MCC approval, a process for consideration of all such proposals. Notwithstanding the foregoing, MCA–Mali may also consider, using a process developed subject to MCC approval, any unsolicited proposals it might receive.

8. Government Obligation

The Government shall assure the provision of adequate financing for the rehabilitation and expansion of air cargo facilities.

Schedule 2 to Annex I Alatona Irrigation Project

This Schedule 2 generally describes and summarizes the key elements of the project that the Parties intend to implement in furtherance of the Alatona Irrigation Project Objective (the ''*Alatona Irrigation Project*''). Additional details regarding the implementation of the Alatona Irrigation Project will be included in the Implementation Documents and in the relevant Supplemental Agreements.

1. Background

MCC's investments will support the development of key infrastructure and policy reform for productive sectors and capitalize on one of Mali's major assets, the Niger River Delta, for irrigated agriculture. The Alatona Irrigation Project will create a platform for increased production and productivity of agriculture and will be a catalyst for the transformation and commercialization of family farms. It will support Mali's national development strategy to increase the contribution of the rural sector to economic growth and help achieve national food security. Agriculture is a vital economic sector, contributing 40% to GDP. Eighty percent of the population earns a living from agriculture. MCC's investments in this sector will be strengthened by policy reforms and institutional support such as formal land titles for farmers, demand-driven rural advisory services, an improved business environment, and increased access to markets and trade. The hard and soft investments will impact the poor in Mali, particularly Malian farmers, not only in the Alatona zone but, over time, on a national and regional scale.

The Alatona zone is located in the Office du Niger (ON). The term ON refers both to the geographical zone and the authority charged with the management of water resources and agricultural support in the zone. The ON comprises one million ha of a vast fossilized inland delta whose rich, alluvial soils can be irrigated via a gravity-fed system from the Niger River, the largest river in West Africa. Its waters are highly suitable for irrigation with low sediment and salt content, minimizing the risk of salinization. Recognized as a high potential agricultural zone, the French colonial administration established an extensive hydrological network of diversions, canals, and drains in the 1930s. Rice production has been the dominant agricultural activity since 1970, with some counter-season horticultural production. Approximately 80,000 ha are under production today, with the possibility for expansion to 200,000 ha, with further infrastructure investment.

2. Summary of the Alatona Irrigation Project and Related Project Activities

The Alatona Irrigation Project is focused on increasing production and productivity, increasing farmer incomes, improving land tenure security, modernizing irrigated production systems and mitigating the uncertainty from subsistence rain-fed agriculture. It seeks to develop up to 16,000 ha of newly irrigated lands, which would represent an almost 20% increase of ''drought-proof'' cropland and a 7% increase of the country's total stock of fully or partially irrigated land. The Alatona Irrigation Project will introduce innovative agricultural, land tenure, and water management practices, as well as policy and organizational reforms aimed at realizing the ON's potential to serve as an engine of rural growth for Mali.

Since the Alatona Project must be completed within the Compact Term and within the established budget, if, at any time during design, procurement and implementation activities, MCC reasonably determines that there is a high risk that the Alatona Project will not be completed within the Compact Term and/or the established budget, then MCC may, in consultation with MCA–Mali, appropriately revise the scope of the applicable Project Activities to ensure project completion within the Compact Term and the established budget.

The Project Activities that are funded under this Project are:

- Niono—Goma Coura Road. This Project Activity will upgrade an 81 km north-south road within the national highway network from its current earth/gravel condition to a paved standard. The investment will also include an additional access spur to the Alatona perimeter at the village of Dogofry.
- Irrigation Planning and Infrastructure. This Project Activity will involve main conveyance system upgrade and expansion, Alatona irrigation system development, and support to the ON agency on water management.
- Land Allocation. The Alatona Irrigation Project will improve rural land tenure security in Mali by allocating newly developed, irrigated land to family farmers, women market gardeners, and farming companies in private ownership. These land recipients will purchase the land by making annual payments over a 15–20 year period. This Project Activity consists of land parcel creation, land rights education, registration system upgrade, land parcel allocation and titling, and management of land revenues.
- Resettlement, Social Infrastructure, and Social Services. This Project Activity will compensate families residing in the perimeter or with rights to land therein consistent with World Bank Operational Policy 4.12 on Involuntary Resettlement by offering land in the irrigation perimeter or, if the land option is not chosen, other compensation alternatives. This Project Activity will provide social infrastructure, to serve these project-affected persons plus incoming settlers and other migrant families and also support social services (primarily education and health staff) during the last three years of the Compact Term.
- Agricultural Services. This Project Activity will support a range of agricultural, institutional and related services to strengthen capacity and improve agricultural practice through applied agricultural research, extension and farmer training, support to farmer organizations, and support to water users associations (''WUAs'').

• Financial Services. This Project Activity will encourage agricultural lending by reducing the risks of extending credit in this newly developed zone, improving transparency within the existing financial system, and strengthening the capabilities of local financial institutions through a credit risk sharing program, microfinance credit bureau strengthening, financial institution capacity building, and direct support to farmers.

In connection with the Project Activities (other than the Road Activity, except as provided in Section 2(a) below), MCA–Mali will assist and take all necessary steps to ensure that the EIA, EMP (including an HIV/AIDS awareness plan and a pest management plan), and RAP (consistent with World Bank Operational Policy 4.12 on Involuntary Resettlement) for all irrigation activities of the Alatona Irrigation Project are processed and permits delivered in accordance with Mali Decrét No 03–594–P–RM on environmental impact studies and the Environmental Guidelines, all of which will be subject to MCC approval. MCC funding will support implementation of the environmental and social mitigation measures as identified in the EIA, EMP, HIV/AIDS awareness plan, pest management plan and RAP, satisfactory to MCC, according to the conditions precedent set forth in the Disbursement Agreement.

The M&E Plan (described in Annex III) will set forth anticipated results and, where appropriate, regular benchmarks that may be used to monitor the progress of the implementation of the Alatona Irrigation Project. Performance against these benchmarks, as well as the overall impact of the Alatona Irrigation Project, will be assessed and reported at the intervals to be specified in the M&E Plan, or as otherwise agreed by the Parties. The Parties expect that additional indicators will be identified during implementation of the Alatona Irrigation Project. The *expected results* from, and the *key benchmarks* to measure progress on, the Alatona Irrigation Project, as well as the Project Activities undertaken or funded thereunder, are set forth in Annex III.

Conditions precedent to each Project Activity under the Alatona Irrigation Project, and the sequencing of such Project Activities, shall be set forth in the Disbursement Agreement, any other Supplemental Agreements and the relevant Implementation Documents.

The following summarizes each Project Activity under the Alatona Irrigation Project:

(a) Project Activity: Niono—Goma Coura Road (the ''Road Activity'').

The Road Activity involves the upgrading of a key segment of the national highway network serving the Alatona zone, providing vital access to inputs, markets, and social services to the Alatona zone and other farmers in the northern sector. The Niono-Goma Coura road forms the first 81 km of a 450 km road from Niono to Tonka, recently reclassified as National Road 33. It is presently an earth road with laterite surface and varying width of 6–7 meters, which has been compromised by erosion of the embankment slopes. The laterite is worn away in numerous locations, leading to washouts and difficult driving conditions during the wet season.

Specifically, MCC Funding will support the following:

(i) Double bitumen surface treatment paving of 81 km of National Road 33 (7 meter carriageway and 1.5 meter shoulders).

(ii) Construction of a small bridge and 2 km spur to the village of Dogofry to provide a direct access from the Alatona perimeter to the main road network.

(iii) Various social measures, such as parallel tracks to accommodate non-motorized traffic, of which there is a significant amount in and around the populated areas and safety measures for slowing traffic, as well as additional parking areas at the villages.

Additionally, in connection with the Road Activity, MCA–Mali will assist and take all necessary steps to ensure that the EA, EMP (including an HIV/AIDS awareness plan), and RAP (consistent with World Bank Operational Policy 4.12 on Involuntary Resettlement) for the Road Activity of the Alatona Irrigation Project are processed and permits delivered in accordance with Mali Decrét No. 03–594–P–RM on environmental impact studies and the Environmental Guidelines, all of which shall be subject to MCC approval; *provided, however,* that such EA, EMP and RAP may be processed as part of the EIA, EMP, and RAP for all other Project Activities (as described in Section 2 above). MCC funding will support implementation of the environmental and social mitigation measures as identified in the EA (or EIA, as applicable), EMP, and RAP, satisfactory to MCC, according to the conditions precedent set forth in the Disbursement Agreement.

(b) Project Activity: Irrigation Planning and Infrastructure (the ''Irrigation Activity'').

This Project Activity will increase the capacity of the ON's main conveyance structures (the *Canal Adducteur*, the *Canal du Sahel* and the *Fala de Molodo*) to ensure sufficient capacity to transport wet season water to all the developed perimeters. MCC Funding will support the ON in achieving physical capacity to realize its immediate development goals, improve and increase service, and to move toward a next generation of standards and operational water management procedures, based on best international practice.

Specifically, MCC Funding will support the following:

(i) Alatona irrigation system development, which will involve the construction of a primary canal off the main system, a 63 km distributor canal, a network of secondary and tertiary canals and drainage structures, as well as land leveling and internal access roads. This will allow for an additional up to 16,000 ha of irrigated lands in the Alatona zone.

(ii) Main conveyance system expansion, which will increase the conveyance capacity of two main canals and an ancient riverbed that transport water from the Niger River to the ON irrigated zones. This will involve: (1) Removal of the central island separating the two branches of Canal Adducteur; (2) enlarging the main canal leading from the main conveyance canal (Canal du Sahel—23 km); and (3) raising the banks of the Fala de Molodo along approximately 8 km.

(iii) Support to ON Water Management, which will provide technical assistance and equipment to the ON for installing and operationalizing a communications-based water management system as well as improving overall system management to ensure more efficient and effective water management throughout the ON system. This system will also provide the basis for data analysis and permitting flow adjustments according to climatic fluctuations and other water demand factors and will establish incentive structures for better on-farm water efficiency.

(c) Project Activity: Land Allocation (the ''Land Activity'').

Through the sale of irrigated land under the oversight of a selection commission, land will be allocated to small-, medium-, and large-scale farmers. A selection commission will select land recipients according to pre-defined criteria, and enforce safeguards designed to ensure transparency and fairness. The recipients will purchase the land at prices that are both affordable to farm families, yet high enough to discourage speculation. Land payments will be managed by private financial institutions, and land

registration capacity will be bolstered. MCC Funding will support education and dissemination of information about land rights, benefits and responsibilities, and the allocation process in order to execute land allocation in an effective manner and for long term land management. In addition, the Alatona Irrigation Project will establish year-round market gardens for growing vegetables, to provide the women of the Alatona zone with an independent source of family income. This market garden opportunity supplements the opportunity women will have to receive larger land parcels though the selection commission process.

Specifically, MCC Funding will support the following:

(i) Land Parcel Creation. Land will be divided into tertiary irrigation blocks, and the land contained therein will be subdivided into individual land parcels. This sub-activity will include land parcel platting, boundary surveying, and preparation of a technical description of each parcel.

(ii) Land Rights Education. A land-education effort will be carried out to provide the rural population of the Alatona zone and nearby areas with an understanding of private land ownership, the rights and responsibilities it entails, and the benefits it can bring. The effort also will inform people about the opportunity to acquire newly developed irrigated land, and work with land recipients on how to properly manage their land rights and obligations.

(iii) Registration System Upgrade. The Alatona Irrigation Project will support establishment of a temporary land registration office in the Alatona zone that will remain under the jurisdiction of the Ségou office of the National Directorate for State Property and Cadastre (a technical agency within the Ministry of State Property and Land). This temporary office will operate for the four-year period during which virtually all of the land will be allocated and titled. Once the initial wave of titling occurs, the Ségou office may choose to maintain the temporary office, or replace it with a more limited alternative depending upon demand and cost considerations.

(iv) Land Parcel Allocation and Titling. A selection commission consisting of government officials and private stakeholder group representatives (both men and women), will review people's applications for land and decide who will receive land based on pre-defined criteria. The criteria include various technical and other qualifications, are differentiated by farm size, and give special consideration to people already in the Alatona zone,[1] women, and young farmers. After a short waiting period, land recipients will receive land ownership titles that they will pay for over a 15–20 year period. In addition to this main land allocation effort, women in the Alatona zone will receive small land plots for use in market gardening.

(v) Management of Land Revenues. This sub-activity will assure that land revenues are transparently managed and not co-mingled with other accounts and reinvested in locally responsive and appropriate ways in the Project area. This sub-activity will create a new entity or utilize an existing entity to collect and manage the land purchase payments under Government oversight. Collection payment mechanisms will encourage the entry and participation of private financial institutions in the area. In cases when land owners fail to make the required payments remedies will be sought up to and including executing a foreclosure action and public sale of the land to satisfy the debt.

(d) Project Activity: Resettlement, Social Infrastructure, Social Services (the ''Community Activity'').

The Community Activity will provide funds to implement the RAP, build social infrastructure and support social services, primarily health staff and teachers, to ensure appropriate utilization of the social infrastructure.

Specifically, MCC Funding will support the following:

(i) Resettlement. This sub-activity will support implementation of the RAP previously developed in collaboration with the relevant Government agencies, to compensate approximately 800 families who lose land rights or access to resources, with land in the irrigated perimeter or, where the land option is refused, other compensation options. Physically relocated resettlers will be provided with construction materials or built houses. For reasons of social equity, this sub-activity will implement procedures to provide equitable access to both dry and rainy season water and additional supporting measures during the first year of farming to assist these agro-pastoralist families to take up irrigated rice cultivation successfully.

(ii) Social Infrastructure. This sub-activity will provide social infrastructure and social services sufficient to serve an anticipated total population of approximately 60,000, including the resettlers, new settlers and other migrants. Access roads, potable water, sanitation, schools, health centers, public markets, warehouses, multi-function centers, laundry facilities and solar electricity supply for selected social infrastructure sites will be constructed or existing facilities renovated in accordance with international and national norms.

(iii) Social Services. This sub-activity will support social services, primarily health staff and teachers, over the last three-year period of the Compact Term. Services will be provided according to population thresholds established by the Government on the basis of international and regional norms. This sub-activity will equip community health centers in the Alatona zone and health centers serving the larger area, as well as support a variety of health promotion and disease prevention activities related to obstetric care, nutrition, STIs, HIV/AIDs, malaria, schistosomiasis and intestinal worms. Limited support will be provided for maintenance of water supply and sanitation.

(e) Project Activity: Agricultural Services (the ''Agriculture Activity'').

The Agriculture Activity will focus on the basics of irrigated farming and will support a range of interventions that target capacity building, support, and techniques for rice, shallots, livestock and crop integration, and women's vegetable garden production. During the first two years of the Alatona Irrigation Project, while the road and core irrigation infrastructure are designed and constructed (the pre-settlement phase), efforts will focus on building an institutional environment and testing agricultural, marketing, and water management practices focused on achieving farm profitability. The Project Activity will be conducted in pre-existing ON irrigated perimeters involving, to the extent feasible, collaboration with the ON, existing institutions, and entities. The pre-settlement phase will allow for the development, testing, and piloting of activities to be transferred and scaled up to the newly developed perimeter.

Specifically, MCC Funding will support the following:

(i) Applied Agricultural Research. This sub-activity includes undertaking field-level, applied technology research on rice production and processing; water use, control and management; agronomic practices; livestock enterprises and integration with irrigation; improved equipment and technologies; commodity chains development, including strengthening the supply system for agricultural inputs and equipment; identifying, testing, and promoting improved

[1] Those who currently reside or use land in the Alatona zone will automatically be eligible to receive land.

conservation techniques; processing technologies, and improving marketing of crops; and natural resource management and wood supply.

(ii) Extension and Farmer Training. This sub-activity will include communication, extension, and training through a variety of low-cost, sustainable mechanisms and techniques that may include Farmer Field Schools, Training and Visit, farmer-to-farmer, stakeholder, and systems/value chain approaches. The focus of this sub-activity will include improving rice yields, production of dry season diversified crops, integrating crop and livestock production, post-harvest storage and processing activities, improving water management, group promotion and formation, integrated pest management, organizational management, accounting and budgeting, and farmer rights and advocacy.

(iii) Support to Farmer Organizations. This sub-activity will provide intensive organizational development and management training to help selected service providers and farmer-controlled organizations (including women's groups) increase capacity. This may include training on the preparation of by-laws and business plans; election of officers, personnel and group management; management by objectives; financial sustainability and credit management; knowledge of rights, facilitation and advocacy; group procurement of inputs and marketing; and accounting and financial management capabilities and commercialization.

(iv) Support to Water User Associations. This sub-activity will provide training to WUAs on organization management, cropping patterns and water requirements, secondary and tertiary canal maintenance planning, and establishing procedures for collecting and accounting for water fees.

(f) Project Activity: Financial Services (the ''Finance Activity'').

The Finance Activity will support agricultural development in the Alatona zone by promoting a sustainable, inclusive financial system and improving farmers' access to credit. Interventions will be focused on encouraging local financial institutions to move into the Alatona zone and on building their capacity and willingness to meet the financial services needs emerging from activities supported by the Alatona Irrigation Project. The Finance Activity will encourage financial institutions to lend to clients that have good prospects of success but may lack sufficient collateral or a suitable record of transactions to prove creditworthiness. It will also provide support to the ON Credit Bureau to strengthen its capacity to increase transparency among MFIs in the region. Direct support will also be provided to farmers to improve access to credit for first-time borrowers.

Specifically, MCC Funding will support the following:

(i) Credit risk sharing program. The credit risk sharing program will encourage eligible financial institutions to increase their lending to clients by reducing the risk of providing loans in the Alatona zone. MCC Funding will support risk sharing (up to 50%). Participating financial institutions will also be provided with technical assistance.

(ii) Credit bureau strengthening. This sub-activity will finance: (1) A study to identify recommended improvements to the ON Credit Bureau and to test their feasibility; (2) development and acquisition of hardware and software necessary to create an electronic database (pending satisfactory completion of the feasibility study); and (3) training for ON Credit Bureau staff, among other changes as identified in the needs assessment and feasibility study.

(iii) Financial institution capacity building. This sub-activity will provide training and technical assistance to financial institutions (banks and MFIs), focusing on areas such as risk analysis, portfolio management, and new product development in order to help financial institutions meet the needs of potential clients. In order to encourage MFIs to move rapidly into the Alatona zone, this sub-activity will also assist with a portion of the costs of setting up and staffing new offices.

(iv) Direct support to farmers. In addition to training and support to farmer organizations, the Alatona Irrigation Project will provide financial assistance to improve access to credit for first-time borrowers. This sub-activity will provide a grant to assist new clients with paying a portion of the initial mandatory deposit required by MFIs in order for the new clients to access their first loan.

3. Beneficiaries

As a result of the incremental agricultural production achieved through the Alatona Irrigation Project, incomes of farm owners, agricultural laborers in the Alatona, suppliers, transporters, processors, and traders will increase.

The upgrading of the existing Niono-Goma Coura road is anticipated to lower vehicle operating costs (''*VOCs*'') and to generate time savings for road users. It is anticipated that the reduction in VOCs will be passed on to populations located along the road in the form of reduced rates of cargo spoilage and lower charges for the transport of cargo goods, including the transport of agricultural produce from the Alatona zone to regional markets in Niono and potentially national markets in Bamako.

Finally, the Alatona Irrigation Project is also expected to generate non-quantified social, health, and education improvements through investment in social infrastructure in the Alatona zone and greater access through the Niono-Goma Coura road upgrade to existing health and social services facilities.

4. Donor Coordination; Role of Private Sector and Civil Society

The Dutch Development Agency, French Development Agency, the World Bank, and USAID, in particular, have been working in the ON over the past several decades resulting in a more efficient, decentralized management structure, while increasing production and productivity of the Alatona zone. The Alatona Irrigation Project leverages and complements other donor, private sector and civil society activities in Mali as described below. Throughout implementation, MCC will continue to collaborate with these donors to ensure equitable water distribution, transfer of skills and knowledge in agriculture production, farm management and access to credit for the farmers. The Alatona Irrigation Project will involve close coordination with donors involved in strengthening the management of the ON agency to provide effective operations and maintenance of the irrigation infrastructure, as well as conformity with the established cropping calendar.

World Bank

The Alatona Irrigation Project complements and reinforces several ongoing or recently launched World Bank programs as described below.

- National Project for Rural Infrastructure provides rural infrastructure for irrigation, transportation, clean water and sanitation, and institutional strengthening. In May 2005, this project launched a bid for small- and medium-scale farmers to purchase land in the pilot zone of Koumouna in the ON. This marked the ON's first experience of issuing land titles to individual farmers.
- Agricultural Competitiveness and Diversification Project aims to expand production and improve the productivity of diversified, high value commodities and to increase their export and market competitiveness; to remove logistical bottlenecks to

increased exportation; to reinforce food security; and to promote rural credit and financing.

• Rural Community Development Project enhances the capacity of communities to propose and manage local development initiatives, including Communal Initiatives Funds and Local Productive Initiatives Funds.

Private Sector and Civil Society

Private sector and civil society participated in the consultative process that resulted in inclusion of the Alatona Irrigation Project in the Compact. The Alatona Irrigation Project aims to attract farmers to purchase land and increase the revenue of farmers and farming enterprises. Businesses along the value chain will be integral to the success of this Project. In addition, civil society will play an active role to ensure that land allocation is fair and transparent and that social services are provided in the Alatona zone in a fair and equitable manner. Lastly, both civil society and private sector will be represented on the MCA–Mali Board of Directors and Advisory Councils. In addition, consultations will be conducted with affected parties and other stakeholders on the EIA for all Project Activities (other than the Road Activity) and the EA (or EIA, as applicable) for the Road Activity, in accordance with MCC Environmental Guidelines, Mali Decrét No. 03–594–P–RM on environmental impact studies and the draft Arrête Interministeriel on the procedure for public consultation on environmental impact studies. Consultations will also take place with project affected persons for the RAPs, consistent with World Bank Operational Policy 4.12 on Involuntary Resettlement. NGOs are also expected to play a role in implementation, particularly in the provision of health promotion activities.

5. USAID

The Alatona Irrigation Project builds on the USAID's Accelerated Economic Growth and Trade Development and Democracy and Governance programs (2003–2012), which includes the following sub-projects:

• IICEM (Mali Economic Growth Initiative and Innovations) is a new program of USAID/Mali builds on the achievements of the ''Mali Finance,'' ''TradeMali'' and ''PRODEPAM'' (Program in Development of Agricultural Production) projects to pursue the following goals: (a) Expansion of irrigated agriculture from lowland, flood control-type irrigated perimeters, (b) development of appropriate mechanisms and instruments with key partner banks and microfinance institutions to support production and marketing, (c) the expansion of markets and marketing for producers' groups and traders, and (d) introduction of improved production and processing technologies.

• Program on Shared Governance includes capacity building, planning, and financial management in the communes of Diabaly and Dogofry (the two municipalities located in the Alatona zone).

The Alatona Irrigation Project will continue to build on these efforts during implementation and strengthen USAID best practices in agricultural support and capacity building in local governance within the Alatona zone.

6. Sustainability

• Sustainable Irrigation Management. To assure the long term success of the Alatona Irrigation Project, MCC will finance additional capacity on the main conveyance structures, as well as support the ON to achieve sustainable management of its entire stock of assets. A core element of this effort will be technical assistance to introduce a communications-based technology for real-time water monitoring and management on the main system. The Alatona Irrigation Project will collaborate with the ON to establish appropriate and equitable water allocation rules among the perimeters, optimum cropping calendars and practices (such as the adoption of short cycle varieties) and the gradual introduction of volumetric water charges, all aimed to make the most efficient use of scarce water during the critical months of the dry season. The MCC-financed technical assistance will assist the ON to develop revised expansion scenarios based on updated assumptions and practices, such that any further expansion does not jeopardize the minimum water requirements and functioning of the Alatona zone and other existing perimeters. In the existing ON irrigated perimeters, the water fees collected are adequate to cover approximately 90% of the operating and maintenance costs of the major distribution systems within the zones, with the Government assuming responsibility for the remaining costs. The Alatona Irrigation Project will address the utilization of revenues associated with land sales and water fees within the Alatona zone to fund the ongoing expenses of Alatona institutions during and beyond the Compact Term.

• Sustainable Road Maintenance. A new road maintenance agency, AGEROUTE, has recently been established with donor support. The major donors to the road sector (World Bank, European Union and African Development Bank) are promoting long term solutions to road maintenance, including more reliance on user fees to finance maintenance. The upgrading of the road to a double bituminous surface will result in estimated annual maintenance requirements falling within the range of the Government's current maintenance allocations for the road.

• Sustainable Rural Infrastructure Management. The Alatona Irrigation Project will finance initial recurrent costs of the social infrastructure so as to ''kick-start'' operations. Within the context of the country's decentralization program, the planning and implementation of these infrastructure and services will be carried out in close collaboration with the appropriate technical ministries and local authorities (in particular the communes), so as to ensure a smooth transition to sustainable provision of staffing, operations, and maintenance of all these facilities beyond the life of the Compact.

• Sustainable Access to Financial Services. The Finance Activity will provide MFIs and banks with training in agricultural credit and other aspects of managing the delivery of financial services to the inhabitants of the Alatona zone. This training should enable the financial institutions to better analyze the risks of extending credit in the Alatona zone and to better monitor and manage the repayment process. Meanwhile, the support to the ON Credit Bureau will promote transparency in the sector and provide institutions with better data from which to evaluate loan applications.

• Sustainable Management of Land Revenues. The Land Activity will create a new entity or utilize an existing entity to collect and manage the revenues generated through land payments. MCC funding will support the costs of structuring this entity and providing some initial capacity building, until it can support itself through the land revenues collected.

• Sustainable Agricultural Services. Skilled local institutions with proven capacity will be contracted to deliver services, and design and coordinate research activities. It will include on-station evaluation of varieties and/or technologies under development; on-farm confirmation and adaptation of existing research results; and participatory, farmer-led research. Eventually, involvement of farmers, farmer organizations, and a possible fee-for-service approach could make the

research demand-driven and partly funded by users.

• Environmental and Social Sustainability. Sustainability is to be achieved through the implementation of a land use and natural resources management plan (a prerequisite planning tool for the EIA), the identification of institutions responsible for natural resources management over the long term, and the implementation of an EMP that will incorporate an HIV/AIDS awareness plan and a pest management plan. Pre-settlement activities will provide the opportunity to test the sustainability of practices to be applied in the Alatona zone. Resettlers will be eligible to receive agricultural inputs for the first year and all cultivators will be able to receive technical assistance in farming techniques and training to improve their ability to secure credit. The provision of social infrastructure will allow improvements in health care, education, potable water supply and sanitation and the funding of social services will provide for a transition to full government funding of these services after the Compact Term.

7. Policy; Legal; and Regulatory Reform

The Parties have identified the following policy, legal and regulatory reforms and actions that the Government shall pursue in support, and to reach the full benefits of the Alatona Irrigation Project, the satisfactory implementation of which will be conditions precedent to certain MCC Disbursements as provided in the Disbursement Agreement:

• The establishment of a new entity or utilization of an existing entity to manage the collection and use of land revenues generated through the Alatona Irrigation Project. The structure of the entity and its operating guidelines will be subject to MCC approval.

• Within the Compact Term, and in any event no later than six to nine months prior to the end of the Compact Term, the identification of a fiduciary or liquidation agent to manage or liquidate all of the remaining financial assets at the end of the Compact Term. The selection of the fiduciary or liquidation agent and the final plan for the disposition of financial assets from the credit risk sharing program in the Finance Activity will be subject to MCC approval.

• The execution of a memorandum of understanding between MCA-Mali and the ON that ensures equitable allocation of dry-season water among the ON zones, measured at the headworks of primary canals, prior to initial MCC Disbursement for the Project Activities within the Alatona Irrigation Project, other than the Road Activity.

• The provision of evidence by the Government of an agreed allocation of land for dry season and wet season cultivation in the Alatona zone prior to approval of final design of the first tranche of the irrigation and planning infrastructure sub-activity of the Alatona Irrigation Project.

8. Proposals

Public solicitations for proposals are anticipated to procure goods, works and services, as appropriate, to implement all Project Activities under the Alatona Irrigation Project. MCA-Mali will develop, subject to MCC approval, a process for consideration of all such proposals. Notwithstanding the foregoing, MCA-Mali may also consider, using a process developed subject to MCC approval, any unsolicited proposals it might receive.

Exhibit B Annex II (Multi-Year Financial Plan Summary)

Annex II Summary of Multi-Year Financial Plan

This Annex II to the Compact (the ''*Financial Plan Annex*'') summarizes the Multi-Year Financial Plan for the Program. Each capitalized term in this Financial Plan Annex shall have the same meaning given such term elsewhere in this Compact. Unless otherwise expressly stated, each Section reference herein is to the relevant Section of the main body of the Compact.

1. General

A multi-year financial plan summary (''*Multi-Year Financial Plan Summary*'') is attached hereto as Exhibit A. By such time as specified in the Disbursement Agreement, MCA-Mali will adopt, subject to MCC approval, a Multi-Year Financial Plan that includes, in addition to the multi-year summary of estimated MCC Funding and the Government's contribution of funds and resources, an estimated draw-down rate for the first year of the Compact Term based on the achievement of performance milestones, as appropriate, and the satisfaction or waiver of conditions precedent. Each year, at least 30 days prior to the anniversary of the Entry into Force, the Parties shall mutually agree in writing to a Detailed Budget for the upcoming year of the Program, which shall include a more detailed budget for such year, taking into account the status of the Program at such time and making any necessary adjustments to the Multi-Year Financial Plan.

2. Implementation and Oversight

The Multi-Year Financial Plan and each Detailed Budget shall be implemented by MCA-Mali, consistent with the approval and oversight rights of MCC and the Government as provided in this Compact, the Governing Documents and the Disbursement Agreement.

3. Estimated Contributions of the Parties

The Multi-Year Financial Plan Summary identifies the estimated annual contribution of MCC Funding for Program administration, M&E and each Project. The Government's contribution of resources to Program administration, M&E and each Project shall consist of (a) ''in-kind'' contributions in the form of Government Responsibilities and any other obligations and responsibilities of the Government identified in this Compact, and (b) such other contributions or amounts as may be identified in this Compact (including adequate funding for the rehabilitation and expansion of air cargo facilities, as specified in Section 8 of Schedule 1 of Annex I) and in relevant Supplemental Agreements between the Parties or as may otherwise be agreed by the Parties; *provided*, in no event shall the Government's contribution of resources be less than the amount, level, type and quality of resources required effectively to carry out the Government Responsibilities or any other responsibilities or obligations of the Government under or in furtherance of this Compact.

4. Modifications

The Parties recognize that the anticipated distribution of MCC Funding between and among the various activities for Program administration, M&E, the Projects and the Project Activities will likely require adjustment from time to time during the Compact Term. In order to preserve flexibility in the administration of the Program, as provided in Section 4(a)(iv) of Annex I, the Parties may, upon agreement of the Parties in writing and without amending the Compact, change the designations and allocations of funds among the Projects, the Project Activities, or any activity under Program administration or M&E, or between a Project identified as of the Entry into Force and a new project, without amending this Compact; *provided, however*, that such reallocation (a) is consistent with the Compact Goal and the Implementation Documents; (b) shall not cause the amount of MCC Funding to exceed the aggregate amount specified in Section

2.1(a) of this Compact; and (c) shall not cause the Government's obligations or responsibilities or overall contribution of resources to be less than specified in Section 2.2(a) of this Compact, this Annex II or elsewhere in the Compact.

5. Conditions Precedent; Sequencing

MCC Funding will be disbursed in tranches. The obligation of MCC to approve MCC Disbursements and Material Re-Disbursements for the Program is subject to satisfactory progress in achieving the Objectives and on the fulfillment or waiver of any conditions precedent specified in the Disbursement Agreement for the relevant activity under the Program. The sequencing of Project Activities or sub-activities and other aspects of how the Parties intend the Program to be implemented will be set forth in the Implementation Documents, including the Work Plan for the applicable Program (and each component thereof), and MCC Disbursements and Re-Disbursements will be made consistent with such sequencing.

EXHIBIT A—MULTI-YEAR FINANCIAL PLAN SUMMARY

Project	Totals including contingencies (USD)					
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
1. Bamako-Sénou Airport Improvement Project	*15,381,180	49,389,652	79,422,986	38,834,682	869,196	183,897,696
2. Alatona Irrigation Project	21,971,279	65,417,249	66,815,632	54,197,204	26,207,104	234,608,468
3. Monitoring and Evaluation	1,500,000	520,000	655,000	705,000	1,525,000	4,905,000
4. Program Management and Oversight	8,200,000	7,300,000	7,400,000	7,200,000	7,300,000	37,400,000
Total Estimated MCC Contribution	47,052,459	122,626,901	154,293,618	100,936,886	35,901,300	460,811,164

* Includes $2,718,638 for feasibility studies related to an originally programmed industrial park project that has been subsequently removed from the Compact due to the results of such feasibility studies.

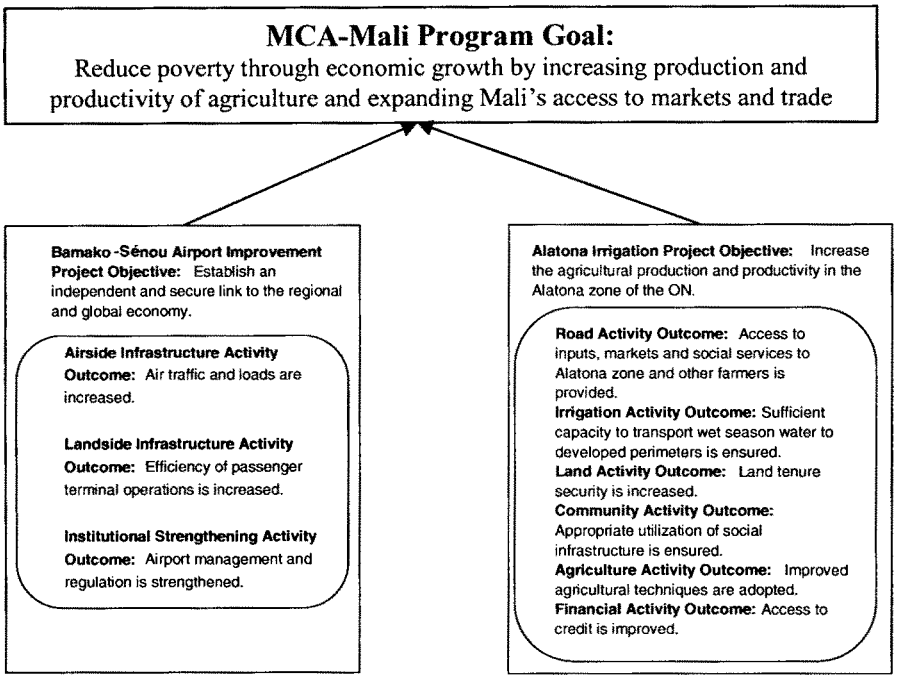
Exhibit C Annex III (Description of the M&E Plan)

Annex III Description of the M&E Plan

This Annex III to the Compact (the ''*M&E Annex*'') generally describes the components of the M&E Plan for the Program. Except as defined in this M&E Annex, each capitalized term in this M&E Annex shall have the same meaning given such term elsewhere in this Compact.

1. Overview

MCC and the Government (or a mutually acceptable Government Affiliate or Permitted Designee) shall formulate, agree to and the Government shall implement, or cause to be implemented, an M&E Plan that specifies (a) how progress toward the Compact Goal, Objectives, and the intermediate results of each Project and Project Activity set forth in this M&E Annex (the ''*Outcomes*'') will be monitored (the ''*Monitoring Component*''); (b) a methodology, process and timeline for the evaluation of planned, ongoing, or completed Projects and Project Activities to determine their efficiency, effectiveness, impact and sustainability (the ''*Evaluation Component*''); and (c) other components of the M&E Plan described below. Information regarding the Program's performance, including the M&E Plan, and any amendments or modifications thereto, as well as periodically generated reports, will be made publicly available on the MCA-Mali Web site and elsewhere. The Compact Goal, Objectives, and Outcomes of the Program can be summarized as follows:



2. Monitoring Component

To monitor progress toward the achievement of the Compact Goal, Objectives, and Outcomes, the Monitoring Component of the M&E Plan shall identify (a) the Indicators, (b) the party or parties responsible, the timeline, and the instrument for collecting data and reporting on each Indicator to MCA-Mali, and (c) the method by which the reported data will be validated.

(a) Indicators. The M&E Plan shall measure the impacts of the Program using objective and reliable information (''*Indicators*''). Each Indicator will have one or more expected values that specify the expected results and expected time for the impacts to be achieved (''*Target*''). The M&E Plan will measure and report on Indicators at four levels. First, the Indicator(s) at the Compact Goal level (''*Goal Indicator*'') will measure the impact of the overall Program and each Project. Second, the Indicators at the Objective level (''*Objective Indicator*'') will measure the final results of each of the Projects, including impacts on the intended beneficiaries identified in Annex I (collectively, the ''*Beneficiaries*''). Third, Indicators at the intermediate level (''*Outcome Indicator*'') will measure the results achieved under each of the Project Activities and will provide an early measure of the likely impact under each of the Projects. A fourth level of Indicators (''*Output Indicator*'') will be included in the M&E Plan to measure the direct outputs of Project Activities. All Indicators will be disaggregated by sex, income level and age, to the extent practicable. Subject to prior written approval from MCC, MCA-Mali may add Indicators or modify the Targets of existing Indicators.

GOAL INDICATORS AND DEFINITIONS

Goal-level results	Indicator	Definition of indicator
Income of Airport services firms is increased	Total revenue of firms servicing the Airport	Total receipts of commercial concessions, flight kitchens, fuel suppliers, and baggage handling (US$).
Tourism income is increased	Total receipts of hotels and restaurants in Bamako.	Total receipts of hotels and restaurants in Bamako (US$).
Poverty rate of existing Alatona zone population is reduced.	Poverty rate of existing Alatona zone population	Poverty Headcount Ratio of existing Alatona zone population (percent).
Income from irrigated agricultural production in the Alatona zone is increased.	Real income from irrigated agricultural production.	Real annual income from sale of agricultural production per household member in the Alatona zone (US$).[1]

[1] Data to be disaggregated by current residents and newly settled population to track whether resettled population's incomes are restored as compared to their baseline incomes. This indicator will also be disaggregated by sex.

COMPACT GOAL BASELINES AND TARGETS

Goal-level indicators	Baseline	Year 5	Year 10
Total revenue of firms servicing the Airport (million US$)	$8	$9	$11.
Total receipts of hotels and restaurants in Bamako (million US$)	$133	$174	$226.
Poverty rate of existing Alatona zone population (percent)	TBD[1]	TBD	TBD.

COMPACT GOAL BASELINES AND TARGETS—Continued

Goal-level indicators	Baseline	Year 5	Year 10
Real income from irrigated agricultural production (US$ per capita)	$0	$316	$725.

[1] Baseline and targets will be determined through a combination of the following data collection activities: (1) resettlement action plan census under the Community Activity of the Alatona Irrigation Project, and (2) Baseline household survey conducted by *Direction Nationale de la Statistique et de l'Informatique.* Results are expected in 2007.

AIRPORT IMPROVEMENT PROJECT INDICATORS AND DEFINITIONS

[Project objective: Establish an independent and secure link to the regional and global economy]

Objective-level results	Indicator	Definition of indicator
Number of foreign visitors is increased	Annual foreign (non-resident) passenger traffic	Foreign and non-resident passengers arriving to and departing from the Airport per year [1] (number).
Passenger terminal services are improved	Improved security and safety	FAA audit report.[2]
Outcome-level results	**Indicator**	**Definition of indicator**
Air traffic is increased	Weekly flight arrivals and departures	Aircraft arriving to or departing from the Airport per week (number).
Increased efficiency of passenger terminal services.	Time required for passenger processing at departures and arrivals.	Average time for passengers to complete departure or arrival procedures at peak hour at the Airport (minutes).

[1] Indicator will be disaggregated by country of origin, purpose of travel, and sex.
[2] A qualitative Indicator will be developed in collaboration with airport sector experts and according to FAA standards. Yearly targets will be milestones.

AIRPORT IMPROVEMENT PROJECT INDICATORS AND TARGETS

[Project objective: Establish an independent and secure link to the regional and global economy]

Objective-level indicators	Baseline	Year 5	Year 10
Annual foreign (non-resident) passenger traffic (number)	126,300	164,780	214,000.
Improved security and safety at the Airport	TBD	TBD	TBD.
Outcome-level Indicators	Baseline	Year 5	Year 10.
Weekly flight arrivals and departures (number)	87	97	106.
Time required for passenger processing at departures and arrivals (minutes) [1]	TBD	Baseline minus 60 minutes.	Baseline minus 60 minutes.[2]

[1] A special survey will be conducted at the Airport in 2006/2007 to collect baseline information and additional surveys will be conducted during the Project to estimate the time required for passenger processing.
[2] From the economic analysis, it is estimated an efficiency gain of one hour will be achieved by Year 5 and maintained thereafter.

ALATONA IRRIGATION PROJECT INDICATORS AND DEFINITIONS

[Project objective: Increase the agricultural production and productivity in the Alatona zone of the ON]

Objective-level results	Indicator	Definition of indicator
Rice yields are increased	Main season rice yield	Average rice yield in the rainy season in the Alatona zone (tons/ha).
Diversification into high value crops is increased	Dry season cropped area in non-cereal crops	Share of the total cropped area that is devoted to non-cereal crops (*i.e.*, shallots, tomatoes, potatoes, etc) in the Alatona zone (percent).
Outcome-level results	**Indicator**	**Definition of indicator**
Vehicle Operating Costs (VOCs) are reduced	International Roughness Index (IRI) for the Niono—Goma Coura road.	Weighted index to measure road roughness (correlated with vehicle operating costs) (meters/km).[1]
Transport of people and goods is facilitated	Traffic on the Niono—Goma Coura road	Annual average daily count of vehicles on the Niono—Goma Coura road (AADT) [2] (number/day).
Irrigable land is increased	Land made irrigable by the Project	Total irrigable land in the Alatona zone (ha).
Water for agricultural production is provided	Average water volume delivered at the farm level	Average water volume delivered at the tertiary level during the rainy season in the Alatona zone (m^3/ha).
Irrigation system efficiency is improved	Alatona zone irrigation system efficiency	Water supply at the headworks of Canal de l'Alatona as a share of crop water requirements (percent).

ALATONA IRRIGATION PROJECT INDICATORS AND DEFINITIONS—Continued

[Project objective: Increase the agricultural production and productivity in the Alatona zone of the ON]

Objective-level results	Indicator	Definition of indicator
Family farms are established	5 and 10 ha farms allocated	Total 5 and 10 ha farm plots allocated in the Alatona zone (number).
Land allocated to women is increased	Market garden parcels allocated	Total market garden parcels allocated in the Alatona zone (number).
Land tenure security is increased	Titles granted to Alatona zone households	Titles registered in the land registration office of the Alatona zone (number).[3].
Access to social infrastructure is provided	Student enrollment	Students enrolled in schools established by the Project (number).
Improved agricultural techniques are adopted	Adoption rate of extension techniques	Number of farms adopting at least one new extension technique as a share of all farms receiving technical assistance under the Project (percent).
Access to financial services in the Alatona zone is improved.	Amount of credit extended Active clients of MFIs	Total loan portfolios of financial institutions (MFIs and banks) in the Alatona zone (US$).[4] Active clients of MFIs in the Alatona zone (number).[5]

[1] The International Roughness Index (IRI) is used to define a characteristic of the longitudinal profile of a traveled wheeltrack and constitutes an internationally recognized, standardized roughness measurement. The IRI is an open-ended scale.
[2] AADT: Annual Average Daily Traffic.
[3] Disaggregated by settlers, re-settlers, sex.
[4] Disaggregated by Short-Term (seasonal term) and Medium-Term credit (two- to three-year term).
[5] Disaggregated by sex.

ALATONA PROJECT INDICATORS AND TARGETS

[Project objective: Increase the agricultural production and productivity in the Alatona zone of the ON]

Objective-level indicators	Baseline	Year 5
Main season rice yield (tons/ha)	0	5.
Dry season cropped area in non-cereal crops (percent)	0%	46%.
Outcome-level Indicators	Baseline	Year 5.
International Roughness Index (IRI) for the Niono—Goma Coura road (m/km)	17	2.
Traffic on the Niono—Goma Coura road (number/day)	208	417.
Land made irrigable by the Project (ha, cumulative)	0	16,000.
Average water volume delivered at the farm level (m^3/ha)	N/A	13,000.
Alatona zone irrigation system efficiency (percent)	35%	40%.
5 and 10 ha farms allocated (number, cumulative)	0	1,700.
Market garden parcels allocated (number, cumulative)	0	2,000.
Titles granted to Alatona zone households (number, cumulative)	0	1,200.
Student enrollment (number, cumulative)	0	10,500.
Adoption rate of extension techniques (percent)	0	50%.
Amount of credit extended (million US$)	0	$4.
Active clients of MFIs (number, cumulative)	0	1,050.

(b) Data Collection and Reporting. The M&E Plan shall establish guidelines for data collection and a reporting framework, including a schedule of Program reporting and responsible parties. The Management shall conduct regular assessments of Program performance to inform MCA-Mali and MCC of progress under the Program and to alert these parties to any problems. These assessments will report the actual results compared to the Targets on the Indicators referenced in the Monitoring Component, explain deviations between these actual results and Targets, and in general, serve as a management tool for implementation of the Program. With respect to any data or reports received by MCA-Mali, MCA-Mali shall promptly deliver such reports to MCC along with any other related documents, as specified in the M&E Plan or as may be requested from time to time by MCC.

(c) Data Quality Reviews. As determined in the M&E Plan or as otherwise requested by MCC, the quality of the data gathered through the M&E Plan shall be reviewed to ensure that data reported are as valid, reliable, and timely as resources will allow. The objective of any data quality review will be to verify the quality and the consistency of performance data across different implementation units and reporting institutions. Such data quality reviews also will serve to identify where consistent levels of quality are not possible, given the realities of data collection. The data quality reviewer shall enter into an Auditor/Reviewer Agreement with MCA-Mali in accordance with Annex I.

3. Evaluation Component

The Program shall be evaluated on the extent to which the interventions contribute to the Compact Goal. The Evaluation Component of the M&E Plan shall contain a methodology, process and timeline for collecting and analyzing data in order to assess planned, ongoing, or completed Project Activities to determine their efficiency, effectiveness, impact and sustainability. The evaluations should use rigorous methods for addressing selection bias, as applicable. The Government shall implement, or cause to be implemented, surveys to collect baseline and follow-up data on both Beneficiaries and non-Beneficiaries. The Evaluation

Component shall contain two types of reports: Final Evaluations and Ad Hoc Evaluations, and shall be finalized before any MCC Disbursement or Re-Disbursement for specific Program activities or Project Activities.

(d) Final Evaluation. MCA-Mali, in connection with MCC's request to the Government pursuant to Section 3(h) of Annex I, shall engage an independent evaluator to conduct an evaluation at the expiration or termination of the Compact Term (''*Final Evaluation*''). The Final Evaluation must at a minimum (i) evaluate the efficiency and effectiveness of the Program; (ii) estimate, quantitatively and in a statistically valid way, the causal relationship between the three Projects and the Compact Goal (to the extent possible), the Objectives and Outcomes; (iii) determine if, and analyze the reasons why, the Compact Goal, Objectives and Outcomes were or were not achieved; (iv) identify positive and negative unintended results of the Program; (v) provide lessons learned that may be applied to similar projects; (vi) assess the likelihood that results will be sustained over time; and (vii) any other guidance and direction that will be provided in the M&E Plan. To the extent engaged by MCA-Mali, such independent evaluator shall enter into an Auditor/Reviewer Agreement with MCA-Mali in accordance with Annex I.

(e) Ad Hoc Evaluations. Either MCC or MCA-Mali may request ad hoc or interim evaluations or special studies of Projects, Project Activities, or the Program as a whole prior to the expiration of the Compact Term (each, an ''*Ad Hoc Evaluation*''). If MCA-Mali engages an evaluator for an Ad Hoc Evaluation, the evaluator will be an externally contracted independent source selected by MCA-Mali, subject to the prior written approval of MCC, following a tender in accordance with the Procurement Guidelines, and otherwise in accordance with any relevant Implementation Letter or Supplemental Agreement. If MCA-Mali requires an ad hoc independent evaluation or special study at the request of the Government for any reason, including for the purpose of contesting an MCC determination with respect to a Project or Project Activity or seeking funding from other donors, no MCC Funding or MCA-Mali resources may be applied to such evaluation or special study without MCC's prior written approval.

4. Other Components of the M&E Plan

In addition to the Monitoring Component and the Evaluation Component, the M&E Plan shall include the following components for the Program, Projects and Project Activities, including, where appropriate, roles and responsibilities of the relevant parties and Providers:

(a) Costs. A detailed annual cost estimate for all components of the M&E Plan.

(b) Assumptions and Risks. Any assumptions and risks external to the Program that underlie the accomplishment of the Compact Goal, Objectives, and Outcomes; *provided,* such assumptions and risks shall not excuse performance of the Parties, unless otherwise expressly agreed to in writing by the Parties.

5. Implementation of the M&E Plan

(a) Approval and Implementation. The approval and implementation of the M&E Plan, as amended from time to time, shall be in accordance with the Program Annex, this M&E Annex, the Governing Documents, and any other relevant Supplemental Agreement.

(b) Advisory Councils. The completed portions of the M&E Plan will be presented to each Advisory Council at such Advisory Council's initial meeting, and any amendments or modifications thereto or any additional components of the M&E Plan will be presented to each Advisory Council at appropriate subsequent meetings of such Advisory Council. Each Advisory Council will have opportunity to present its suggestions to the M&E Plan, which the Board shall take into consideration in its review of any amendments to the M&E Plan during the Compact Term.

(c) MCC Disbursement and Re-Disbursement for a Project Activity. As a condition to each MCC Disbursement or Re-Disbursement there shall be satisfactory progress on the M&E Plan for the relevant Project or Project Activity, and substantial compliance with the M&E Plan, including any reporting requirements.

(d) Modifications. Notwithstanding anything to the contrary in the Compact, including the requirements of this M&E Annex, MCC and the Government (or a mutually acceptable Government Affiliate or Permitted Designee) may modify or amend the M&E Plan or any component thereof, including those elements described herein, without amending the Compact; *provided*, any such modification or amendment of the M&E Plan has been approved by MCC in writing and is otherwise consistent with the requirements of this Compact and any relevant Supplemental Agreement between the Parties.

[FR Doc. E8–22431 Filed 9–23–08; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (08–065)]

NASA Advisory Council; meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council. The agenda for the meeting includes updates from each of the Council committees, including discussion and deliberation of potential recommendations. The Council Committees address NASA interests in the following areas: Aeronautics, Audit and Finance, Space Exploration, Human Capital, Science, and Space Operations.

DATES: Thursday, October 16, 2008, 8 a.m. to 4 p.m.

ADDRESSES: Sea Oats Room, Hilton Cocoa Beach, 1550 North Atlantic Avenue, Cocoa Beach, FL 32931.

FOR FURTHER INFORMATION CONTACT: Mr. Paul A. Iademarco, Designated Federal Official, National Aeronautics and Space Administration, Washington, DC 20546, 202–358–1318.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Dated: September 17, 2008.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. E8–22320 Filed 9–23–08; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (08–066)]

National Space-Based Positioning, Navigation and Timing (PNT) Advisory Board; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the National Space-Based Positioning, Navigation

and Timing (PNT) Advisory Board. The agenda for the meeting includes updates from each of the three PNT Panels (Leadership, Strategic Engagement and Communication, Future Challenges), including discussion and deliberation of potential recommendations. The PNT Advisory Board will address U.S. Government interests in the following areas:

- Update on Implementation of the President's 2004 U.S. Space-Based Positioning, Navigation and Timing (PNT) Policy.
- Overview of National Space-Based PNT Executive Committee, and National Space-Based PNT Coordination Office.
- Status Update on Global Positioning System (GPS) Constellation and Modernization Plans.
- Maintaining U.S. GPS Technological Leadership and Competitiveness.
- Promoting and Branding Current and Future PNT Capabilities to the U.S. and International Communities.
- Global Technical and Market Trends for PNT Services.
- Future Areas of Study and Administration Transition.

DATES: Thursday, October 16, 2008, 9 a.m.–5 p.m.; Friday October 17, 2008, 9 a.m.–1 p.m.

ADDRESSES: Hilton Arlington, 901 North Stafford Street, Arlington, VA 22203. Phone: 703–528–6000.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Miller, Space Operations Mission Directorate, National Aeronautics and Space Administration, Washington, DC 20546. Phone 202–358–4417.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Dated: September 18, 2008.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. E8–22491 Filed 9–23–08; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that one meeting of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference from the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506 as follows (ending time is approximate):

National Initiatives (application review): October 14, 2008. This meeting, from 2 p.m. to 3 p.m., will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 28, 2008, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: September 19, 2008.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. E8–22365 Filed 9–23–08; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–334 and 50–412]

Beaver Valley Power Station, Units 1 and 2; Notice of Availability of the Draft Supplement 36 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, and Public Meeting for the License Renewal of the Beaver Valley Power Station, Units 1 and 2

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC, Commission) has published a draft plant-specific supplement to the ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS),'' NUREG–1437, regarding the renewal of operating licenses DPR–66 and NPF–73 for an additional 20 years of operation for the Beaver Valley Power Station, Units 1 and 2, which is located in Shippingport, PA, about 25 miles northwest of Pittsburgh, PA. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

The draft Supplement 36 to the GEIS is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at *http://adamswebsearch.nrc.gov/dologin.htm*. The Accession Number for the draft Supplement 36 to the GEIS is ML082600147. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR reference staff by telephone at 1–800–397–4209, or 301–415–4737, or by e-mail at *pdr.resource@nrc.gov*. In addition, two libraries have agreed to make the draft Supplement 36 to the GEIS available for public inspection: Beaver Area Memorial Library,100 College Ave., Beaver, PA 15009–2704 (telephone 724–775–1132), and Beaver County Library System, 1 Campus Drive, Monaca, PA 15061 (telephone 724–728–3737).

Any interested party may submit comments on the draft supplement to the GEIS for consideration by the NRC staff. To be considered, comments on the draft supplement to the GEIS and the proposed action must be received by December 17, 2008; the NRC staff is able to ensure consideration only for comments received on or before this date. Comments received after the due date will be considered only if it is practical to do so. Written comments on the draft Supplement 36 to the GEIS should be sent to: Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, Mailstop T–6D59, U.S. Nuclear Regulatory Commission, Washington, DC., 20555–0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Room T–6D59, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays. Electronic comments may be submitted to the NRC by e-mail at *BeaverValleyEIS@nrc.gov*. All comments received by the Commission, including those made by Federal, State, local agencies, Native American Tribes, or other interested persons, will be made available electronically at the Commission's PDR in Rockville, Maryland, and through ADAMS.

The NRC staff will hold a public meeting to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document. The public meeting will be held on October 30, 2008, at the Embassy Suites Pittsburgh-International Airport, 550 Cherrington Parkway,

Pittsburgh, Pennsylvania 15108. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. Both meetings will be transcribed and will include: (1) A presentation of the contents of the draft plant-specific supplement to the GEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No comments on the draft Supplement 36 to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing. Persons may pre-register to attend or present oral comments at the meeting by contacting Mr. Sayoc, the NRC Project Manager at 1–800–368–5642, extension 1924, or by e-mail at *BeaverValleyEIS@nrc.gov*, no later than October 27, 2008. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual, oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Sayoc's attention no later than October 16, 2008, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

For Further Information Contact: Mr. Sayoc, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Mail Stop O–11F1, Washington, DC, 20555–0001. Mr. Sayoc may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 19th day of September 2008.

For the Nuclear Regulatory Commission.

Rani L. Franovich,

Branch Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. E8–22362 Filed 9–23–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–410]

Nine Mile Point Nuclear Station, LLC, Nine Mile Point Nuclear Station, Unit No. 2; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–69 issued to Nine Mile Point Nuclear Station, LLC (NMPNS, or the licensee) for operation of the Nine Mile Point Nuclear Station, Unit No. 2 located in Oswego, New York.

The proposed amendment would modify Technical Specification (TS) 3.7.3, ''Control Room Envelope Air Conditioning (AC) System,'' by adding an Action Statement to the Limiting Conditions for Operation. The new Action Statement allows a finite time to restore one control room envelope AC subsystem to operable status and requires verification that the control room temperature remains < 90 °F every 4 hours. In its application dated July 30, 2007, the licensee submitted its proposed changes as being applicable to the model Nuclear Regulatory Commission (NRC)-approved TS Task Force (TSTF) TSTF–477, Revision 3, ''Adding an Action Statement for Two Inoperable Control Room Air Conditioning Subsystems.'' The availability of this TS improvement was published in the **Federal Register** on March 26, 2007 (72 FR 14143), as part of the consolidated line item improvement process. By letter dated September 8, 2008, the licensee provided administrative changes to its proposed TSs and a supplemental No Significant Hazards Consideration determination as shown below.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes administratively revise the wording of TS 3.7.3, ''Control Room Air Conditioning (AC) System,'' and do not change Actions or associated Completion Times currently included in the TS (as modified by TSTF–477–A). They do not impact any accident initiators, the ability to mitigate previously evaluated accidents, or the assumptions used in evaluating the radiological consequences of previously evaluated accidents. The proposed changes do not involve the addition or removal of any equipment, or any design changes to the facility.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes administratively revise the wording of TS 3.7.3, ''Control Room Air Conditioning (AC) System,'' and do not change Actions or associated Completion Times currently included in the TS (as modified by TSTF–477–A). They do not involve a modification to the physical configuration of the plant (*i.e.*, no new equipment will be installed) or involve a change in the methods governing normal plant operation. The proposed changes will not impose any new or different requirements or introduce a new accident initiator, accident precursor, or failure mechanism.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed TS changes are administrative in nature. They do not involve a modification to the physical configuration of the plant (*i.e.*, no new equipment will be installed) or change the methods governing normal plant operation. The proposed changes do not modify the safety limits or setpoints at which protective actions are initiated, and do not change the requirements governing operation or availability of safety equipment assumed to operate to preserve margins of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the person(s) may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person(s) whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request via electronic submission through the NRC E-filing system for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the Internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the petitioner/ requestor must contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov*, or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the

participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/ requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html*. Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/ petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/ehd_proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, Participants are requested not to include copyrighted materials in their submissions.

For further details with respect to this license amendment application, see the application for amendment dated July 30, 2007, as supplemented by letters dated April 7 and September 8, 2008, which are available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov*.

Dated at Rockville, Maryland, this 17th day of September 2008.

For the Nuclear Regulatory Commission.

Richard V. Guzman,

Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E8–22360 Filed 9–23–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–247 and 50–286, License Nos. DPR–26 and DPR–64]

Entergy Nuclear Operations, Inc., Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3); Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated March 30, 2008, Mr. Sherwood Martinelli has requested that the NRC (1) ''* * * suspend the license for IP2 and IP3 reactors located in Buchanan, NY owned by Entergy until they are fully in compliance with all 10 CFR Rules and Regulations, as well as other local, state and federal laws and regulations, and have eliminated the environmental risks that have contributed to, and/or caused my wife's breast cancer,'' and (2) ''* * * halt the License Renewal Process.''

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). The Petitioner participated in a conference call with the NRR Petition Review Board (PRB) on August 14, 2008, to discuss the petition. The additional information provided by the Petitioner was considered by the PRB before making its final recommendation. By letter dated September 15th, 2008, the Director accepted for review, pursuant to 10 CFR 2.206, the Petitioner's concerns regarding the licensee's failure

to implement the new emergency notification siren system in a timely manner. The Director also informed the Petitioner that the siren issues in this petition would be combined with the Petitioner's earlier petition on the new siren system, dated September 28, 2007. The earlier petition was noticed in the **Federal Register** on February 25, 2008 (73 FR 10068). The Director informed the Petitioner that his issues on groundwater contamination were considered by the NRC in response to an earlier petition by the Petitioner. A Final Director's Decision was issued on August 14, 2008, and noticed in the **Federal Register** on August 21, 2008 (73 FR 49495). The NRC found that the licensee was in compliance with the pertinent NRC regulatory requirements on the release of radioactive isotopes and that public health and safety have not been, nor are likely to be, adversely affected.

As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time.

A copy of the petition and the transcript of the conference call with the PRB can be located at Agencywide Documents Access and Management Systems Accession Nos. ML080950265 and ML082330375, respectively, and are available for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

Dated at Rockville, Maryland, this 15th day of September 2008.

For the Nuclear Regulatory Commission.

Eric J. Leeds,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. E8–22356 Filed 9–23–08; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Draft 2008 Report to Congress on the Benefits and Costs of Federal Regulations

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of availability and request for comments.

SUMMARY: The Office of Management and Budget (OMB) requests comments on its Draft 2008 Report to Congress on the Benefits and Costs of Federal Regulation. The full Draft Report is available at *http://www.whitehouse.gov/omb/inforeg/regpol-reports_congress.html*, and is divided into four chapters. Chapter I examines the benefits and costs of major Federal regulations issued in fiscal year 2007 and summarizes the benefits and costs of major regulations issued between September 1997 and 2007. It also discusses regulatory impacts on State, local, and tribal governments, small business, wages, and economic growth. Chapter II examines trends in regulation since OMB began to compile benefit and cost estimates records in 1981. Chapter III provides an update on implementation of the Information Quality Act, and Chapter IV summarizes agency compliance with the Unfunded Mandates Reform Act.

DATES: To ensure consideration of comments as OMB prepares this Draft Report for submission to Congress, comments must be in writing and received by 45 days after publication.

ADDRESSES: Submit comments by one of the following methods:

- *http://www.regulations.gov:* Direct comments to Docket ID OMB–2008–0014
- *E-mail: OIRA_BC_RPT@omb.eop.gov*
- *Fax:* (202) 395–7285
- *Mail:* Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Darcel D. Gayle, NEOB, Room 10202, 725 17th Street, NW., Washington, DC 20503. We are still experiencing delays in the regular mail, including first class and express mail. To ensure that your comments are received, we recommend that comments on this draft report be electronically submitted.

All comments submitted in response to this notice will be made available to the public, including by posting them on OMB's Web site. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means OMB 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 OMB, 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.

FOR FURTHER INFORMATION CONTACT: Darcel D. Gayle, Office of Information and Regulatory Affairs, Office of Management and Budget, NEOB, Room 10202, 725 17th Street, NW., Washington, DC 20503. Telephone: (202) 395–3084.

SUPPLEMENTARY INFORMATION: Congress directed the Office of Management and Budget (OMB) to prepare an annual Report to Congress on the Costs and Benefits of Federal Regulations. Specifically, Section 624 of the FY 2001 Treasury and General Government Appropriations Act, also known as the ''Regulatory Right-to-Know Act'' (the Act), requires OMB to submit a report on the costs and benefits of Federal regulations together with recommendation for reform. The Act states that the report should contain estimates of the costs and benefits of regulations in the aggregate, by agency and agency program, and by major rule, as well as an analysis of impacts of Federal regulation on State, local, and tribal governments, small businesses, wages, and economic growth. The Act also states that the report should go through notice and comment and peer review.

Susan E. Dudley,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. E8–22324 Filed 9–23–08; 8:45 am]

BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 58592]

Emergency Order Pursuant to Section 12(K)(2) of the Securities Exchange Act of 1934 Taking Temporary Action To Respond to Market Developments

September 18, 2008.

The Commission is aware of the continued potential of sudden and excessive fluctuations of securities prices and disruption in the functioning of the securities markets that could threaten fair and orderly markets. In our recent publication of an emergency order under Section 12(k) of the Exchange Act (the ''Act''),[1] for example, we were concerned about the possible unnecessary or artificial price movements based on unfounded rumors regarding the stability of financial institutions and other issuers exacerbated by ''naked'' short selling. Our concerns, however, are no longer limited to just the financial institutions that were the subject of the July Emergency Order. Recent market conditions have made us concerned that short selling in the securities of a wider range of financial institutions may be

[1] *See* Exchange Act Release No. 58166 (July 15, 2008). *See also* Exchange Act Release No. 58190 (July 18, 2008) (''Amended July Emergency Order''). *See also* Exchange Act Release No. 58572 (September 17, 2008).

causing sudden and excessive fluctuations of the prices of such securities in such a manner so as to threaten fair and orderly markets.

Given the importance of confidence in our financial markets as a whole, we have become concerned about recent sudden declines in the prices of a wide range of securities. Such price declines can give rise to questions about the underlying financial condition of an issuer, which in turn can create a crisis of confidence, without a fundamental underlying basis. This crisis of confidence can impair the liquidity and ultimate viability of an issuer, with potentially broad market consequences. Our concerns are no longer limited to the financial institutions that were the subject of the July Emergency Order.

As a result of these recent developments, the Commission has concluded that there continues to exist the potential of sudden and excessive fluctuations of securities prices generally and disruption in the functioning of the securities markets that could threaten fair and orderly markets. Based on this conclusion, the Commission is exercising its powers under Section 12(k)(2) of the Act.[2] Pursuant to Section 12(k)(2), in appropriate circumstances the Commission may issue summarily an order to alter, supplement, suspend, or impose requirements or restrictions with respect to matters or actions subject to regulation by the Commission if the Commission determines such an order is necessary in the public interest and for the protection of investors to maintain or restore fair and orderly securities markets.

In these unusual and extraordinary circumstances, we have concluded that, to prevent substantial disruption in the securities markets, temporarily prohibiting any person from effecting a short sale in the publicly traded securities of certain financial firms, which entities are identified in Appendix A (''Included Financial Firms''), is in the public interest and for the protection of investors to maintain or restore fair and orderly securities markets.

This emergency action should prevent short selling from being used to drive down the share prices of issuers even where there is no fundamental basis for a price decline other than general market conditions.

It is ordered that, pursuant to our Section 12(k)(2) powers, all persons are prohibited from short selling[3] any publicly traded securities of any Included Financial Firm.

Similar to the Amended July Emergency Order, we are providing a limited exception for certain bona fide market makers. We believe this narrow exception is necessary because such market makers may need to facilitate customer orders in a fast moving market without possible delays associated with complying with the requirements of this Order.

It is therefore ordered that, pursuant to our Section 12(k)(2) powers, the following entities are excepted from the requirements of the Order: Registered market makers, block positioners, or other market makers obligated to quote in the over-the-counter market, in each case that are selling short a publicly traded security of an Included Financial Firm as part of bona fide market making in such security.

In addition, we are providing an exception to allow short sales that occur as a result of automatic exercise or assignment of an equity option held prior to effectiveness of this Order due to expiration of the option.

It is therefore ordered that, pursuant to our Section 12(k)(2) powers, the requirements of this Order shall not apply to any person that effects a short sale in any publicly traded security of any Included Financial Firm as a result of automatic exercise or assignment of an equity option held prior to effectiveness of this Order due to expiration of the option.

Finally, to facilitate the expiration of options on September 20th, options market makers are excepted from the requirements of this Order until 11:59 p.m. on September 19th when selling short as part of bona fide market making and hedging activities related directly to bona fide market making in derivatives on the publicly traded securities of any Included Financial Firm.

It is therefore ordered that, pursuant to our Section 12(k)(2) powers, the requirements of this Order shall not apply, until 11:59 p.m. on September 19, 2008, to any person that is a market maker that effects a short sale as part of a bona fide market making and hedging activity related directly to bona fide market making in derivatives on the publicly traded securities of any Included Financial Firm.

This Order shall be effective immediately and shall terminate at 11:59 p.m. EDT on October 2, 2008, unless further extended by the Commission.

By the Commission.

J. Lynn Taylor,

Assistant Secretary.

Appendix A

This list, prepared on a best efforts basis, includes banks, insurance companies, and securities firms identified by SICs 6000, 6011, 6020–22, 6025, 6030, 6035–36, 6111, 6140, 6144, 6200, 6210–11, 6231, 6282, 6305, 6310–11, 6320–21, 6324, 6330–31, 6350–51, 6360–61, 6712, and 6719.

AAME ATLANTIC AMERICAN CORP
AANB ABIGAIL ADAMS NATL BANCORP INC
ABBC ABINGTON BANCORP INC PA
ABCB AMERIS BANCORP
ABCW ANCHOR BANCORP WISCONSIN INC
ABK AMBAC FINANCIAL GROUP INC
ABNJ AMERICAN BANCORP OF NJ INC
ABVA ALLIANCE BANKSHARES CORP
ACAP AMERICAN PHYSICIANS CAPITAL INC
ACBA AMERICAN COMMUNITY BNCSHRS INC
ACE ACE LTD
ACFC ATLANTIC COAST FED CORP
ACGL ARCH CAPITAL GROUP LTD NEW
ADVNA ADVANTA CORP
ADVNB ADVANTA CORP
AEG AEGON N V
AEL AMERICAN EQUITY INVT LIFE HLDG C
AET AETNA INC NEW
AF ASTORIA FINANCIAL CORP
AFFM AFFIRMATIVE INSURANCE HLDGS INC
AFG AMERICAN FINANCIAL GROUP INC NEW
AFL A F L A C INC
AGII ARGO GROUP INTL HLDGS LTD
AGO ASSURED GUARANTY LTD
AGP AMERIGROUP CORP
AGX ARGAN INC
AHD ATLAS PIPELINE HOLDINGS L P
AHL ASPEN INSURANCE HOLDINGS LTD
AIB ALLIED IRISH BANKS PLC
AIG AMERICAN INTERNATIONAL GROUP INC
AINV APOLLO INVESTMENT CORP
AIZ ASSURANT INC
ALL ALLSTATE CORP
ALLB ALLIANCE BANCORP INC PA
ALNC ALLIANCE FINANCIAL CORP NY
AMCP AMCOMP INC NEW
AMFI AMCORE FINANCIAL INC
AMG AFFILIATED MANAGERS GROUP INC
AMIC AMERICAN INDEPENDENCE CORP
AMNB AMERICAN NATIONAL BANKSHARES INC
AMP AMERIPRISE FINANCIAL INC
AMPH AMERICAN PHYSICIANS SVC GROUP
AMRB AMERICAN RIVER BANKSHARES
AMSF AMERISAFE INC
AMTD T D AMERITRADE HOLDING CORP
ANAT AMERICAN NATIONAL INS CO
ANNB ANNAPOLIS BANCORP INC
AOC AON CORP
APAB APPALACHIAN BANCSHARES INC
AROW ARROW FINANCIAL CORP

[2] This finding of an ''emergency'' is solely for purposes of Section 12(k)(2) of the Exchange Act and is not intended to have any other effect or meaning or to confer any right or impose any obligation other than set forth in this Order.

[3] The definition of ''short sale'' shall be the same definition used in Rule 200(a) of Regulation SHO and the requirements for marking orders ''long'' or ''short'' shall be the same as provided in Regulation SHO.

ASBI AMERIANA BANCORP
ASFI ASTA FUNDING INC
ASFN ATLANTIC SOUTHERN FINL GROUP INC
ASRV AMERISERV FINANCIAL INC
ATBC ATLANTIC BANCGROUP INC
ATLO AMES NATL CORP
AUBN AUBURN NATIONAL BANCORP
AWBC AMERICAN WEST BANCORPORATION
AWH ALLIED WORLD ASSUR CO HLDGS LTD
AXA A X A UAP
AXG ATLAS ACQUISITION HOLDINGS CORP
AXS AXIS CAPITAL HOLDINGS LTD
BAC BANK OF AMERICA CORP
BANF BANCFIRST CORP
BANR BANNER CORP
BARI BANCORP RHODE ISLAND INC
BAYN BAY NATIONAL CORP
BBNK BRIDGE CAPITAL HOLDINGS
BBT B B & T CORP
BBX BANKATLANTIC BANCORP INC
BCA CORPBANCA
BCAR BANK OF THE CAROLINAS CORP
BCBP B C B BANCORP INC
BCP BROOKE CAPITAL CORP
BCS BARCLAYS PLC
BCSB B C S B BANCORP INC
BDGE BRIDGE BANCORP INC
BEN FRANKLIN RESOURCES INC
BERK BERKSHIRE BANCORP INC DEL
BFF B F C FINANCIAL CORP
BFIN BANKFINACIAL CORP
BFNB BEACH FIRST NATL BANCSHARES INC
BHB BAR HARBOR BANKSHARES
BHBC BEVERLY HILLS BANCORP INC
BHLB BERKSHIRE HILLS BANCORP INC
BK BANK OF NEW YORK MELLON CORP
BKBK BRITTON & KOONTZ CAPITAL CORP
BKMU BANK MUTUAL CORP NEW
BKOR OAK RIDGE FINANCIAL SERVICES INC
BKSC BANK SOUTH CAROLINA CORP
BKUNA BANKUNITED FINANCIAL CORP
BLX BANCO LATINOAMERICANO DE EXP SA
BMRC BANK OF MARIN BANCORP
BMTC BRYN MAWR BANK CORP
BNCL BENEFICIAL MUTUAL BANCORP INC
BNCN B N C BANCORP
BNS BANK OF NOVA SCOTIA
BNV BEVERLY NATIONAL CORP
BOCH BANK OF COMMERCE HOLDINGS
BOFI B OF I HOLDING INC
BOFL BANK OF FLORIDA CORP NAPLES
BOH BANK OF HAWAII CORP
BOKF B O K FINANCIAL CORP
BOMK BANK MCKENNEY VA
BOVA BANK OF VIRGINIA
BPFH BOSTON PRIVATE FINL HLDS INC
BPSG BROADPOINT SECURITIES GROUP INC
BRK BERKSHIRE HATHAWAY INC DEL
BRK BERKSHIRE HATHAWAY INC DEL
BRKL BROOKLINE BANCORP INC
BSRR SIERRA BANCORP
BTFG BANCTRUST FINANCIAL GROUP INC
BUSE FIRST BUSEY CORP
BWINA BALDWIN & LYONS INC
BWINB BALDWIN & LYONS INC
BX BLACKSTONE GROUP L P
BXS BANCORPSOUTH INC
BYFC BROADWAY FINANCIAL CORP DEL
C CITIGROUP INC
CAC CAMDEN NATIONAL CORP
CACB CASCADE BANCORP
CADE CADENCE FINANCIAL CORP
CAFI CAMCO FINANCIAL CORP
CAPB CAPITALSOUTH BANCORP
CAPE CAPE FEAR BANK CORP
CART CAROLINA TRUST BANK
CARV CARVER BANCORP INC
CASB CASCADE FINANCIAL CORP
CASH META FINANCIAL GROUP INC
CATY CATHAY GENERAL BANCORP
CB CHUBB CORP
CBAN COLONY BANKCORP INC
CBBO COLUMBIA BANCORP ORE
CBC CAPITOL BANCORP LTD
CBIN COMMUNITY BANK SHRS INDIANA INC
CBKN CAPITAL BANK CORP NEW
CBNK CHICOPEE BANCORP INC
CBON COMMUNITY BANCORP
CBU COMMUNITY BANK SYSTEM INC
CCBD COMMUNITY CENTRAL BANK CORP
CCBG CAPITAL CITY BANK GROUP
CCBP COMM BANCORP INC
CCFH C C F HOLDING COMPANY
CCNE C N B FINANCIAL CORP PA
CCOW CAPITAL CORP OF THE WEST
CEBK CENTRAL BANCORP INC
CFBK CENTRAL FEDERAL CORP
CFFC COMMUNITY FINANCIAL CORP
CFFI C & F FINANCIAL CORP
CFFN CAPITOL FEDERAL FINANCIAL
CFNL CARDINAL FINANCIAL CORP
CFR CULLEN FROST BANKERS INC
CHCO CITY HOLDING CO
CHEV CHEVIOT FINANCIAL CORP
CHFC CHEMICAL FINANCIAL CORP
CI C I G N A CORP
CIA CITIZENS INC
CINF CINCINNATI FINANCIAL CORP
CITZ C F S BANCORP INC
CIZN CITIZENS HOLDING CO
CJBK CENTRAL JERSEY BANCORP
CLBH CAROLINA BANK HOLDINGS INC
CLFC CENTER FINANCIAL CORP
CLMS CALAMOS ASSET MANAGEMENT INC
CMA COMERICA INC
CME C M E GROUP INC
CMFB COMMERCEFIRST BANCORP INC
CMGI C M G I INC
CMSB C M S BANCORP INC
CNA C N A FINANCIAL CORP
CNAF COMMERCIAL NATIONAL FINL CORP
CNB COLONIAL BANCGROUP INC
CNBC CENTER BANCORP INC
CNBKA CENTURY BANCORP INC
CNC CENTENE CORP DEL
CNLA COMMUNITY NATL BANK LAKEWAY AREA
CNO CONSECO INC
CNS COHEN & STEERS INC
COBH PENNSYLVANIA COMMERCE BANCORP IN
COBZ COBIZ FINANCIAL INC
COLB COLUMBIA BANKING SYSTEM INC
COOP COOPERATIVE BANCSHARES INC
CORS CORUS BANKSHARES INC
COWN COWEN GROUP INC
CPBC COMMUNITY PARTNERS BANCORP
CPBK COMMUNITY CAPITAL CORP
CPF CENTRAL PACIFIC FINANCIAL CORP
CPHL CASTLEPOINT HOLDINGS LTD
CRBC CITIZENS REPUBLIC BANCORP INC
CRFN CRESCENT FINANCIAL CORP
CRMH C R M HOLDINGS LTD
CRRB CARROLLTON BANCORP
CRVL CORVEL CORP
CSBC CITIZENS SOUTH BANKING CORP DEL
CSBK CLIFTON SAVINGS BANCORP INC
CSFL CENTERSTATE BANKS OF FLORIDA INC
CSHB COMMUNITY SHORES BANK CORP
CSNT CRESCENT BANKING CO
CTBC CONNECTICUT BANK & TRUST CO
CTBI COMMUNITY TRUST BANCORP INC
CTBK CITYBANK LYNNWOOD WASHINGTON
CTZN CITIZENS FIRST BANCORP INC
CVBF C V B FINANCIAL CORP
CVBK CENTRAL VIRGINIA BANKSHARES INC
CVCY CENTRAL VALLEY COMM BANCORP
CVH COVENTRY HEALTH CARE INC
CVLL COMMUNITY VALLEY BANCORP
CVLY CODORUS VALLEY BANCORP INC
CWBC COMMUNITY WEST BANCSHARES
CWBS COMMONWEALTH BANKSHARES INC
CWLZ COWLITZ BANCORPORATION
CZFC CITIZENS FIRST CORP
CZWI CITIZENS CMNTY BANCORP INC MD
DB DEUTSCHE BANK AG
DCOM DIME COMMUNITY BANCSHARES
DEAR DEARBORN BANCORP INC
DFG DELPHI FINANCIAL GROUP INC
DGICA DONEGAL GROUP INC
DGICB DONEGAL GROUP INC
DHIL DIAMOND HILL INVESTMENT GRP INC
DLLR DOLLAR FINANCIAL CORP
DR DARWIN PROFESSIONAL UNDERWRITERS
DSL DOWNEY FINANCIAL CORP
DUF DUFF & PHELPS CORP NEW
EBSB MERIDIAN INTERSTATE BANCORP INC
EBTX ENCORE BANCSHRES INC
ECBE E C B BANCORP INC
EGBN EAGLE BANCORP INC
EIHI EASTERN INSURANCE HOLDINGS INC
EII ENERGY INFRASTRUCTURE ACQUI CORP
EMCI E M C INSURANCE GROUP INC
EMITF ELBIT IMAGING LTD
ENH ENDURANCE SPECIALTY HOLDINGS LTD
ESBF E S B FINANCIAL CORP
ESBK ELMIRA SAVINGS BANK FSB NY
ESGR ENSTAR GROUP LTD
ETFC E TRADE FINANCIAL CORP
EV EATON VANCE CORP
EVBN EVANS BANCORP INC
EVBS EASTERN VIRGINIA BANKSHARES INC
EVR EVERCORE PARTNERS INC
EWBC EAST WEST BANCORP INC
FABK FIRST ADVANTAGE BANCORP
FAC FIRST ACCEPTANCE CORP
FAF FIRST AMERICAN CORP CALIF
FBC FLAGSTAR BANCORP INC
FBCM F B R CAPITAL MARKETS CORP

FBIZ FIRST BUSINESS FINL SVCS INC
FBMI FIRSTBANK CORP
FBMS FIRST BANCSHARES INC MS
FBNC FIRST BANCORP NC
FBP FIRST BANCORP P R
FBSI FIRST BANCSHARES INC MO
FBSS FAUQUIER BANKSHARES INC
FBTC FIRST BANCTRUST
FCAL FIRST CALIFORNIA FINL GROUP INC
FCAP FIRST CAPITAL INC
FCBC FIRST COMMUNITY BANCSHARES INC
FCCO FIRST COMMUNITY CORP SC
FCCY 1ST CONSTITUTION BANCORP
FCFL FIRST COMMUNITY BANK CORP AMER
FCNCA FIRST CITIZENS BANCSHARES INC NC
FCVA FIRST CAPITAL BANCORP INC VA
FCZA FIRST CITIZENS BANC CORP
FDEF FIRST DEFIANCE FINANCIAL CORP
FDT FEDERAL TRUST CORP
FED FIRSTFED FINANCIAL CORP
FFBC FIRST FINANCIAL BANCORP OHIO
FFBH FIRST FEDERAL BANCSHARES ARK INC
FFCH FIRST FINANCIAL HOLDINGS INC
FFCO FEDFIRST FINANCIAL CORP
FFDF F F D FINANCIAL CORP
FFFD NORTH CENTRAL BANCSHARES INC
FFG F B L FINANCIAL GROUP INC
FFH FAIRFAX FINL HOLDINGS LTD
FFHS FIRST FRANKLIN CORP
FFIC FLUSHING FINANCIAL CORP
FFIN FIRST FINANCIAL BANKSHARES INC
FFKT FARMERS CAPITAL BANK CORP
FFKY FIRST FINANCIAL SERVICE CORP
FFNM FIRST FED NORTHN MI BANCORP INC
FFNW FIRST FINANCIAL NORTHWEST INC
FFSX FIRST FEDERAL BANKSHARES INC DEL
FHN FIRST HORIZON NATIONAL CORP
FIFG 1ST INDEPENDENCE FNL GROUP INC
FIG FORTRESS INVESTMENT GROUP L L C
FII FEDERATED INVESTORS INC PA
FISI FINANCIAL INSTITUTIONS INC
FKFS FIRST KEYSTONE FINANCIAL INC
FLIC FIRST LONG ISLAND CORP
FMAR FIRST MARINER BANCORP
FMBI FIRST MIDWEST BANCORP DE
FMER FIRSTMERIT CORP
FMFC FIRST M & F CORP
FNB F N B CORP PA
FNBN F N B UNITED CORP
FNFG FIRST NIAGARA FINL GROUP INC NEW
FNLC FIRST BANCORP INC ME
FNM FEDERAL NATIONAL MORTGAGE ASSN
FNSC FIRST NATIONAL BANCSHARES INC SC
FPBI F P B BANCORP INC
FPBN 1ST PACIFIC BANCORP CA
FPFC FIRST PLACE FINANCIAL CORP NM
FPIC F P I C INSURANCE GROUP INC
FPTB FIRST PACTRUST BANCORP INC
FRBK REPUBLIC FIRST BANCORP INC
FRE FEDERAL HOME LOAN MORTGAGE CORP
FRGB FIRST REGIONAL BANCORP
FRME FIRST MERCHANTS CORP
FSBI FIDELITY BANCORP INC
FSBK FIRST SOUTH BANCORP INC
FSGI FIRST SECURITY GROUP INC
FSNM FIRST STATE BANCORPORATION
FTBK FRONTIER FINANCIAL CORP
FULT FULTON FINANCIAL CORP PA
FUNC FIRST UNITED CORP
FWV FIRST WEST VIRGINIA BANCORP INC
FXCB FOX CHASE BANCORP INC
GABC GERMAN AMERICAN BANCORP INC
GAN GAINSCO INC
GBCI GLACIER BANCORP INC NEW
GBH GREEN BUILDERS INC
GBL GAMCO INVESTORS INC
GBNK GUARANTY BANCORP
GBTS GATEWAY FINANCIAL HLDGS INC
GCA GLOBAL CASH ACCESS HOLDINGS INC
GFED GUARANTY FEDERAL BANCSHARES INC
GFIG G F I GROUP INC
GFLB GREAT FLORIDA BANK
GGAL GRUPO FINANCIERO GALICIA S A
GHL GREENHILL & CO INC
GIW WILBER CORP
GLBZ GLEN BURNIE BANCORP
GLRE GREENLIGHT CAPITAL RE LTD
GNW GENWORTH FINANCIAL INC
GOV GOUVERNEUR BANCORP INC
GRAN BANK GRANITE CORP
GRNB GREEN BANKSHARES INC
GROW U S GLOBAL INVESTORS INC
GS GOLDMAN SACHS GROUP INC
GSBC GREAT SOUTHERN BANCORP INC
GSLA G S FINANCIAL CORP
GTS TRIPLE S MANAGEMENT CORP
HABC HABERSHAM BANCORP INC
HAFC HANMI FINANCIAL CORP
HALL HALLMARK FINANCIAL SERVICES INC
HARL HARLEYSVILLE SAVINGS FINAN CORP
HAXS HEALTHAXIS INC
HBAN HUNTINGTON BANCSHARES INC
HBHC HANCOCK HOLDING CO
HBNK HAMPDEN BANCORP INC
HBOS HERITAGE FINANCIAL GROUP
HCBK HUDSON CITY BANCORP INC
HCC H C C INSURANCE HOLDINGS INC
HEOP HERITAGE OAKS BANCORP
HFBC HOPFED BANCORP INC
HFFC H F FINANCIAL CORP
HFWA HERITAGE FINANCIAL CORP WA
HGIC HARLEYSVILLE GROUP INC
HIFS HINGHAM INSTITUTION FOR SVGS MA
HMN HORACE MANN EDUCATORS CORP NEW
HMNF H M N FINANCIAL INC
HMPR HAMPTON ROADS BANKSHARES INC
HNBC HARLEYSVILLE NATIONAL CORP PA
HNT HEALTH NET INC
HOMB HOME BANCSHARES INC
HOME HOME FEDERAL BANCORP INC MD
HRZB HORIZON FINANCIAL CORP WASH
HS HEALTHSPRING INC
HTBK HERITAGE COMMERCE CORP
HTH HILLTOP HOLDINGS INC
HTLF HEARTLAND FINANCIAL USA INC
HUM HUMANA INC
HWBK HAWTHORN BANCSHARES INC
HWFG HARRINGTON WEST FINANCIAL GRP IN
IAAC INTERNATIONAL ASSETS HLDG CORP
IBCA INTERVEST BANCSHARES CORP
IBCP INDEPENDENT BANK CORP MICH
IBKC IBERIABANK CORP
IBKR INTERACTIVE BROKERS GROUP INC
IBNK INTEGRA BANK CORP
IBOC INTERNATIONAL BANCSHARES CORP
ICE INTERCONTINENTAL EXCHANGE INC
ICH INVESTORS CAPITAL HOLDINGS LTD
IFC IRWIN FINANCIAL CORP
IFSB INDEPENDENCE FEDERAL SAVINGS BK
IHC INDEPENDENCE HOLDING CO NEW
IMP IMPERIAL CAPITAL BANCORP INC
INCB INDIANA COMMUNITY BANCORP
INDB INDEPENDENT BANK CORP MA
ING I N G GROUP N V
IPCC INFINITY PROPERTY & CASUALTY COR
IPCR I P C HOLDINGS LTD
IRE IRELAND BANK
ITC I T C HOLDINGS CORP
ITG INVESTMENT TECHNOLOGY GP INC NEW
ITIC INVESTORS TITLE CO
JAXB JACKSONVILLE BANCORP INC FL
JEF JEFFERIES GROUP INC NEW
JFBC JEFFERSONVILLE BANCORP
JFBI JEFFERSON BANCSHARES INC TENN
JLI JESUP & LAMONT INC
JMP J M P GROUP INC
JNS JANUS CAP GROUP INC
JPM JPMORGAN CHASE & CO
JXSB JACKSONVILLE BANCORP INC
KCLI KANSAS CITY LIFE INS CO
KENT KENT FINANCIAL SERVICES INC
KEY KEYCORP NEW
KFED K FED BANCORP
KFFB KENTUCKY FIRST FEDERAL BANCORP
KFS KINGSWAY FINANCIAL SERVICES INC
KRNY KEARNY FINANCIAL CORP
L LOEWS CORP
LAB LABRANCHE & CO INC
LABC LOUISIANA BANCORP INC
LARK LANDMARK BANCORP INC
LAZ LAZARD LTD
LBBB LIBERTY BELL BK CHERRY HILL NJ
LBCP LIBERTY BANCORP INC MO
LEGC LEGACY BANCORP INC
LEH LEHMAN BROTHERS HOLDINGS INC
LFC CHINA LIFE INSURANCE CO LTD
LION FIDELITY SOUTHERN CORP NEW
LKFN LAKELAND FINANCIAL CORP
LNC LINCOLN NATIONAL CORP IN
LNCB LINCOLN BANCORP IND
LPSB LAPORTE BANCORP INC
LSBI L S B FINANCIAL CORP
LSBK LAKE SHORE BANCORP INC
LSBX L S B CORP
LTS LADENBURG THALMANN FIN SVCS INC
LUK LEUCADIA NATIONAL CORP
LYG LLOYDS TSB GROUP PLC
MAIN MAIN STREET CAPITAL CORP
MASB MASSBANK CORP

MBFI M B FINANCIAL INC NEW
MBHI MIDWEST BANC HOLDINGS INC
MBI M B I A INC
MBP MID PENN BANCORP INC
MBR MERCANTILE BANCORP INC
MBRG MIDDLEBURG FINANCIAL CORP
MBTF M B T FINANCIAL CORP
MBVA MILLENNIUM BANKSHARES CORP
MBVT MERCHANTS BANCSHARES INC
MBWM MERCANTILE BANK CORP
MCBF MONARCH COMMUNITY BANCORP INC
MCBI METROCORP BANCSHARES INC
MCGC M C G CAPITAL CORP
MCY MERCURY GENERAL CORP NEW
MER MERRILL LYNCH & CO INC
MERR MERRIMAN CURHAN FORD GROUP INC
MF M F GLOBAL LTD
MFC MANULIFE FINANCIAL CORP
MFLR MAYFLOWER BANCORP INC
MFNC MACKINAC FINANCIAL CORP
MFSF MUTUALFIRST FINL INC
MGYR MAGYAR BANCORP INC
MHLD MAIDEN HOLDNGS LTD
MI MARSHALL & ILSLEY CORP NEW
MIG MEADOWBROOK INSURANCE GROUP INC
MIGP MERCER INSURANCE GROUP INC
MKL MARKEL CORP
MKTX MARKETAXESS HLDGS INC
MNRK MONARCH FINANCIAL HOLDINGS INC
MOFG MIDWESTONE FINANCIAL GRP INC NEW
MOH MOLINA HEALTHCARE INC
MORN MORNINGSTAR INC
MRH MONTPELIER RES HOLDINGS LTD
MROE MONROE BANCORP
MS MORGAN STANLEY DEAN WITTER & CO
MSBF M S B FINANCIAL CORP
MSFG MAINSOURCE FINANCIAL GROUP INC
MSL MIDSOUTH BANCORP INC
MTG M G I C INVESTMENT CORP WIS
MTU MITSUBISHI UFJ FINANCIAL GP INC
MXGL MAX CAPITAL GROUP LTD
NAHC NATIONAL ATLANTIC HOLDINGS CORP
NAL NEWALLIANCE BANCSHARES INC
NARA NARA BANCORP INC
NATL NATIONAL INTERSTATE CORP
NAVG NAVIGATORS GROUP INC
NBBC NEWBRIDGE BANCORP
NBN NORTHEAST BANCORP
NBTB N B T BANCORP INC
NBTF N B & T FINANCIAL GROUP INC
NCBC NEW CENTURY BANCORP INC NC
NCC NATIONAL CITY CORP
NDAQ NASDAQ O M X GROUP INC
NEBS NEW ENGLAND BANCSHARES INC
NECB NORTHEAST COMMUNITY BANCORP INC
NEWT NEWTEK BUSINESS SVCS INC
NFBK NORTHFIELD BANCORP INC
NFS NATIONWIDE FINANCIAL SERVICES IN
NFSB NEWPORT BANCORP INC
NHTB NEW HAMPSHIRE THRIFT BNCSHRS INC
NICK NICHOLAS FINANCIAL INC
NITE KNIGHT CAPITAL GROUP INC
NKSH NATIONAL BANKSHARES INC
NMR NOMURA HOLDINGS INC
NMX NYMEX HOLDINGS INC
NOVB NORTH VALLEY BANCORP
NPBC NATIONAL PENN BANCSHARES INC
NRIM NORTHRIM BANCORP INC
NSEC NATIONAL SECURITY GROUP INC
NSFC NORTHERN STATES FINANCIAL CORP
NSH NUSTAR G P HOLDINGS LLC
NTQ N T R ACQUISITION CO
NTRS NORTHERN TRUST CORP
NVSL NAUGATUCK VLY FINANCIAL CORP
NWFL NORWOOD FINANCIAL CORP
NWLIA NATIONAL WESTERN LIFE INS CO
NWSB NORTHWEST BANCORP INC PA
NXTY NEXITY FINANCIAL CORP
NYB NEW YORK COMMUNITY BANCORP INC
NYM N Y M A G I C INC
NYX N Y S E EURONEXT
OCFC OCEANFIRST FINANCIAL CORP
OFG ORIENTAL FINANCIAL GROUP INC
OKSB SOUTHWEST BANCORP INC OKLA
OLBK OLD LINE BANCSHARES
OLCB OHIO LEGACY CORP
ONB OLD NATIONAL BANCORP
ONFC ONEIDA FINANCIAL CORP
OPHC OPTIMUMBANK HOLDINGS INC
OPOF OLD POINT FINL CORP
OPY OPPENHEIMER HOLDINGS INC
ORH ODYSSEY RE HOLDINGS CORP
ORI OLD REPUBLIC INTERNATIONAL CORP
ORIT ORITANI FINANCIAL CORP
OSBC OLD SECOND BANCORP INC
OSBK OSAGE BANCSHARES INC
OSHC OCEAN SHORE HOLDING CO
OVBC OHIO VALLEY BANC CORP
OXPS OPTIONSXPRESS HOLDINGS INC
OZM OCH ZIFF CAPITAL MANGMNT GRP LLC
OZRK BANK OF THE OZARKS INC
PABK P A B BANKSHARES INC
PACW PACWEST BANCORP DE
PBCI PAMRAPO BANCORP INC
PBCT PEOPLES UNITED FINANCIAL INC
PBHC PATHFINDER BANCORP INC
PBIB PORTER BANCORP INC
PBIP PRUDENTIAL BANCORP INC PA
PBKS PROVIDENT BANKSHARES CORP
PBNY PROVIDENT NEW YORK BANCORP
PCBC PACIFIC CAPITAL BANCORP NEW
PCBI PEOPLES COMMUNITY BANCORP INC
PCBK PACIFIC CONTINENTAL CORP
PCBS PROVIDENT COMMUNITY BANCSHRS INC
PEBK PEOPLES BANCORP NC INC
PEBO PEOPLES BANCORP INC
PFBC PREFERRED BANK LOS ANGELES
PFBI PREMIER FINANCIAL BANCORP INC
PFBX PEOPLES FINANCIAL CORP
PFED PARK BANCORP INC
PFG PRINCIPAL FINANCIAL GROUP INC
PFS PROVIDENT FINANCIAL SVCS INC
PGR PROGRESSIVE CORP OH
PHLY PHILADELPHIA CONSOLIDATED HLG CO
PICO P I C O HOLDINGS INC
PJC PIPER JAFFRAY COMPANIES
PKBK PARKE BANCORP INC
PL PROTECTIVE LIFE CORP
PLCC PAULSON CAPITAL CORP
PLFE PRESIDENTIAL LIFE CORP
PMACA P M A CAPITAL CORP
PMBC PACIFIC MERCANTILE BANCORP
PMI P M I GROUP INC
PNBC PRINCETON NATIONAL BANCORP INC
PNBK PATRIOT NATIONAL BANCORP INC
PNC P N C FINANCIAL SERVICES GRP INC
PNFP PINNACLE FINANCIAL PARTNERS INC
PNSN PENSON WORLDWIDE INC
PNX PHOENIX COS INC
PPBI PACIFIC PREMIER BANCORP INC
PRA PROASSURANCE CORP
PRE PARTNERRE LTD
PRK PARK NATIONAL CORP
PROS PROCENTURY CORP
PROV PROVIDENT FINANCIAL HOLDINGS INC
PRSP PROSPERITY BANCSHARES INC
PRU PRUDENTIAL FINANCIAL INC
PRWT PREMIERWEST BANCORP
PSBC PACIFIC STATE BANCORP
PSBH PSB HOLDINGS INC
PSEC PROSPECT CAPITAL CORP
PTA PENN TREATY AMERICAN CORP
PTP PLATINUM UNDERWRITERS HLDGS LTD
PUK PRUDENTIAL PLC
PULB PULASKI FINANCIAL CORP
PVFC P V F CAPITAL CORP
PVSA PARKVALE FINANCIAL CORP
PVTB PRIVATEBANCORP INC
PWOD PENNS WOODS BANCORP INC
PZN PZENA INVESTMENT MANAGEMENT INC
QCRH Q C R HOLDINGS INC
QNTA QUANTA CAPITAL HOLDINGS LTD
RAMR R A M HOLDINGS LTD
RBCAA REPUBLIC BANCORP INC KY
RBNF RURBAN FINANCIAL CORP
RBPAA ROYAL BANCSHARES PA INC
RBS ROYAL BANK SCOTLAND GROUP PLC
RCBK RIVER CITY BANK
RCKB ROCKVILLE FINANCIAL INC
RDN RADIAN GROUP INC
RE EVEREST RE GROUP LTD
RF REGIONS FINANCIAL CORP NEW
RGA REINSURANCE GROUP OF AMERICA INC
RIVR RIVER VALLEY BANCORP
RJF RAYMOND JAMES FINANCIAL INC
RKH REGIONAL BANK HOLDRS TRUST
RLI R L I CORP
RNR RENAISSANCERE HOLDINGS LTD
RNST RENASANT CORP
RODM RODMAN & RENSHAW CAP GRP INC NEW
ROMA ROMA FINANCIAL CORP
ROME ROME BANCORP INC
RPFG RAINIER PACIFIC FINL GROUP INC
RVSB RIVERVIEW BANCORP INC
RY ROYAL BANK CANADA MONTREAL QUE
SAF SAFECO CORP
SAFT SAFETY INSURANCE GROUP INC
SAL SALISBURY BANCORP INC
SAMB SUN AMERICAN BANCORP
SASR SANDY SPRING BANCORP INC
SAVB SAVANNAH BANCORP INC
SBBX SUSSEX BANCORP
SBCF SEACOAST BANKING CORP FLA

SBIB STERLING BANCSHARES INC
SBKC SECURITY BANK CORP
SBNY SIGNATURE BANK NEW YORK N Y
SBP SANTANDER BANCORP
SBSI SOUTHSIDE BANCSHARES INC
SCA SECURITY CAPITAL ASSURANCE LTD
SCB COMMUNITY BANKSHARES INC S C
SCBT S C B T FINANCIAL CORP
SCHW SCHWAB CHARLES CORP NEW
SCMF SOUTHERN COMMUNITY FINCL CORP
SEAB SEABRIGHT INSURANCE HOLDINGS INC
SF STIFEL FINANCIAL CORP
SFG STANCORP FINANCIAL GROUP INC
SFNC SIMMONS 1ST NATIONAL CORP
SFST SOUTHERN FIRST BANCSHARES INC
SGB SOUTHWEST GEORGIA FINANCIAL CORP
SHG SHINHAN FINANCIAL GROUP CO LTD
SIEB SIEBERT FINANCIAL CORP
SIFI SI FINANCIAL GROUP INC
SIGI SELECTIVE INSURANCE GROUP INC
SIVB S V B FINANCIAL GROUP
SLF SUN LIFE FINANCIAL INC
SLM S L M CORP
SMBC SOUTHERN MISSOURI BANCORP INC
SMCG MILLENNIUM INDIA ACQUISIT CO INC
SMHG SANDERS MORRIS HARRIS GROUP INC
SMMF SUMMIT FINANCIAL GROUP INC
SMTB SMITHTOWN BANCORP INC
SNBC SUN BANCORP INC
SNV SYNOVUS FINANCIAL CORP
SOCB SOUTHCOAST FINANCIAL CORP
SOMH SOMERSET HILLS BANCORP
SONA SOUTHERN NATIONAL BANCORP VA INC
SOV SOVEREIGN BANCORP INC
SRCE 1ST SOURCE CORP
SSBI SUMMIT STATE BANK
SSBX SILVER STATE BANCORP
SSFN STEWARDSHIP FINANCIAL CORP
STBA S & T BANCORP INC
STBC STATE BANCORP INC NY
STBK STERLING BANKS INC
STEL STELLARONE CORP
STFC STATE AUTO FINANCIAL CORP
STI SUNTRUST BANKS INC
STL STERLING BANCORP
STSA STERLING FINANCIAL CORP WASH
STT STATE STREET CORP
STU STUDENT LOAN CORP
SUAI SPECIALTY UNDERWRITERS ALL INC
SUBK SUFFOLK BANCORP
SUFB SUFFOLK FIRST BANK VA
SUPR SUPERIOR BANCORP
SUR C N A SURETY CORP
SUSQ SUSQUEHANNA BANCSHARES INC PA
SVBI SEVERN BANCORP INC MD
SWS S W S GROUP INC
SYBT S Y BANCORP INC
TAMB TAMALPAIS BANCORP
TAQ TRANSFORMA ACQUISITION GROUP INC
TAYC TAYLOR CAPITAL GROUP INC
TBBK BANCORP INC
TBHS BANK HOLDINGS THE
TCB T C F FINANCIAL CORP
TCBI TEXAS CAPITAL BANCSHARES INC
TCBK TRICO BANCSHARES
TCH 21ST CENTURY HOLDING CO
TDBK TIDELANDS BANCSHARES INC
TFIN TEAM FINANCIAL INC
TFSL TFS FINANCIAL CORP
TGIC TRIAD GUARANTY INC
THFF FIRST FINANCIAL CORP IN
THG HANOVER INSURANCE GROUP INC
THRD T F FINANCIAL CORP
TIBB T I B FINANCIAL CORP
TIL TRANS INDIA ACQUISITION CORP
TMCV TEMECULA VALLEY BANCORP INC
TMK TORCHMARK CORP
TMP TOMPKINS FINANCIAL CORP
TNCC TENNESSEE COMMERCE BANCORP INC
TOFC TOWER FINANCIAL CORP
TONE TIERONE CORP
TOWN TOWNEBANK
TRH TRANSATLANTIC HOLDINGS INC
TROW T ROWE PRICE GROUP INC
TRST TRUSTCO BANK CORP NY
TRUE CENTRUE FINANCIAL CORP NEW
TRV TRAVELERS COMPANIES INC
TSBK TIMBERLAND BANCORP INC
TSFG SOUTH FINL GROUP INC
TSH TECHE HOLDING CO
TWGP TOWER GROUP INC
TWPG THOMAS WEISEL PARTNERS GROUP INC
UAM UNIVERSAL AMERICAN CORP
UB UNIONBANCAL CORP
UBCP UNITED BANCORP INC
UBFO UNITED SECURITY BANKSHARES
UBNK UNITED FINANCIAL BANCORP INC MD
UBOH UNITED BANCSHARES INC
UBS U B S AG
UBSH UNION BANKSHARES CORP
UBSI UNITED BANKSHARES INC
UCBA UNITED COMMUNITY BANCORP
UCBH U C B H HOLDINGS INC
UCBI UNITED COMMUNITY BANKS INC GA
UCFC UNITED COMMUNITY FINL CORP OHIO
UFCS UNITED FIRE & CAS CO
UMBF U M B FINANCIAL CORP
UMPQ UMPQUA HOLDINGS CORP
UNAM UNICO AMERICAN CORP
UNB UNION BANKSHARES INC
UNH UNITEDHEALTH GROUP INC
UNIB UNIVERSITY BANCORP INC
UNM UNUM GROUP
UNTY UNITY BANCORP INC
USB U S BANCORP DEL
USBI UNITED SECURITY BANCSHARES INC
UTR UNITRIN INC
UVSP UNIVEST CORP OF PENNSYLVANIA
UWBK UNITED WESTERN BANCORP INC
VBFC VILLAGE BANK AND TRUST FINL CORP
VCBI VIRGINIA COMMERCE BANCORP
VIST V I S T FINACIAL CORP
VLY VALLEY NATIONAL BANCORP
VNBC VINEYARD NATIONAL BANCORP
VPFG VIEWPOINT FINANCIAL GROUP
VR VALIDUS HOLDINGS LTD
VSBN V S B BANCORP INC NY
VYFC VALLEY FINANCIAL CORP VA
WABC WESTAMERICA BANCORPORATION
WAIN WAINWRIGHT BANK & TRUST CO BOSTN
WAL WESTERN ALLIANCE BANCORPORATION
WASH WASHINGTON TRUST BANCORP INC
WAUW WAUWATOSA HOLDINGS INC
WAYN WAYNE SAVINGS BANCSHARES INC NEW
WB WACHOVIA CORP 2ND NEW
WBCO WASHINGTON BANKING COMPANY
WBNK WACCAMAW BANKSHARES INC
WBS WEBSTER FINL CORP WATERBURY CONN
WCBO WEST COAST BANCORP ORE NEW
WCG WELLCARE HEALTH PLANS INC
WDR WADDELL & REED FINANCIAL INC
WFBC WILLOW FINANCIAL BANCORP INC
WFC WELLS FARGO & CO NEW
WFD WESTFIELD FINANCIAL INC
WFSL WASHINGTON FEDERAL INC
WGNB W G N B CORP
WHG WESTWOOD HOLDINGS GROUP INC
WHI W HOLDING CO INC
WIBC WILSHIRE BANCORP INC
WL WILMINGTON TRUST CORP
WLP WELLPOINT INC
WM WASHINGTON MUTUAL INC
WPL STEWART W P & CO LTD
WRB BERKLEY W R CORP
WSB W S B HOLDINGS INC
WSBC WESBANCO INC
WSFG W S B FINANCIAL GROUP
WSFS WSFS FINANCIAL CORP
WTBA WEST BANCORPORATION INC
WTFC WINTRUST FINANCIAL CORPORATION
WTM WHITE MOUNTAINS INS GROUP INC
WTNY WHITNEY HOLDING CORP
WVFC WVS FINANCIAL CORP
XL X L CAPITAL LTD
Y ALLEGHANY CORP DE
YAVY YADKIN VALLEY FINANCIAL CORP
ZION ZIONS BANCORP
ZNT ZENITH NATIONAL INSURANCE CORP

[FR Doc. E8–22369 Filed 9–23–08; 8:45 am]
BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–58588]

Emergency Order Pursuant to Section 12(k)(2) of the Securities Exchange Act of 1934 Taking Temporary Action To Respond to Market Developments

September 18, 2008.

The Commission is aware of the continued potential of sudden and excessive fluctuations of securities prices and disruption in the functioning of the securities markets that could threaten fair and orderly markets. Given the importance of confidence in our financial markets as a whole, we have

also become concerned about sudden and unexplained declines in the prices of securities. Such price declines can give rise to questions about the underlying financial condition of an issuer, which in turn can create a crisis of confidence without a fundamental underlying basis. This crisis of confidence can impair the liquidity and ultimate viability of an issuer, with potentially broad market consequences.

As a result of these recent developments, the Commission concluded that there continues to exist the potential of sudden and excessive fluctuations of securities prices generally and disruption in the functioning of the securities markets that could threaten fair and orderly markets. Based on this conclusion, the Commission is exercising its powers under Section 12(k)(2) of the Securities Exchange Act of 1934.[1] Pursuant to Section 12(k)(2), in appropriate circumstances the Commission may issue summarily an order to alter, supplement, suspend, or impose requirements or restrictions with respect to matters or actions subject to regulation by the Commission.

We have determined that issuer repurchases can represent an important source of liquidity during times of market volatility. Exchange Act Rule 10b–18 provides issuers with a safe harbor to effect repurchases within certain conditions. Historically, issuers generally have been reluctant to undertake repurchases without the certainty that their repurchases come within the safe harbor. Temporarily altering the timing and volume conditions in the safe harbor will provide additional flexibility and certainty to issuers that consider executing repurchases during the current market conditions. In these unusual and extraordinary circumstances, we believe altering the timing and volume conditions in Exchange Act Rule 10b–18 is necessary in the public interest and for the protection of investors to maintain fair and orderly securities markets, and to prevent substantial disruption in the securities markets.

It is ordered, pursuant to our Section 12(k)(2) powers, that:

In connection with a Rule 10b–18 purchase or with a Rule 10b–18 bid that is made during the period covered by this Order by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, an issuer, or an affiliated purchaser of the issuer, shall not be deemed to have violated Section 9(a)(2) of the Exchange Act or Rule 10b–5 under the Exchange Act, solely by reason of the time or price at which its Rule 10b–18 bids or Rule 10b–18 purchases are made or the amount of such bids or purchases or the number of brokers or dealers used in connection with such bids or purchases if the issuer or affiliated purchaser of the issuer meets all of the conditions in Rule 10b–18 with the exception that:

(i) The time of purchases condition in paragraphs (b)(2)(i), (b)(2)(ii), and (b)(2)(iii) of Exchange Act Rule 10b–18 is suspended; and

(ii) The volume of purchases condition in paragraph (b)(4) of Exchange Act Rule 10b–18 is modified so that the amount of Rule 10b–18 purchases must not exceed 100 percent of the ADTV for the security.

All other provisions of Exchange Act Rule 10b–18, including the manner and price of purchase conditions of paragraphs (b)(1) and (b)(3), are not altered by this order. Terms used in this order have the same meanings as those terms used in Exchange Act Rule 10b–18 unless stated otherwise.

This Order shall be effective at 12:01 a.m. EDT on September 19, 2008, and shall terminate at 11:59 p.m. on October 2, 2008 unless further extended by the Commission.

By the Commission.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E8–22370 Filed 9–23–08; 8:45 am]

BILLING CODE 8010–01–P

[1] This finding of an ''emergency'' is solely for purposes of Section 12(k)(2) of the Exchange Act and is not intended to have any other effect or meaning or to confer any right or impose any obligation other than set forth in this Order.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 58591]

Securities Exchange Act of 1934; Emergency Order Pursuant to Section 12(k)(2) of the Securities Exchange Act of 1934 Taking Temporary Action To Respond to Market Developments

September 18, 2008.

The Commission is aware of the continued potential of sudden and excessive fluctuations of securities prices and disruption in the functioning of the securities markets that could threaten fair and orderly markets. As evidenced by our recent publication of emergency orders under Section 12(k) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] we are concerned about the possible unnecessary or artificial price movements based on unfounded rumors regarding the stability of financial institutions and other issuers exacerbated by short selling. We also believe that some persons may take advantage of issuers that have become temporarily weakened by current market conditions to engage in inappropriate short selling in the securities of such issuers.

Given the importance of confidence in our financial markets as a whole, we have become concerned about sudden and unexplained declines in the prices of securities. Such price declines can give rise to questions about the underlying financial condition of an issuer, which in turn can create a crisis of confidence without a fundamental underlying basis. This crisis of confidence can impair the liquidity and ultimate viability of an issuer, with potentially broad market consequences.

As a result of these recent developments, the Commission concluded that there continues to exist the potential of sudden and excessive fluctuations of securities prices generally and disruption in the functioning of the securities markets that could threaten fair and orderly markets. Based on this conclusion, the Commission is exercising its powers under Section 12(k)(2) of the Exchange Act.[2] Pursuant to Section 12(k)(2), in appropriate circumstances the Commission may by order summarily take action to alter, supplement, suspend, or impose requirements or restrictions with respect to matters or actions subject to regulation by the Commission.

We have concluded that it is necessary to require certain institutional investment managers to report information concerning daily short sales of securities. For purposes of this Order, we believe that section 13(f) of the Exchange Act and Rule 13f–1 provide useful and tested terms and definitions that provide a basis for requiring new disclosure. The Order therefore requires that an institutional investment manager that exercises investment discretion[3] with respect to accounts holding section 13(f) securities[4] having an aggregate fair market value on the last trading day of any month of any calendar year of at

[1] *See* Exchange Act Release No. 58166 (July 15, 2008), Exchange Act Release No. 58572 (September 17, 2008).

[2] This finding of an ''emergency'' is solely for purposes of Section 12(k)(2) of the Exchange Act and is not intended to have any other effect or meaning or to confer any right or impose any obligation other than set forth in this Order.

[3] The term ''investment discretion'' has the same meaning as in Exchange Act Rule 13f–1(b). *See* 17 CFR 240.13f–1(b).

[4] The term ''section 13(f) securities'' has the same meaning as in Exchange Act Rule 13f–1(c). *See* 17 CFR 240.13f–1(c).

least $100,000,000 must file a new form with the Commission. Specifically, an institutional investment manager who has filed or was required to file a Form 13F for the calendar quarter ended June 30, 2008 under section 13(f) of the Exchange Act and Rule 13f–1(a) thereunder will be required to file a report on new Form SH with the Commission on the first business day [5] of every calendar week immediately following a week in which it effected short sales.

The Form SH, which must be filed electronically and will be publicly available on our EDGAR system,[6] must include disclosure of the number and value of securities sold short for each section 13(f) security, except for short sales in options, and the opening short position, closing short position, largest intraday short position, and the time of the largest intraday short position, for that security during each calendar day of the prior week. No filing, however, will be required when no short sales of a section 13(f) security have been effected since the previous filing of a Form SH. In addition, this disclosure requirement will only apply to short sales effected after the effective date of the Order. Finally, an institutional investment manager need not report short positions otherwise reportable if: (i) The short position in the section 13(f) securities constitutes less than one-quarter of one percent of the class of the issuer's section 13(f) securities issued and outstanding as reported on the issuer's most recent annual or quarterly report, and any current report subsequent thereto, filed with the Commission pursuant to the Exchange Act, unless the manager knows or has reason to believe the information contained therein is inaccurate; and (ii) the fair market value of the short position in the section 13(f) securities is less than $1,000,000.

We believe that the extraordinary circumstances we now confront require the new disclosure requirements we are imposing today. We also believe such disclosure requirements are in the public interest for the protection of investors and will ensure transparency in short selling.

It is ordered that, pursuant to our Section 12(k)(2) powers:

Every institutional investment manager that exercises investment discretion with respect to accounts holding section 13(f) securities and that has filed or was required to file a Form 13F for the calendar quarter ended June 30, 2008, as required under section 13(f) of the Exchange Act and Rule 13f–1(a) thereunder, must file a report on Form SH with the Commission. The Form SH filing must be made on the first business day of each week immediately following a week in which the institutional investment manager has effected any short sale with respect to any section 13(f) security that is not an option. With respect to each section 13(f) security that is not an option, the Form SH filing must reflect the number and value of securities sold short during the day as well as the opening short position, closing short position, largest intraday short position, and the time of the largest intraday short position, for that security on each calendar day of the prior week in which the institutional investment manager engaged in trading activity with respect to short sales.

Finally, an institutional investment manager need not report short positions otherwise reportable if: (i) The short position in the section 13(f) securities constitutes less than one-quarter of one percent of the class of the issuer's section 13(f) securities issued and outstanding as reported on the issuer's most recent annual or quarterly report, and any current report subsequent thereto, filed with the Commission pursuant to the Exchange Act, unless the manager knows or has reason to believe the information contained therein is inaccurate; and (ii) the fair market value of the short position in the section 13(f) securities is less than $1,000,000.

Short sale has the meaning set forth in Rule 200 of Regulation SHO (17 CFR 242.200), and terms referenced in that provision shall have the same meaning as set forth in Regulation SHO; and *short positions* to be reported are those resulting from ''short sales'' as that term is defined in SEC Rule 200(a) of Regulation SHO.

It is further ordered that, pursuant to our Section 12(k)(2) powers, the text of Form SH be as set forth in the attachment to this Order.

This Order shall be effective at 12:01 a.m. EDT on September 22, 2008, the first Form SH shall be required to be filed on September 29, 2008, and this Order shall terminate at 11:59 p.m. on October 2, 2008 unless further extended by the Commission.

By the Commission.

J. Lynn Taylor,

Assistant Secretary.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION, WASHINGTON, D.C. 20549

FORM SH

INFORMATION REQUIRED OF INSTITUTIONAL INVESTMENT MANAGERS PURSUANT TO EMERGENCY ORDER, SECURITIES EXCHANGE ACT OF 1934 RELEASE NO. 58591, SEPTEMBER 18, 2008

GENERAL INSTRUCTIONS

1. *Rule as to Use of Form SH.* Institutional investment managers (''Managers'') must use Form SH for reports to the Commission required by the Commission's Emergency Order, Securities Exchange Act of 1934 Release No. 58591, September 18, 2008 (''September 18, 2008 Order''). The September 18, 2008 Order provides that every Manager that exercises investment discretion with respect to accounts holding section 13(f) securities, as defined in paragraph (c) of section 13(f) of the Securities Exchange Act of 1934 [15 U.S.C. 78m(f)] (''Exchange Act''), who has filed or was required to file a Form 13F for the calendar quarter ended June 30, 2008, must file a report on Form SH with the Commission to report certain information about short sales and short positions. The Form SH filing must be made on the Monday (or, if Monday is a federal holiday, the first business day thereafter) of each calendar week immediately following a Form SH reporting period (i.e., the preceding Monday-Sunday, or seven calendar days) in which the Manager has entered into any new short positions or closed part or all of any short positions with respect to any section 13(f) securities except for any short position(s) for options (''SH Short Positions''). The Form SH will report SH Short Positions for the Monday-Sunday immediately preceding the Monday on which the Form SH is due to be filed.

2. *Rules to Prevent Duplicative Reporting.* If two or more Managers, each of which is required by the September 18, 2008 Order to file a report on Form SH for the reporting period, exercise investment discretion with respect to the same securities, only one such Manager must include information in its reports on Form SH.

A Manager having information that is required by the September 18, 2008 Order to be reported on Form SH, and such information is reported by another Manager (or Managers), such Manager must identify the Manager(s) reporting on its behalf in the manner described in Special Instruction 6.

3. *Filing of Form SH.* A Manager must file a Form SH report with the Commission on or before 5:30 p.m. Eastern Standard Time or Eastern Daylight Savings Time, whichever currently is in effect in Washington, DC (''Eastern Time'') on the Monday (or, if Monday is a federal holiday, the first business day thereafter) of each week immediately following the preceding seven calendar day period in which the Manager

[5] See Exchange Act Rule 0–2 for a description of the business hours of the Commission. 17 CFR 240.0–2.

[6] No Commission procedure for seeking confidential treatment of information filed with or transmitted to the Commission, such as those in 17 CFR 200.80, 200.83, or 240.24b–2, shall apply to the information that this Order requires to be filed.

has entered into any new SH Short Position(s) or closed part or all of any SH Short Position(s).

4. *Official List of Section 13(f) Securities.* The official list of section 13(f) securities published by the Commission (the ''13F List'') lists the securities the holdings of which a Manager is to report on Form 13F. *See* rule 13f–1(c) [17 CFR 240.13f–1(c)]. Form SH filers may rely on the current 13F List in determining whether they need to report on Form SH information about any particular equity security, excluding short positions on options. The 13F List is available on the SEC's website, at *http://www.sec.gov/divisions/investment/13flists.htm.* Paper copies are available at a reasonable fee from the Securities and Exchange Commission, Public Reference Room, 100 F Street, NE, Washington, DC 20549.

SPECIAL INSTRUCTIONS

1. This form consists of three parts: the Form SH Cover Page (the ''Cover Page''), the Form SH Summary Page (the ''Summary Page''), and the Form SH Information Table (the ''Information Table'').

2. When preparing the report, omit all bracketed text. Include brackets used to form check boxes.

The Cover Page:

3. The period end date used in the report (and in the EDGAR submission header) is the Sunday before the Form SH is filed. The date should name the month, and express the day and year in Arabic numerals, with the year being a four-digit numeral (i.e., 2008).

4. Amendments to a Form SH must either restate the Form SH in its entirety or include only entries that are being reported in addition to those already reported in a current public Form SH for the same period. If the Manager is filing the Form SH report as an amendment, then the Manager must check the amendment box on the Cover Page; enter the amendment number; and check the appropriate box to indicate whether the amendment (a) is a restatement or (b) adds new entries. Each amendment must include a complete Cover Page and, if applicable, a Summary Page and Information Table. Amendments must be filed sequentially.

5. Present the Cover Page and the Summary Page information in the format and order provided in the form. The Cover Page may include information in addition to the required information, so long as the additional information does not, either by its nature, quantity, or manner of presentation, impede the understanding or presentation of the required information. Place all additional information after the signature of the person signing the report (immediately preceding the Report Type section). Do not include any additional information on the Summary Page or in the Information Table.

6. Designate the Report Type for the Form SH by checking the appropriate box in the Report Type section of the Cover Page, and include, where applicable, the List of Other Managers Reporting for this Manager (on the Cover Page), the Summary Page and the Information Table, as follows:

a. If all of the information that a Manager is required by the September 18, 2008 Order to report on Form SH is reported by another Manager (or Managers), check the box for Report Type ''FORM SH NOTICE,'' include (on the Cover Page) the List of Other Managers Reporting for this Manager, and omit both the Summary Page and the Information Table.

b. If all of the information that a Manager is required by the September 18, 2008 Order to report on Form SH is reported in this report, check the box for Report Type ''FORM SH ENTRIES REPORT,'' omit from the Cover Page the List of Other Managers Reporting for this Manager, and include both the Summary Page and the Information Table.

c. If only a part of the information that a Manager is required by the September 18, 2008 Order to report on Form SH is reported in this report, check the box for Report Type ''FORM SH COMBINATION REPORT,'' include (on the Cover Page) the List of Other Managers Reporting for this Manager, and include both the Summary Page and the Information Table.

Summary Page

7. Include on the Summary Page the Report Summary, containing the Number of Other Included Managers, the Information Table Entry Total and the Information Table Value Total.

a. Enter as the Number of Other Included Managers the total number of other Managers listed in the List of Other Included Managers on the Summary Page, not counting the Manager filing this report. See Special Instruction 8. If none, enter the number zero (''0'').

b. Enter as the Information Table Entry Total the total number of line entries providing issuer information included in the Information Table.

c. Enter as the Information Table Value Total the aggregate fair market value in U.S. dollars of all securities sold short during the reporting period that are reported in this report, i.e., the total for Column 5 (Value of Securities Sold Short (Day)) of all line entries in the Information Table. The Manager must express this total as a rounded figure, corresponding to the individual Column 4 entries in the Information Table. See Special Instruction 9.

8. Include on the Summary Page the List of Other Included Managers. Use the title, column headings and format provided.

a. If this Form SH does not report the information that a Manager is required by the September 18, 2008 Order to report on Form SH of any Manager other than the Manager filing this report, enter the word ''NONE'' under the title and omit the column headings and list entries.

b. If this Form SH reports the information that a Manager is required by the September 18, 2008 Order to report on Form SH of one or more Managers other than the Manager filing this report, enter in the List of Other Included Managers all such Managers together with their respective Form 13F file numbers, if known. (The Form 13F file numbers are assigned to Managers when they file their first Form 13F.) Assign a number to each Manager in the List of Other Included Managers, and present the list in sequential order. The numbers need not be consecutive. The List of Other Managers cannot include the Manager filing this report.

Information Table

9. In determining the fair market value of securities sold short, a Manager must use the market price of the section 13(f) securities as of the close of floor trading on the New York Stock Exchange (''NYSE'') for the day in question. If the securities are sold short on a non-business day, a Manager must use the market price of the section 13(f) securities as of the close of the NYSE for the most recent business day. Such market closing time shall be used to determine the price for all SH Short Positions, irrespective of which U.S. equity market the issuer trades on. Enter values rounded to the nearest one thousand dollars (with ''000'' omitted).

10. Furnish the Information Table using the table title, column headings and format provided. Provide column headings once at the beginning of the Information Table; repetition of column headings on subsequent pages is not required. Present the table in accordance with the column instructions provided in Special Instructions 10.a.i through 10.a.viii. Do not include any additional information in the Information Table. Begin the Information Table on a new page; do not include any portion of the Information Table on either the Cover Page or the Summary Page.

a. Instructions for each column in the Information Table:

i. *Column 1. Name of Issuer.* Enter in Column 1 the name of the issuer as it appears in the current official list of Section 13(f) Securities published by the Commission in accordance with rule 13f–1(c) (the ''13F List''). Reasonable abbreviations are permitted.

ii. *Column 2. CUSIP Number.* Enter in Column 2 the nine (9) digit CUSIP number of the security for which information is being reported.

iii. *Column 3. Short Position (Start of Day).* Enter in Column 3 the number of securities that represent the Manager's short position in the issuer as of the start of each calendar day (or days, in the case of Saturday and Sunday) during the reporting period. The Short Position (Start of Day) for Monday, September 22, 2008 shall be zero.

iv. *Column 4. Number of Securities Sold Short (Day).* Enter in Column 4 the aggregate number of securities in the issuer that the Manager sold short for each calendar day (or days, in the case of Saturday and Sunday) during the reporting period.

v. *Column 5. Value of Securities Sold Short (Day).* Enter in Column 5 the market value in U.S. dollars of the number of securities reported in Column 4. In valuing such securities, use the fair market value for each security, as set forth in Special Instruction 9, supra.

vi. *Column 6. Short Position (End of Day).* Enter in Column 6 the number of securities that represent the Manager's short position in the issuer as of the end each calendar day (or days, in the case of Saturday and Sunday) during the reporting period.

vii. *Column 7. Largest Intra-Day Short Position.* Enter in Column 7 the number of securities that represent the Manager's largest single short position in the issuer for each calendar day (or days, in the case of Saturday and Sunday) during the reporting period.

viii. *Column 8. Time of Day of Largest Intra-Day Short Position.* Enter in Column 7 the time of day (Eastern Time) that the Manager had the largest single short position in the issuer, as reported in Column 7.

11. Preparation of the electronic filing:

a. No line on the Cover Page or the Summary Page may exceed 80 characters in length. See rule 305 of Regulation S–T [17 CFR 232.305].

b. No line in the Form SH Information Table may exceed 132 characters in length. See rule 305 of Regulation S–T [17 CFR 232.305].

c. If the Form SH Report Type is ''SH ENTRIES REPORT'' or ''SH COMBINATION REPORT,'' then place one EDGAR <PAGE> tag at the end of the Cover Page and one <PAGE> tag at the end of the Summary Page. Additional EDGAR <PAGE> tags are not required. Those electing to include additional <PAGE> tags should, for each page containing a <PAGE> tag, include no more than sixty (60) lines per page, including the line on which the <PAGE> tag is placed.

d. In preparing the Form SH report for electronic filing, a Manager may omit underscoring used in the form to indicate the placement of information that the Manager is to furnish.

e. Use the following EDGAR submission types for the following Form SH Report Types:

Form SH report type	EDGAR submission type
FORM SH ENTRIES REPORT:	
Initial Filing	SH–ER.
Amendments	SH–ER/A.
FORM SH NOTICE:	
Initial Filing	SH–NT.
Amendments	SH–NT/A.
FORM SH COMBINATION REPORT:	
Initial Filing	SH–ER.
Amendments	SH–ER/A.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION, Washington, DC 20549

FORM SH

FORM SH COVER PAGE

Report for the Period Ended:

_____

[Month, Day, Year]

Check here if Amendment ☐; Amendment Number: _____

This Amendment (Check only one):

☐ is a restatement.

☐ adds new entries.

Institutional Investment Manager Filing this Report:

Name: _____

Address: _____

_____

_____

Form 13F File Number: 28– _____

The institutional investment manager filing this report and the person by whom it is signed hereby represent that the person signing the report is authorized to submit it, that all information contained herein is true, correct and complete, and that it is understood that all required items, statements, schedules, lists, and tables, are considered integral parts of this form.

Person Signing this Report on Behalf of Reporting Manager:

Name: _____

Title: _____

Phone: _____

Signature, Place, and Date of Signing:

_____

[Signature]

_____

[City, State]

_____

[Date]

Report Type (Check only one):

☐ FORM SH ENTRIES REPORT. (Check here if all entries of this reporting manager are reported in this report.)

☐ FORM SH NOTICE. (Check here if no entries reported are in this report, and all entries are reported by other reporting manager(s).)

☐ FORM SH COMBINATION REPORT. (Check here if a portion of the entries for this reporting manager is reported in this report and a portion is reported by other reporting manager(s).)

List of Other Managers Reporting for this Manager:

[If there are no entries in this list, omit this section.]

Form 13F File Number

28– _____

Name _____

[Repeat as necessary.]

FORM SH SUMMARY PAGE

Report Summary:

Number of Other Included Managers:

_____

Form SH Information Table Entry Total:

_____

Form SH Information Table Value Total: (thousands) _____

List of Other Included Managers:

Provide a numbered list of the name(s) and Form 13F file number(s) of all institutional investment managers with respect to which this Form SH report is filed, other than the manager filing this report.

[If there are no entries in this list, state ''NONE'' and omit the column headings and list entries.]

No. _____

Form 13F File Number Name

28– _____

Name _____

[Repeat as necessary.]

FORM SH INFORMATION TABLE—PAGE 1

MONDAY, [Month, Day, Year]

Name of issuer	CUSIP	Short position (start of day)	Number of securities sold short (day)	Value of securities sold short (day)	Short position (end of day)	Largest intra-day short position	Time of day of largest intra-day short position

FORM SH INFORMATION TABLE—PAGE 2

TUESDAY, [Month, Day, Year]

Name of issuer	CUSIP	Short position (start of day)	Number of securities sold short (day)	Value of securities sold short (day)	Short position (end of day)	Largest intra-day short position	Time of day of largest intra-day short Position

FORM SH INFORMATION TABLE—PAGE 3

WEDNESDAY, [Month, Day, Year]

Name of issuer	CUSIP	Short position (start of day)	Number of securities sold short (day)	Value of securities sold short (day)	Short position (end of day)	Largest intra-day short position	Time of day of largest intra-day short position

FORM SH INFORMATION TABLE—PAGE 4

THURSDAY, [Month, Day, Year]

Name of issuer	CUSIP	Short position (start of day)	Number of securities sold short (day)	Value of securities sold short (day)	Short position (end of day)	Largest intra-day short position	Time of day of largest intra-day short position

FORM SH INFORMATION TABLE—PAGE 5

FRIDAY, [Month, Day, Year]

Name of issuer	CUSIP	Short position (start of day)	Number of securities sold short (day)	Value of securities sold short (day)	Short position (end of day)	Largest intra-day short position	Time of day of largest intra-day short position

FORM SH INFORMATION TABLE—PAGE 6

SATURDAY-SUNDAY, [Month, Day, Year]

Name of issuer	CUSIP	Short position (start of day)	Number of securities sold short (day)	Value of securities sold short (day)	Short position (end of day)	Largest intra-day short position	Time of day of largest intra-day short position

[FR Doc. E8–22487 Filed 9–23–08; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–58563; File No. 4–569]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing of Proposed Plan for the Allocation of Regulatory Responsibilities Between the Financial Industry Regulatory Authority, Inc. and BATS Exchange, Inc.

September 17, 2008.

Pursuant to section 17(d) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 17d–2 thereunder,[2] notice is hereby given that on August 27, 2008, BATS Exchange, Inc. (''BATS'') and the Financial Industry Regulatory Authority, Inc. (''FINRA'') (together with BATS, the ''Parties'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a plan for the allocation of regulatory responsibilities, dated August 25, 2008 (''17d–2 Plan'' or the ''Plan''). The Commission is publishing this notice to

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

solicit comments on the 17d–2 Plan from interested persons.

I. Introduction

Section 19(g)(1) of the Act,[3] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to section 17(d) or section 19(g)(2) of the Act.[4] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[5] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[6] With respect to a common member, section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[7] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[8] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[9] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors; to foster cooperation and coordination among the SROs; to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system; and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. Proposed Plan

The proposed 17d–2 Plan is intended to reduce regulatory duplication for firms that are common members of both BATS and FINRA.[10] Pursuant to the proposed 17d–2 Plan, FINRA would assume certain examination and enforcement responsibilities for common members with respect to certain applicable laws, rules, and regulations.

The text of the Plan delineates the proposed regulatory responsibilities with respect to the Parties. Included in the proposed Plan is an exhibit (the ''BATS Exchange Rules Certification for 17d–2 Agreement with FINRA,'' referred to herein as the ''Certification'') that lists every BATS rule, and select federal securities laws, rules, and regulations, for which FINRA would bear responsibility under the Plan for overseeing and enforcing with respect to BATS members that are also members of FINRA and the associated persons therewith (''Dual Members'').

Specifically, under the 17d–2 Plan, FINRA would assume examination and enforcement responsibility relating to compliance by Dual Members with the rules of BATS that are substantially similar to the applicable rules of FINRA,[11] as well as any provisions of the federal securities laws and the rules and regulations thereunder delineated in the Certification (''Common Rules''). Common Rules would not include the application of any BATS rule or FINRA rule, or any rule or regulation under the Act, to the extent that it pertains to violations of insider trading activities, because such matters are covered by a separate multiparty agreement under Rule 17d–2.[12] In the event that a Dual Member is the subject of an investigation relating to a transaction on BATS, the plan acknowledges that BATS may, in its discretion, exercise concurrent jurisdiction and responsibility for such matter.[13]

Under the Plan, BATS would retain full responsibility for surveillance and enforcement with respect to trading activities or practices involving BATS's own marketplace, including, without limitation, registration pursuant to its applicable rules of associated persons (*i.e.*, registration rules that are not Common Rules); its duties as a DEA pursuant to Rule 17d–1 under the Act; and any BATS rules that are not Common Rules, except for BATS rules for any broker-dealer subsidiary of BATS Holding, Inc.[14] Apparent violations of any BATS rules by any broker-dealer subsidiary of BATS Holdings, Inc. will be processed by, and enforcement proceedings in respect thereto will be conducted by, FINRA.[15]

The text of the proposed 17d–2 Plan is as follows:

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2), respectively.

[5] 15 U.S.C. 78q(d)(1).

[6] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[7] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[8] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[9] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[10] The proposed 17d–2 Plan refers to these common members as ''Dual Members.'' *See* Paragraph 1(c) of the proposed 17d–2 Plan.

[11] *See* paragraph 1(b) of the proposed 17d–2 Plan (defining Common Rules). *See also* paragraph 1(f) of the proposed 17d–2 Plan (defining Regulatory Responsibilities). Paragraph 2 of the Plan provides that annually, or more frequently as required by changes in either BATS's rules or FINRA rules, the parties shall review and update, if necessary, the list of Common Rules. Further, paragraph 3 of the Plan provides that BATS shall furnish FINRA with a list of Dual Members, and shall update the list no less frequently than once each calendar quarter.

[12] *See* Securities Exchange Act Release No. 58350 (August 13, 2008), 73 FR 48247 (August 18, 2008) (File No. 4–566) (notice of filing of proposed plan). *See also* Securities Exchange Act Release No. 58536 (September 12, 2008) (File No. 4–566) (order approving and declaring effective the plan). The Certification identifies several Common Rules that may also be addressed in the context of regulating insider trading activities pursuant to the proposed separate multiparty agreement.

[13] *See* paragraph 6 of the proposed 17d–2 Plan.

[14] *See* paragraph 2 of the proposed 17d–2 Plan.

[15] See paragraph 6 of the proposed 17d–2 Plan.

Agreement Between Financial Industry Regulatory Authority, Inc. and BATS Exchange, Inc. Pursuant to Rule 17d–2 Under the Securities Exchange Act of 1934

This Agreement, by and between the Financial Industry Regulatory Authority, Inc. (''FINRA'') and BATS Exchange, Inc. (''BATS''), is made this 25th day of August, 2008 (the ''Agreement''), pursuant to section 17(d) of the Securities Exchange Act of 1934 (the ''Exchange Act'') and Rule 17d–2 thereunder, which permits agreements between self-regulatory organizations to allocate regulatory responsibility to eliminate regulatory duplication. FINRA and BATS may be referred to individually as a ''party'' and together as the ''parties.''

Whereas, FINRA and BATS desire to reduce duplication in the examination of their Dual Members (as defined herein) and in the filing and processing of certain registration and membership records; and

Whereas, FINRA and BATS desire to execute an agreement covering such subjects pursuant to the provisions of Rule 17d–2 under the Exchange Act and to file such agreement with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') for its approval.

Now, therefore, in consideration of the mutual covenants contained hereinafter, FINRA and BATS hereby agree as follows:

1. *Definitions.* Unless otherwise defined in this Agreement or the context otherwise requires, the terms used in this Agreement shall have the same meaning as they have under the Exchange Act and the rules and regulations thereunder. As used in this Agreement, the following terms shall have the following meanings:

(a) ''*BATS Rules*'' or ''*FINRA Rules*'' shall mean: (i) The rules of BATS, or (ii) the rules of FINRA, respectively, as the rules of an exchange or association are defined in Exchange Act Section 3(a)(27).

(b) ''*Common Rules*'' shall mean BATS Rules that are substantially similar to the applicable FINRA Rules and certain provisions of the Exchange Act and SEC rules set forth on *Exhibit 1* in that examination for compliance with such provisions and rules would not require FINRA to develop one or more new examination standards, modules, procedures, or criteria in order to analyze the application of the provision or rule, or a Dual Member's activity, conduct, or output in relation to such provision or rule; provided, however, Common Rules shall not include the application of the SEC, BATS or FINRA rules as they pertain to violations of insider trading activities, which is covered by a separate 17d–2 Agreement by and among the American Stock Exchange, LLC, Boston Stock Exchange, Inc., CBOE Stock Exchange, LLC, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange, LLC, NYSE Arca Inc., NYSE Regulation, Inc., and Philadelphia Stock Exchange, Inc. submitted to the SEC on August 12, 2008.

(c) ''*Dual Members*'' shall mean those BATS members that are also members of FINRA and the associated persons therewith.

(d) ''*Effective Date*'' shall have the meaning set forth in paragraph 13.

(e) ''*Enforcement Responsibilities*'' shall mean the conduct of appropriate proceedings, in accordance with FINRA's Code of Procedure (the NASD Rule 9000 Series) and other applicable FINRA procedural rules, to determine whether violations of Common Rules have occurred, and if such violations are deemed to have occurred, the imposition of appropriate sanctions as specified under FINRA's Code of Procedure and sanctions guidelines.

(f) ''*Regulatory Responsibilities*'' shall mean the examination responsibilities and Enforcement Responsibilities relating to compliance by the Dual Members with the Common Rules and the provisions of the Exchange Act and the rules and regulations thereunder, and other applicable laws, rules and regulations, each as set forth on *Exhibit 1* attached hereto.

2. Regulatory and Enforcement Responsibilities. FINRA shall assume Regulatory Responsibilities and Enforcement Responsibilities for Dual Members. Attached as *Exhibit 1* to this Agreement and made part hereof, BATS furnished FINRA with a current list of Common Rules and certified to FINRA that such rules that are BATS Rules are substantially similar to the corresponding FINRA Rules (the ''Certification''). FINRA hereby agrees that the rules listed in the Certification are Common Rules as defined in this Agreement. Each year following the Effective Date of this Agreement, or more frequently if required by changes in either the rules of BATS or FINRA, BATS shall submit an updated list of Common Rules to FINRA for review which shall add BATS Rules not included in the current list of Common Rules that qualify as Common Rules as defined in this Agreement; delete BATS Rules included in the current list of Common Rules that no longer qualify as Common Rules as defined in this Agreement; and confirm that the remaining rules on the current list of Common Rules continue to be BATS Rules that qualify as Common Rules as defined in this Agreement. Within 30 days of receipt of such updated list, FINRA shall confirm in writing whether the rules listed in any updated list are Common Rules as defined in this Agreement. Notwithstanding anything herein to the contrary, it is explicitly understood that the term ''Regulatory Responsibilities'' does not include, and BATS shall retain full responsibility for (unless otherwise addressed by separate agreement or rule) (collectively, the ''Retained Responsibilities'') the following:

(a) Surveillance, examination, investigation and enforcement with respect to trading activities or practices involving BATS's own marketplace;

(b) Registration pursuant to its applicable rules of associated persons (i.e., registration rules that are not Common Rules);

(c) Discharge of its duties and obligations as a Designated Examining Authority pursuant to Rule 17d–1 under the Exchange Act; and

(d) Any BATS Rules that are not Common Rules, except for BATS Rules for any broker-dealer subsidiary of BATS Holdings, Inc., as provided in paragraph 6.

3. Dual Members. Prior to the Effective Date, BATS shall furnish FINRA with a current list of Dual Members, which shall be updated no less frequently than once each quarter.

4. No Charge. There shall be no charge to BATS by FINRA for performing the Regulatory Responsibilities and Enforcement Responsibilities under this Agreement except as hereinafter provided. FINRA shall provide BATS with ninety (90) days advance written notice in the event FINRA decides to impose any charges to BATS for performing the Regulatory Responsibilities under this Agreement. If FINRA determines to impose a charge, BATS shall have the right at the time of the imposition of such charge to terminate this Agreement; provided, however, that FINRA's Regulatory Responsibilities under this Agreement shall continue until the Commission approves the termination of this Agreement.

5. Reassignment of Regulatory Responsibilities. Notwithstanding any provision hereof, this Agreement shall be subject to any statute, or any rule or order of the Commission, or industry agreement, restructuring the regulatory

framework of the securities industry or reassigning Regulatory Responsibilities between self-regulatory organizations. To the extent such action is inconsistent with this Agreement, such action shall supersede the provisions hereof to the extent necessary for them to be properly effectuated and the provisions hereof in that respect shall be null and void.

6. Notification of Violations. In the event that FINRA becomes aware of apparent violations of any BATS Rules, which are not listed as Common Rules, discovered pursuant to the performance of the Regulatory Responsibilities assumed hereunder, FINRA shall notify BATS of those apparent violations for such response as BATS deems appropriate. In the event that BATS becomes aware of apparent violations of any Common Rules, discovered pursuant to the performance of the Retained Responsibilities, BATS shall notify FINRA of those apparent violations and such matters shall be handled by FINRA as provided in this Agreement. With respect to apparent violations of any BATS Rules by any broker-dealer subsidiary of BATS' parent company, BATS Holdings, Inc., FINRA shall not make referrals to BATS pursuant to this paragraph 6. Such apparent violations shall be processed by, and enforcement proceedings in respect thereto will be conducted by, FINRA as provided in this Agreement. Each party agrees to make available promptly all files, records and witnesses necessary to assist the other in its investigation or proceedings. Apparent violations of Common Rules, FINRA Rules, federal securities laws, and rules and regulations thereunder, shall be processed by, and enforcement proceedings in respect thereto shall be conducted by FINRA as provided hereinbefore; provided, however, that in the event a Dual Member is the subject of an investigation relating to a transaction on BATS, BATS may in its discretion assume concurrent jurisdiction and responsibility.

7. Continued Assistance.

(a) FINRA shall make available to BATS all information obtained by FINRA in the performance by it of the Regulatory Responsibilities hereunder with respect to the Dual Members subject to this Agreement. In particular, and not in limitation of the foregoing, FINRA shall furnish BATS any information it obtains about Dual Members which reflects adversely on their financial condition. BATS shall make available to FINRA any information coming to its attention that reflects adversely on the financial condition of Dual Members or indicates possible violations of applicable laws, rules or regulations by such firms.

(b) The parties agree that documents or information shared shall be held in confidence, and used only for the purposes of carrying out their respective regulatory obligations. Neither party shall assert regulatory or other privileges as against the other with respect to documents or information that is required to be shared pursuant to this Agreement.

(c) The sharing of documents or information between the parties pursuant to this Agreement shall not be deemed a waiver as against third parties of regulatory or other privileges relating to the discovery of documents or information.

8. Statutory Disqualifications. When FINRA becomes aware of a statutory disqualification as defined in the Exchange Act with respect to a Dual Member, FINRA shall determine pursuant to Sections 15A(g) and/or Section 6(c) of the Exchange Act the acceptability or continued applicability of the person to whom such disqualification applies and keep BATS advised of its actions in this regard for such subsequent proceedings as BATS may initiate.

9. Customer Complaints. BATS shall forward to FINRA copies of all customer complaints involving Dual Members received by BATS relating to FINRA's Regulatory Responsibilities under this Agreement. It shall be FINRA's responsibility to review and take appropriate action in respect to such complaints.

10. Advertising. FINRA shall assume responsibility to review the advertising of Dual Members subject to the Agreement, provided that such material is filed with FINRA in accordance with FINRA's filing procedures and is accompanied with any applicable filing fees set forth in FINRA Rules.

11. No Restrictions on Regulatory Action. Nothing contained in this Agreement shall restrict or in any way encumber the right of either party to conduct its own independent or concurrent investigation, examination or enforcement proceeding of or against Dual Members, as either party, in its sole discretion, shall deem appropriate or necessary.

12. Termination. This Agreement may be terminated by BATS or FINRA at any time upon the approval of the Commission after one (1) year's written notice to the other party, except as provided in paragraph 4.

13. Effective Date. This Agreement shall be effective upon approval of the Commission.

14. Arbitration. In the event of a dispute between the parties as to the operation of this Agreement, BATS and FINRA hereby agree that any such dispute shall be settled by arbitration in Washington, DC in accordance with the rules of the American Arbitration Association then in effect, or such other procedures as the parties may mutually agree upon. Judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction. Each party acknowledges that the timely and complete performance of its obligations pursuant to this Agreement is critical to the business and operations of the other party. In the event of a dispute between the parties, the parties shall continue to perform their respective obligations under this Agreement in good faith during the resolution of such dispute unless and until this Agreement is terminated in accordance with its provisions. Nothing in this Section 14 shall interfere with a party's right to terminate this Agreement as set forth herein.

15. Notification of Members. BATS and FINRA shall notify Dual Members of this Agreement after the Effective Date by means of a uniform joint notice.

16. Amendment. This Agreement may be amended in writing duly approved by each party. All such amendments must be filed with and approved by the Commission before they become effective.

17. Limitation of Liability. Neither FINRA nor BATS nor any of their respective directors, governors, officers or employees shall be liable to the other party to this Agreement for any liability, loss or damage resulting from or claimed to have resulted from any delays, inaccuracies, errors or omissions with respect to the provision of Regulatory Responsibilities as provided hereby or for the failure to provide any such responsibility, except with respect to such liability, loss or damages as shall have been suffered by one or the other of FINRA or BATS and caused by the willful misconduct of the other party or their respective directors, governors, officers or employees. No warranties, express or implied, are made by FINRA or BATS with respect to any of the responsibilities to be performed by each of them hereunder.

18. Relief from Responsibility. Pursuant to sections 17(d)(1)(A) and 19(g) of the Exchange Act and Rule 17d–2 thereunder, FINRA and BATS join in requesting the Commission, upon its approval of this Agreement or any part thereof, to relieve BATS of any and all responsibilities with respect to matters allocated to FINRA pursuant to this Agreement; provided, however, that this

Agreement shall not be effective until the Effective Date.

19. Severability. Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

20. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and such counterparts together shall constitute one and the same instrument.

In witness whereof, each party has executed or caused this Agreement to be executed on its behalf by a duly authorized officer as of the date first written above.

BATS EXCHANGE, INC.

By: _____

Name:

Title:

FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.

By: _____

Name:

Title:

Exhibit 1

BATS Exchange Rules Certification for 17d–2 Agreement With FINRA

BATS Exchange hereby certifies that the requirements contained in the rules listed below are identical to, or substantially similar to, the comparable FINRA (NASD) Rule, Exchange Act provision or SEC rule identified (''Common Rules'').

BATS Exchange Rule:	FINRA (NASD) Rule, Exchange Act Provision or SEC Rule:
Rule 2.5 Interpretation and Policy .02, Continuing Education Requirement for Authorized Traders of Members.	1120(a)(1)–(4) Continuing Education Requirements.
Rule 3.1 Business Conduct of Members	2110 Standards of Commercial Honor and Principles of Trade.
Rule 3.2 Violations Prohibited*	2110 Standards of Commercial Honor and Principles of Trade and 3010 Supervision.*
Rule 3.3 Use of Fraudulent Devices	2120 Use of Manipulative, Deceptive or Other Fraudulent Device.
Rule 3.5(a) Advertising Practices	2210(d)(1)(B) Communications with the Public.
Rule 3.5(b) Advertising Practices	2210(d)(2)(C) Communications with the Public.
Rule 3.5(c) Advertising Practices	2210(d)(1) Communications with the Public.
Rule 3.5(d) Advertising Practices	2210(b)(1) Communications with the Public.
Rule 3.5(e) Advertising Practices	2210(b)(2)(A) and 2210(c) Communications with the Public.
Rule 3.5(f) Advertising Practices	2210(d)(2)(A) and 2210(d)(1)(E) Communications with the Public.
Rule 3.5(g) Advertising Practices	2210(d)(1) Communications with the Public.
Rule 3.5(h) Advertising Practices	2210(d)(1) Communications with the Public.
Rule 3.6 Fair Dealing with Customers	IM–2310–2(b)(1), (2), (4)(A)(i), (4)(A)(iii), (4)(A)(iv), and (5).
Rule 3.7(a) Recommendations to Customers	2310(a) Recommendations to Customers (Suitability).
Rule 3.8(a) The Prompt Receipt and Delivery of Securities	3370 Purchases.
Rule 3.8(b) The Prompt Receipt and Delivery of Securities	SEC Regulation SHO.
Rule 3.9 Charges for Services Performed	2430 Charges for Services Performed.
Rule 3.10 Use of Information	3120 Use of Information Obtained in Fiduciary Capacity.
Rule 3.13 Payment Designed to Influence Market Prices, Other than Paid Advertising.	3330 Payment Designed to Influence Market Prices, Other than Paid Advertising.
Rule 3.14 Disclosure on Confirmations	2230 Confirmations and SEC Rule 10b–10 Confirmation of Transactions.
Rule 3.15 Disclosure of Control	2240 Disclosure of Control Relationship With Issuer.
Rule 3.16 Discretionary Accounts	2510 Discretionary Accounts.
Rule 3.17 Customer's Securities or Funds	2330(a) Customers' Securities or Funds—Improper Use.
Rule 3.18 Prohibition Against Guarantees	2330(e) Customers' Securities or Funds—Prohibition Against Guarantees.
Rule 3.19 Sharing in Accounts; Extent Permissible	2330(f)(1) Customers' Securities or Funds—Sharing in Accounts; Extent Permissible.
Rule 4.1 Requirements	Section 17 of the Exchange Act and the rules thereunder.
Rule 5.1 Written Procedures	3010(b)(1) Supervision—Written Procedures.*
Rule 5.2 Responsibility of Members	3010(a)(4) and (b)(4) Supervision.*
Rule 5.3 Records	3010(a)(1), (b) and (c) Supervision.*
Rule 5.4 Review of Activities	3010(c) & (d) Supervision—Internal Inspections/ Review of Transactions and Correspondence.*
Rule 5.5 Information Barrier Procedures	Section 15(f) of Exchange Act.
Rule 5.6 Anti-Money Laundering Compliance Program	3011 Anti-Money Laundering Compliance Program.
Rule 9.3 Predispute Arbitration Agreements	3110(f)—Books and Records (Requirements When Using Predispute Arbitration Agreements for Customer Accounts).*
Rule 12.11 Best Execution	2320 Best Execution and Interpositioning.

FINRA shall only have Regulatory Responsibility regarding the first phase of the BATS rule regarding prohibitions from violating the Securities Exchange Act of 1934 and the rules and regulations thereunder; responsibility for the remainder of the Rule shall remain with BATS.

* FINRA shall not have any Regulatory Responsibilities for these rules as they pertain to violations of insider trading activities, which is covered by a separate 17d–2 Agreement by and among the American Stock Exchange, LLC, Boston Stock Exchange, Inc., CBOE Stock Exchange, LLC, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange, LLC, NYSE Arca Inc., NYSE Regulation, Inc., and Philadelphia Stock Exchange, Inc. submitted to the SEC on August 12, 2008.

In addition, the following provisions shall be part of this 17d–2 Agreement:

Securities Exchange Act of 1934:
Section 15(f)
SEC Rules:
Rule 200 of Regulation SHO—Definition of ''Short Sale'' and Marking Requirements
Rule 203 of Regulation SHO—Borrowing and Delivery Requirements
Rule 606 of Regulation NMS—Disclosure of Order Routing Information
Rule 607 of Regulation NMS—Customer Account Statements

* * * * *

III. Date of Effectiveness of the Proposed Plan and Timing for Commission Action

Pursuant to section 17(d)(1) of the Act [16] and Rule 17d–2 thereunder,[17] October 15, 2008, the Commission may, by written notice, declare the plan submitted by BATS and FINRA, File No. 4–569, to be effective if the Commission finds that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, or to remove impediments to and foster the development of the national market system and a national system for the clearance and settlement of securities transactions and in conformity with the factors set forth in section 17(d) of the Act.

IV. Solicitation of Comments

In order to assist the Commission in determining whether to approve the proposed 17d–2 Plan and to relieve BATS of the responsibilities which would be assigned to FINRA, interested persons are invited to submit written data, views, and arguments concerning the foregoing. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number 4–569 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number 4–569. 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/other.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan that are filed with the Commission, and all written communications relating to the proposed plan between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the plan also will be available for inspection and copying at the principal offices of BATS and FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number 4–569 and should be submitted on or before October 15, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–22212 Filed 9–23–08; 8:45 am]

BILLING CODE 8010–01–P

[16] 15 U.S.C. 78q(d)(1).

[17] 17 CFR 240.17d–2.

[18] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, September 18, 2008, at 5:30 p.m.

Commissioners and certain staff members who have an interest in the matter will attend the Closed Meeting.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions as set forth in 5 U.S.C. 552b(c)(8) and (9) and 17 CFR 200.402(a)(8) and (9), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Paredes as duty officer, voted to consider the item listed for the closed meeting in closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting scheduled for Thursday, September 18, 2008, will be:

Matters related to the financial markets.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: September 18, 2008.

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–22246 Filed 9–23–08; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–58570; File No. SR–Amex–2008–70]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, To Revise Its Initial Listing Process To Eliminate the Current Appeal Process for Initial Listing Decisions, Add a New Confidential Pre-application Eligibility Review Process, and Upgrade Its Listing Requirements by Eliminating the Alternative Listing Standards

September 17, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 4, 2008, the American Stock Exchange LLC (''Amex'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. Amex filed Amendment No. 1 on September 17, 2008. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In connection with its pending acquisition by NYSE Euronext, the parent company of the New York Stock Exchange LLC (''NYSE'') and NYSE Arca, Inc. (''NYSE Arca''), the Exchange desires to revise its initial listing process to more closely align it with the process in place at the NYSE, as well as to upgrade its listing requirements. To that end, the Exchange proposes to amend Sections 101, 201, 206 and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

1201–1206 of the Amex Company Guide and add new Section 202 thereto. These proposed changes would (i) eliminate the current appeal process for initial listing decisions by the Exchange, including elimination of the two alternative listing standards on which almost all such initial listing appeals are based, and (ii) add a new mandatory confidential pre-application eligibility review process for the benefit of companies considering an initial listing on the Exchange. The Exchange is also proposing the addition of a temporary Section 1212T that will contain those current initial listing provisions of the Amex Company Guide that reference the alternative listing standards and other provisions of Part 12 that are applicable to such alternative standards, which provisions are otherwise being proposed for deletion from the Amex Company Guide. The temporary provisions of proposed Section 1212T would only apply to initial listing applications already filed and in process with the Exchange as of the date of effectiveness of this proposed rule change, which effective date will be the later of (i) the date of approval of the rule change by the Commission or (ii) the closing date of the acquisition of the Exchange by NYSE Euronext. The proposed rule change would also eliminate certain outdated provisions in Sections 206 and 1202 of the Amex Company Guide and certain redundant language in Section 1201(d) thereof.

The text of the proposed rule change is available on the Amex's Web site at *http://www.amex.com,* the Office of the Secretary, the Amex and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex 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 Amex 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

Pursuant to an agreement dated January 17, 2008, the Amex is being acquired by NYSE Euronext, the parent company of the NYSE and NYSE Arca. As part of its strategic business planning for the post-merger group, the Exchange examined certain aspects of its initial listing program, and determined to implement changes to the initial listing process to more closely align it with the NYSE, as well as to upgrade the listing requirements by eliminating the ability of an issuer which does not meet the regular listing standards to be approved for listing under the alternative listing standards.

Sections 101(e) and 1203(c) of the Amex Company Guide currently provide that the securities of certain issuers which do not satisfy any of the Exchange's regular initial listing standards may nonetheless be eligible for initial listing on the Exchange pursuant to the Exchange's appeal procedures, which include authorization of approval of the listing by a Listing Qualifications Panel of the Exchange's Committee on Securities, if (a) the issuer satisfies one of two minimum numerical alternative listing standards and (b) the Listing Qualifications Panel makes an affirmative finding that there are mitigating factors that warrant listing pursuant to these alternative listing standards.[3] In order to harmonize its initial listing process with the process in place at the NYSE, the Exchange proposes to amend Sections 101 and 1201–1206 of the Amex Company Guide in order to eliminate the current appeal process for initial listing decisions by the Exchange. In addition, the Exchange is also proposing to eliminate the two aforementioned alternative listing standards on which almost all such initial listing appeals are based. A relatively small number of companies are listed on the Exchange each year under the two alternative listing standards that are being eliminated under the proposed rule change.

In conjunction with the changes discussed in the prior paragraph, the Exchange also proposes to amend Section 201 of the Amex Company Guide and add new Section 202 thereto to provide a new mandatory confidential pre-application eligibility review process for the benefit of companies considering an initial listing on the Exchange. Pursuant to this process, company officials seeking a listing on the Exchange would be required to undertake preliminary confidential discussions with the Exchange, prior to formal listing application, to determine whether its securities are eligible for listing approval. Only after a company has cleared the confidential pre-application eligibility review and has been authorized by the Exchange to proceed with the listing of its securities on the Exchange may it file an original listing application and complete the other formal steps in the original listing process pursuant to Section 202. The confidential pre-application eligibility review process would be comparable to the process in place at the NYSE as described in Sections 101, 104 and 701 of the NYSE Listed Company Manual.

The information needed for the purpose of conducting a confidential pre-application eligibility review is set forth in Sections 210–222 of the Amex Company Guide. Such information from the company would include, for example, copies of (i) the latest periodic reports under the 1934 Act, such as the Form 10–K Annual Report (or a prospectus declared effective by the Commission that contains the company's latest audited financial statements), Form 10–Q Quarterly Report(s), and Form 8–K Current Report(s); (ii) the latest proxy statement for the annual meeting of stockholders; (iii) the latest annual report distributed to stockholders; (iv) a qualified engineer's report with an estimate of proven reserves, in the case of an oil and gas company; (v) a qualified engineer's mining and reserve report, in the case of a mining company; and (vi) such other information or documentation, public or non-public, deemed necessary by the Exchange for it to make a determination regarding a security's original listing eligibility. There will be no charge to the company in connection with the confidential pre-application eligibility review.

The Exchange has determined that it is appropriate to strengthen and enhance its initial listing standards by requiring that all companies that list on the Exchange meet the requirements of the Exchange's regular initial listing standards. Further, the Exchange anticipates that the proposed new confidential pre-application eligibility review process will enable it to provide an issuer with guidance and clarification on whether or not it is eligible for listing on a more expeditious basis. The Exchange believes that the new confidential pre-application eligibility review process will provide a fair procedure, consistent with Section 6(b)(7) of the 1934 Act, for all issuers seeking listing, including those that receive an adverse determination. Specifically, consistent with the

[3] The issuer is also required to make an announcement through the news media that it has been approved for listing pursuant to the alternative listing standards. See Section 1203(c)(iii).

Exchange's current review process, initial listing eligibility determinations must be made in accordance with the criteria specified in the Exchange's listing standards, following a rigorous staff analysis and managerial oversight. This structured review process, based on transparent standards, mitigates against erroneous determinations. Moreover, the Exchange's experience with its existing initial listing appeal process is that it has almost never been utilized, and never successfully, to appeal a staff determination on the basis that such determination was erroneous. Rather, the few appeals have been by issuers seeking listing under the two aforementioned alternative listing standards (which can only be achieved through the appeal process). The revised process would closely track the NYSE's longstanding process, which is reflected in the NYSE Listed Company Manual and has not, to the Exchange's knowledge, resulted in appeals of NYSE listing determinations to the Commission. Accordingly, the Exchange is confident that the revised process will be fair to issuers.

The Exchange represents that it has considered how to transition the above-described rule changes and proposes the following treatment for issuers that have applications currently in process for an initial listing on the Exchange. Any initial listing applications that are already filed and in process with the Exchange as of the date of effectiveness of this proposed rule change (''Legacy Applications'') will be treated as if they were still governed by the initial listing procedures in the Amex Company Guide as in effect immediately prior to such date of effectiveness, which effective date will be the later of (i) the date of approval of the rule change by the Commission or (ii) the closing date of the acquisition of the Exchange by NYSE Euronext as further described below under ''Implementation.'' Consequently, during that transition period, companies with Legacy Applications would have the right to appeal the initial listing decision and to be evaluated for listing under the alternative initial listing standards that are being eliminated by this filing. To this end, the Exchange is proposing as part of this filing the addition of a temporary Section 1212T to the Amex Company Guide that will contain those current initial listing provisions of the Amex Company Guide that reference the alternative listing standards and other provisions of Part 12 that are applicable to such alternative standards, which provisions are otherwise being proposed for deletion from the Amex Company Guide in this filing. The temporary provisions of Rule 1212T will apply solely to the Legacy Applications and will otherwise be of no force or effect.

In addition to the changes discussed above, the Exchange is also proposing three other minor changes of a ''housekeeping'' nature to the text of the Amex Company Guide. Section 206, containing an outdated and non-substantive reference to listing day would be eliminated. An outdated reference in Section 1202 to the Listing Investigations Department (which no longer exists) would be deleted under the proposed rule change. Finally, language in Section 1201(d) listing a number of non-quantitative factors that the Exchange will consider in evaluating an initial listing application would be eliminated under the proposal because those factors (and certain others) are already set forth in Section 101.

Implementation

This rule filing is being made to implement a NYSE Euronext business plan for the Amex after the consummation of the transactions contemplated by the merger agreement dated January 17, 2008 among the Exchange, the Amex Membership Corporation, NYSE Euronext and certain other entities, whereby a successor to the Exchange will become an indirect, wholly-owned subsidiary of NYSE Euronext (the ''Acquisition'').[4] In the event that the Acquisition has not occurred prior to Commission approval of the proposed rule change, the effective date of the rule change will be postponed until the closing date of the Acquisition and the Exchange's rules will be annotated accordingly. In the event that the Acquisition has not been effected on or before December 31, 2008, the proposed rule change will not take effect and the Exchange will rescind the approved rule text by a separate filing with the Commission.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the 1934 Act[5] in general, and furthers the objectives of Section 6(b)(5)[6] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. More specifically, the Exchange believes that the proposed rule change is consistent with investor protection and the public interest because the upgrading of the Exchange's initial listing standards through elimination of the current alternative listing standards will further ensure that only well-qualified companies that all meet a uniform set of standards will be listed on the Exchange. Further, the Exchange believes that the proposed rule change will have the effect of removing impediments to and perfecting the mechanism of a free and open market and a national market system by providing a more streamlined and efficient initial listing process for the Exchange that is very closely aligned with the corresponding process that is currently in place at the NYSE.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which Amex consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

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:

[4] The transactions that will effectuate the Acquisition are described in more detail in Form 19b–4, File No. SR Amex–2008–62, originally filed with the Commission by the Exchange on July 23, 2008, as amended.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Amex–2008–70 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Amex–2008–70. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2008–70 and should be submitted on or before October 15, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

J. Lynn Taylor,

Assistant Secretary.

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[7] CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–58571; File No. SR–Phlx–2008–60]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the NASDAQ OMX PHLX, Inc. To Enable the Listing and Trading of Options on Index-Linked Securities

September 17, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 12, 2008, the NASDAQ OMX PHLX, Inc. (''Phlx'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. Phlx filed the proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange, pursuant to Section 19(b)(1) of the Act[5] and Rule 19b–4 thereunder,[6] proposes to amend Phlx Rules 1009, Criteria for Underlying Securities, and 1010, Withdrawal of Approval of Underlying Securities or Options, to enable the listing and trading on the Exchange of options on Index-Linked Securities, as defined below. The text of the proposed rule change is available on the Exchange's Web site at *http://www.phlx.com/regulatory/reg_rulefilings.aspx*, the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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

This proposed rule change is based on recent Chicago Board Options Exchange, Incorporated (''CBOE'') and NYSE Arca, Inc. (''NYSE Arca'') filings.[7]

The purpose of the proposed rule change is to revise Phlx Rules 1009 and 1010 to enable the listing and trading of options on equity index-linked securities (''Equity Index-Linked Securities''), commodity-linked securities (''Commodity-Linked Securities''), currency-linked securities (''Currency-Linked Securities''), fixed income index-linked securities (''Fixed Income Index-Linked Securities''), futures-linked securities (''Futures-Linked Securities'') and multifactor index-linked securities (''Multifactor Index-Linked Securities'') (the six types of index-linked securities are collectively known as ''Index-Linked Securities'') that are principally traded on a national securities exchange and are ''NMS Stock'' (as defined in Rule 600 of Regulation NMS under the Act).

Index-Linked Securities are designed for investors who desire to participate in a specific market segment by providing exposure to one or more identifiable underlying securities, commodities, currencies, derivative instruments or market indexes of the foregoing (''Underlying Index'' or ''Underlying Indexes''). Index-Linked Securities are the non-convertible debt of an issuer that have a term of at least one (1) year but not greater than thirty (30) years. Despite the fact that Index-Linked Securities are linked to an underlying index, each trades as a single, exchange-listed security. Accordingly, rules pertaining to the listing and trading of standard equity options will apply to Index-Linked Securities. The Exchange does not propose any changes to rules pertaining to Index Options.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] 15 U.S.C. 78s(b)(1).

[6] 17 CFR 240.19b–4

[7] *See* Securities Exchange Act Release Nos. 58204 (July 22, 2008), 73 FR 43807 (July 28, 2008) (SR–CBOE–2008–64) and 58203 (July 22, 2008), 73 FR 43812 (July 28, 2008) (SR–NYSEArca–2008–57). In addition, the Exchange is making minor changes to Commentary .06 to Phlx Rule 1009 to conform the Exchange's rules to those of CBOE and NYSE Arca.

Listing Criteria

The Exchange will consider listing and trading options on Index-Linked Securities provided the Index-Liked Securities meet the criteria for underlying securities set forth in Phlx Rule 1009 (a) to (c) and Commentary .01 to Rule 1009.

The Exchange proposes that Index-Linked Securities deemed appropriate for options trading represent ownership of a security that provides for the payment at maturity, as described below:

—*Equity Index-Linked Securities* are securities that provide for the payment at maturity of a cash amount based on the performance of an underlying index or indexes of equity securities (''Equity Reference Asset'');

—*Commodity-Linked Securities* are securities that provide for the payment at maturity of a cash amount based on the performance of one or more physical commodities or commodity futures, options or other commodity derivatives or Commodity-Based Trust Shares or a basket or index of any of the foregoing (''Commodity Reference Asset'');

—*Currency-Linked Securities* are securities that provide for the payment at maturity of a cash amount based on the performance of one or more currencies, or options or currency futures or other currency derivatives or Currency Trust Shares [8] or a basket or index of any of the foregoing (''Currency Reference Asset'');

—*Fixed Income Index-Linked Securities* are securities that provide for the payment at maturity of a cash amount based on the performance of one or more notes, bonds, debentures or evidence of indebtedness that include, but are not limited to, U.S. Department of Treasury securities (''Treasury Securities''), government sponsored entity securities (''GSE Securities''), municipal securities, trust preferred securities, supranational debt and debt of a foreign country or a subdivision thereof or a basket or index of any of the foregoing (''Fixed Income Reference Asset'');

—*Futures-Linked Securities* are securities that provide for the payment at maturity of a cash amount based on the performance of an index of (a) futures on Treasury Securities, GSE Securities, supranational debt and debt of a foreign country or a subdivision thereof, or options or other derivatives on any of the foregoing; or (b) interest rate futures or options or derivatives on the foregoing in this subparagraph (b) (''Futures Reference Asset''); and

—*Multifactor Index-Linked Securities* are securities that provide for the payment at maturity of a cash amount based on the performance of any combination of two or more Equity Reference Assets, Commodity Reference Assets, Currency Reference Assets, Fixed Income Reference Assets or Futures Reference Assets (''Multifactor Reference Asset'').

For the purposes of Commentary .09 to Phlx Rule 1009, Equity Reference Assets, Commodity Reference Assets, Currency Reference Assets, Fixed Income Reference Assets, Futures Reference Assets and Multifactor Reference Assets, will be collectively referred to as ''Reference Assets.''

Index-Linked Securities must meet the criteria and guidelines for underlying securities set forth in Commentary .01 to Phlx Rule 1009, or the Index-Linked Securities must be redeemable at the option of the holder at least on a weekly basis through the issuer at a price related to the applicable underlying Reference Asset. In addition, the issuing company is obligated to issue or repurchase the securities in aggregation units for cash or cash equivalents satisfactory to the issuer of Index-Linked Securities which underlie the option as described in the Index-Linked Securities prospectus.

Continued Listing Requirements

Options on Index-Linked Securities will be subject to all Exchange rules governing the trading of equity options. The current continuing or maintenance listing standards for options traded on the Exchange will continue to apply.

The Exchange proposes to establish Commentary .12 to Rule 1010 which will include criteria related to the continued listing of options on Index-Linked Securities.

Under the applicable continued listing criteria in proposed Commentary .12 to Rule 1010, options on Index Linked Securities initially approved for trading pursuant to proposed Commentary .09 to Rule 1009 may be subject to the suspension of opening transactions as follows: (1) Non-compliance with the terms of Commentary .09 to Rule 1009; (2) non-compliance with the terms of Commentary .01 to Rule 1010, except in the case of options covering Index Linked Securities approved pursuant to Commentary .09(c)(ii) to Rule 1009 that are redeemable at the option of the holder at least on a weekly basis, then option contracts of the class covering such Securities may only continue to be open for trading as long as the Securities are listed on a national securities exchange and are an ''NMS stock'' as defined in Rule 600 of Regulation NMS; (3) in the case of any Index-Linked Security trading pursuant to Commentary .09 to Rule 1009, the value of the Reference Asset is no longer calculated or available; or (4) such other event shall occur or condition exist that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.

The Exchange represents that the listing and trading of options on Index-Linked Securities under Commentary .09 to Rule 1009 will not have any effect on the rules pertaining to position and exercise limits [9] or margin.[10]

The Exchange will implement surveillance procedures for options on Index-Linked Securities, including adequate comprehensive surveillance sharing agreements with markets trading in non-U.S. components, as applicable. The Exchange represents that these procedures will be adequate to properly monitor Exchange trading of options on these the securities and to deter and detect violations of Exchange rules.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act [11] in general, and furthers the objectives of Section 6(b)(5) of the Act [12] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the proposed rules applicable to trading pursuant to generic listing and trading criteria, together with the Exchange's surveillance procedures applicable to trading in the securities covered by the proposed rules, serve to foster investor protection.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

[8] *See* proposed Commentary .06 to Phlx Rule 1009. The term ''Currency Trust Shares'' is defined as a security that (a) holds a specified non-U.S. currency deposited with the trust or similar entity; (b) when aggregated in some specified minimum number may be surrendered to the trust by the beneficial owner to receive the specified non-U.S. currency or currencies; and (c) pays the beneficial owner interest and other distributions on deposited non-U.S. currency or currencies, if any, declared and paid by the trust.

[9] *See* Phlx Rules 1001, 1001A, 1002, and 1002A.

[10] *See* Phlx Rules 721 through 725.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay as well as the five business-day pre-filing requirement so that the Exchange is able to compete with other options exchanges that are currently permitted to list and trade options on Index-Linked Securities. The Commission believes that waiving the 30-day operative delay and five business-day pre-filing requirement is consistent with the protection of investors and the public interest.[15] The Commission notes the proposal is substantively identical to proposals that were recently approved by the Commission, and does not raise any new regulatory issues.[16] For these reasons, the Commission designates the proposed rule change as operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2008–60 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2008–60. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2008–60 and should be submitted on or before October 15, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E8–22249 Filed 9–23–08; 8:45 am]

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[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] For purposes only of waiving the 30-day operative delay and five business-day pre-filing requirement, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] *See* Securities Exchange Act Release Nos. 58203 (July 22, 2008), 73 FR 43812 (July 28, 2008) (SR–NYSEArca–2008–57) and 58204 (July 22, 2008), 73 FR 43807 (July 28, 2008) (SR–CBOE–2008–64).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–58582; File No. SR–Phlx–2008–66]

Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Quotation Size Decrementation

September 18, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 16, 2008, the NASDAQ OMX PHLX, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by Phlx. Phlx filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange, pursuant to Section 19(b)(1) of the Act [5] and Rule 19b–4 thereunder,[6] proposes to amend Exchange Rule 1082, Firm Quotations, to reflect a change to its fully electronic

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] 15 U.S.C. 78s(b)(1).

[6] 17 CFR 240.19b–4.

trading platform for options, Phlx XL,[7] in which automatic executions will decrement the Exchange's disseminated size by the amount of the automatic execution.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.phlx.com/regulatory/reg_rulefilings.aspx*.

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 enhance the ability of Exchange Streaming Quote Traders (''SQTs''),[8] Remote Streaming Quote Traders (''RSQTs''),[9] non-SQT ROTs,[10] and specialists (collectively, ''Phlx XL participants'') to better manage risk by modifying the Phlx XL system such that when a trade occurs, the Phlx XL system will decrement the quote size by the number of contracts traded in the affected option series on the side of the market that has traded (*i.e.*, bid size for sell transactions and offer size for buy transactions).

Phlx XL currently does not decrement quotation size in real time. Instead, a Phlx XL participant has control over his or her quotation size and can refresh the size (and price) for which he or she is firm at the disseminated price. Phlx XL participants have experienced situations where they execute more contracts at a particular price than they intended due to the fact that Phlx XL currently does not decrement quote size in real time.

The following example illustrates the issue that the proposed system change would solve:

A Phlx XL participant submits an electronic quotation (a bid) to buy 100 contracts. Under the current system functionality, if a single trade of 100 contracts to sell interacts with that bid for 100 contracts, all 100 contracts will be executed and the Phlx XL participant's quotation will be exhausted and removed from the market place until that Phlx XL participant refreshes his or her quotation.[11]

If, however, a single trade of 100 contracts to sell interacts with that bid for anything less than its full size, the Phlx XL system currently does not decrement the size of the bid, and the bid is still firm for the full original size of 100 contracts. For example, a single trade of 90 contracts occurs on the bid price, all 90 contracts would be executed automatically, but the disseminated size of the quotation will continue to be 100 contracts. Phlx XL participants have experienced situations where a quotation could be for a size of 100 contracts and an execution occurs for 99 contracts, followed by an additional execution of 100 contracts at the same price before the Phlx XL participant can revise his or her quotation in the affected series, for a total execution of 199 contracts when the quotation was only intended to be for a size of 100 contracts at the disseminated price. The Exchange believes that this aspect of the current system exposes Phlx XL participants to undue risk respecting the size for which they are firm at a particular price in a particular option series.

Accordingly, under the proposal, every trade executed automatically in the Phlx XL system would cause the Exchange's disseminated size to be reduced by the number of contracts traded in the affected series at the disseminated price. Receipt of a revised quote from the affected Phlx XL participant would reset the price and size for that series.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[12] in general, and furthers the objectives of Section 6(b)(5) of the Act[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by providing Phlx XL participants with additional protection from exposure to undue market risk through the real-time decrementation of the Exchange's disseminated size.

The Exchange further believes that the proposed rule change is consistent with the Act because the risk protection afforded Phlx XL participants should encourage them to quote options series with greater size, adding liquidity to the Exchange's markets against which customers can trade.

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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the

[7] *See* Securities Exchange Act Release No. 50100 (July 27, 2004), 69 FR 44612 (August 3, 2004) (SR–Phlx–2003–59). [sic]

[8] An SQT is a Registered Options Trader (''ROT'') who has received permission from the Exchange to generate and submit option quotations electronically through an electronic interface with AUTOM via an Exchange approved proprietary electronic quoting device in eligible options to which such SQT is assigned. *See* Exchange Rule 1014(b)(ii)(A).

[9] An RSQT is an ROT that is a member or member organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically through AUTOM in eligible options to which such RSQT has been assigned. An RSQT may only submit such quotations electronically from off the floor of the Exchange. *See* Exchange Rule 1014(b)(ii)(B).

[10] A non-SQT ROT is an ROT who is neither an SQT nor an RSQT. *See* Exchange Rule 1014(b)(ii)(C).

[11] *See* Exchange Rule 1082(a)(ii)(B)(1).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). Pursuant to Rule 19b–4(f)(6)(iii) under the Act, the Exchange is required to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has requested that the Commission waive the 5-day pre-filing notice requirement. The Commission has determined to waive this requirement.

Act[16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that under the proposal, the Exchange's disseminated size should accurately reflect revised quotation sizes based on automatic executions through Phlx XL in real time. Accordingly, the Commission designates that the proposed rule change become operative immediately.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2008–66 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2008–66. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 am and 3 pm. 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 Number SR–Phlx–2008–66 and should be submitted on or before October 15, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E8–22378 Filed 9–23–08; 8:45 am]

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[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–58569; File No. SR–NASDAQ–2008–033]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving Proposed Rule Change as Modified by Amendment Nos. 1 and 2 Related to Submission of Non-Tape Reports

September 17, 2008.

I. Introduction

On April 18, 2008, The NASDAQ Stock Market LLC (''Nasdaq'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change related to submission of non-tape reports. On July 3, 2008, Nasdaq filed Amendment No. 1 to the proposed rule change. The proposed rule change was published for comment in the **Federal Register** on July 11, 2008.[3] Two comments were received in support of the proposed rule change.[4] On August 11, 2008, Nasdaq filed Amendment No. 2 to the proposed rule change to make certain technical, non-substantive modifications to the original rule filing. This order approves the proposed rule change, as amended.

II. Description of the Proposal

The proposed rule change would: Expand the scope of step-outs[5] to include all securities transfers from one Nasdaq member to another provided the transfer does not constitute a reportable trade,[6] eliminate the requirement for an authorizing agreement when Nasdaq members use the Automated Confirmation Transaction service (''ACT'') to effect a step-out along with the transfer of a sales fee or similar fee,[7] describe riskless transactions,[8] state that members may not use the step-out function in lieu of reporting a trade,[9] and establish a fee for the use of the step-out function to transfer a transaction fee.[10]

Nasdaq will allow members to submit records for riskless transfers using the following capacities: ''Riskless Principal'' where the member acted as principal on the trade or trades related to the riskless submission; ''Agent'' where the member acted as agent on the trade or trades related to the riskless submission; and ''Intra-Broker'' where the transfer is occurring strictly within a member firm.

Transaction Fees

According to Nasdaq, trade reporting rules of other SROs allow transaction fees to be included in clearing reports. Nasdaq proposes to permit members to include transaction fees in clearing reports submitted under Rule 7038 or 7042, if the members agree in advance to transfer the transaction fee and if they are parties to a written agreement

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 58101 (July 3, 2008), 73 FR 40002.

[4] *See* e-mail from Kirk Allen, Managing Director, Trading, NWQ Investment Management, dated August 1, 2008 (''NWQ Investment Letter'') and letter from William D. Edick, Pickard and Djinis LLP, to Florence E. Harmon, Acting Secretary, Commission, dated September 11, 2008 (''Pickard Letter'').

[5] Nasdaq states that a step-out is a clearing entry used to transfer a broker's position in a security to another broker, or within accounts at a firm.

[6] Rule 7038(b).

[7] Rule 7038(c).

[8] Rule 7042. Nasdaq states that this requirement follows the general standard for riskless principal transactions articulated in Financial Industry Regulatory Authority (''FINRA'') Rule 4632(d)(3)(B).

[9] Rule 7038(d), 7042(b) and 7043(a).

[10] Rule 7043.

permitting the submission of fee-inclusive clearing reports. Nasdaq would allow members to transfer to another Nasdaq member transaction fees using the clearing reports that Nasdaq forwards to the National Securities Clearing Corporation (''NSCC'') to clear a trade. Nasdaq will impose a fee of $0.03 per-side for each such clearing report.[11]

Step-Outs

A step-out is a transfer of all or a portion of a broker-dealer's securities position to another broker-dealer which transfer does not constitute a trade. According to Nasdaq, this proposal builds upon previous attempts to provide step-out parameters for its members. Nasdaq initially offered step-out capability in 2007 because FINRA rules restricted the use of step-outs to those portions of trades that were originally executed by, and reported to, FINRA facilities.[12] Certain broker-dealers wished to engage in step-outs but did not have systems in place to capture the venue of the original trade execution and/or they may have executed various portions of the underlying trade in non-FINRA facilities. FINRA rules do not permit the use of step-outs under these conditions. Accordingly, Nasdaq amended its rules to allow the use of step-outs in connection with any trade to which a Nasdaq member was a party regardless of the market on which the trade was executed.[13]

Nasdaq amended its step-out rules again in 2007 to require clearing member firms that wanted to transfer certain sales fees without transferring the underlying shares to have an authorizing agreement. No authorizing agreement is required when Nasdaq members conduct step-outs if the transfers are limited to transfer of the underlying shares.[14]

Nasdaq is again expanding its step-out parameters: first, it proposes to expand the scope of step-outs to include all securities transfers from one Nasdaq member to another provided that the transfer does not constitute a reportable trade; second, Nasdaq is eliminating the requirement for an authorizing agreement when Nasdaq members use ACT to effect a step-out along with the transfer of a sales or similar fee.[15] Third, Nasdaq is reiterating in its rules that step-outs are not trade reports and cannot be used as such and reminding members of the need to comply with trade reporting rules of other SROs governing a particular transaction.[16] Finally, Nasdaq is implementing a fee for step-outs that also transfer a transaction fee.

Nasdaq believes that the above changes will enhance the ability of Nasdaq members to transfer securities positions and their associated fees in an efficient and transparent manner.

III. Discussion and Commission Findings

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[17] and, in particular, the requirements of Section 6 of the Act.[18] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[19] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Nasdaq's proposal to expand the use of step-outs, as described above should enhance the efficiency and transparency to members of their post-trade operations.

The Commission received two comment letters on the proposed rule change.[20] One commenter expressed support for Nasdaq's proposal and stated it believes Nasdaq's proposal will bring added transparency.[21] The other commenter questioned the impact this proposed rule change may have on Exchange Act Rule 10b–10[22] disclosure requirements.[23]

Nasdaq's proposal to allow submission of non-tape, riskless principal reports through ACT should facilitate the transfer of information between parties to the transaction and make the trade record information electronically available. It can facilitate the ultimate transmission of the transfer records to the appropriate clearing agency.[24] The Commission notes that Nasdaq members can not satisfy any trade reporting obligations by submitting non-tape, clearing, or non-tape, non-clearing records to ACT. Furthermore, the Commission expects Nasdaq to monitor the expanded use of the step-out functionality to ensure that its members use these position movements as specified in the rule, and not to effect trades.

Nasdaq's proposal to allow the transfer of fees in conjunction with the step-out is analogous to rules of other SROs which allow transaction fees to be included in clearing reports.[25] The Commission understands that although Nasdaq no longer requires members to have agreements in place for step-out transactions, the transaction comparison process itself requires the acquiescence of both parties for the ACT system to complete the transaction. A member retains the opportunity to manually reject or reverse the step-out and fee transfer arrangement if it disagrees with their terms when the terms are presented to the member even after the

[11] Nasdaq states that under NASD Rule 7002B, FINRA/Nasdaq TRF participants are charged a fee of $0.03 per side for submission of a clearing report to transfer a transaction fee charged by one FINRA member to another.

[12] *See* Securities Exchange Act Release No. 56345 (August 31, 2007), 72 FR 51880 (September 11, 2007).

[13] *Id.*

[14] *See* Securities Exchange Act Release No. 56929 (December 7, 2007), 72 FR 71176 (December 14, 2007).

[15] Nasdaq represents that step-outs are already completed pursuant to formal agreements among Nasdaq members or through ACT's comparison processes, which renders the current requirement for an authorizing agreement duplicative.

This proposed rule change would not change the requirement of a formal sales fee transfer agreement between firms that wish to use ACT to move sales fees without an accompanying transfer of securities. Nasdaq believes that it is important to retain the requirement that the parties to a fee transfer have a written agreement specifically permitting the fee transfers because a sales fee transfer that moves no shares is not a step-out and therefore there are no specific share movements for firms to readily identify as being associated with the fee transfer.

[16] *See* Rules 7038(d), 7042(b) and 7043(a).

[17] In approving this proposed rule change the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[18] 15 U.S.C. 78f.

[19] 15 U.S.C. 78f(b)(5).

[20] *See supra* note 4.

[21] *See* NWQ Letter, *supra* note 4.

[22] 17 CFR 240.10b–10.

[23] *See* Pickard Letter, *supra* note 4. The Commission believes that this comment raises an interpretive question regarding the applicability of Exchange Act Rule 10b–10 and is outside of the scope of NASDAQ's proposed rule change. Procedures applicable to requests for no-action and interpretive letters from the Division of Trading and Markets are available in Securities Act Release No. 6269 (December 5, 1980) (available at: *http://www.sec.gov/rules/other/33–6269.pdf*).

[24] The Commission notes that Nasdaq represents it will continue to honor Attachment 2's and Uniform Trade Reporting Agreements on file with it or the FINRA/Nasdaq TRF.

[25] When a firm uses this function the fee will be electronically billed and collected.

step-out and fee transfer had initially been affirmed.[26]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NASDAQ–2008–033), as modified by Amendments No. 1 and 2, be and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E8–22379 Filed 9–23–08; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–58564; File No. SR–NYSEArca–2008–86]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Accelerated Approval of Proposed Rule Change To List and Trade the WisdomTree Dreyfus Emerging Markets Fund

September 17, 2008.

I. Introduction

On August 11, 2008, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca''), through its wholly owned subsidiary, NYSE Arca Equities, Inc. (''NYSE Arca Equities''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the WisdomTree Dreyfus Emerging Markets Fund (''Fund''). The proposed rule change was published for comment in the **Federal Register** on August 26, 2008.[3] The Commission received no comment letters on the proposal. This order approves the proposed rule change on an accelerated basis.

II. Description of the Proposed Rule Change

The Exchange proposes to list and trade the shares (''Shares'') of the Fund pursuant to NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares on the Exchange.[4] The Fund will be an actively managed exchange traded fund. The Shares will be offered by the WisdomTree Trust (''Trust''), which was established as a Delaware statutory trust on December 15, 2005. The Trust is registered with the Commission as an investment company.[5]

A. Description of the Shares and the Fund

WisdomTree Asset Management, Inc. (''WisdomTree Asset Management'') is the investment adviser to the Fund.[6] The Exchange represents that WisdomTree Asset Management is not affiliated with any broker-dealer. The Bank of New York is the administrator, custodian, and transfer agent for the Fund. ALPS Distributors, Inc. serves as the distributor for the Fund.[7]

The Fund seeks to earn current income reflective of money market rates in emerging market currencies available to foreign investors, as well as provide exposure to changes in the value of emerging market currencies relative to the U.S. dollar. The Exchange notes that because the Fund's investment objective was adopted as a non-fundamental investment policy, the Fund's investment objective may be changed without a vote of shareholders.

The Fund seeks to achieve its investment objective by investing in short-term securities and instruments designed to provide exposure to the currencies and money market rates of a specified set of emerging market countries. The set of countries is selected and reconstituted on an annual basis with similar allocations to each country being established (in U.S. dollar terms) at the reconstitution date and consequently reset each quarter. Although the Fund is actively managed, the Exchange states that the Fund would strive to adhere to these general parameters in both currency selection and approximate allocation, unless it is believed to be to the detriment of the Fund.

A basket of from five to twelve currencies is selected at least annually from a pool of eligible currencies to provide a representative and diversified proxy for developing market currencies relative to the U.S. dollar. Countries and their capital markets are first classified as frontier, emerging, developing, and developed markets based on a number of quantitative and qualitative factors to determine eligibility. Only the currencies of countries and capital markets classified as developing or emerging markets will be deemed eligible. The selection of the constituent currencies is then driven by the liquidity and tradability of the individual currencies, a country's economic and capital market development, and optimized regional and economic diversification. The Fund attempts to invest in instruments that provide exposure to the most liquid currencies in the geographical regions in which the Fund invests. The Fund will seek to provide an equally-weighted exposure to these currencies. The Fund will be rebalanced on a quarterly basis to maintain this equal weighting. The basket will be reconstituted each year following a similar classification and selection process. Significant events, such as the reclassification of a country's currency from developing to developed, may cause the Fund to reconstitute its portfolio more frequently than annually. At launch, the Fund initially will select a subset of the following markets: Brazil, Chile, China, the Czech Republic, Hungary, India, Malaysia, Mexico, Poland, Russia, South

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[26] Nasdaq represents that it determined through discussions with its member firms that many firms preferred to handle step-outs on a match/compare basis, *i.e.* manually, even when they had a fee agreement between them and that it was an unnecessary burden for firms to sign separate agreements to move fees associated with step-out submissions to ACT since this functionality already was in place on ACT.

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 58396 (August 20, 2008), 73 FR 50385 (''Notice'').

[4] Managed Fund Shares are securities that represent an interest in a registered investment company organized as an open-end management investment company or similar entity that invests in a portfolio of securities selected by such investment company's investment adviser consistent with such investment company's investment objectives and policies. *See* NYSE Arca Equities Rule 8.600(c)(1); Securities Exchange Act Release No. 57619 (April 4, 2008), 73 FR 19544 (April 10, 2008) (SR–NYSEArca–2008–25) (approving, among other things, rules permitting the listing and trading of Managed Fund Shares).

[5] *See* Post-Effective Amendment No. 14 to Registration Statement on Form N–1A for the Trust (File Nos. 333–132380 and 811–21864) (''Registration Statement''). The Exchange states that the descriptions of the Fund and the Shares contained in the Notice are based on information in the Registration Statement.

[6] WisdomTree Investments, Inc. is the parent company of WisdomTree Asset Management.

[7] The Commission has issued an order granting certain exemptive relief to the Trust under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act''). *See* Investment Company Act Release No. 28147 (February 6, 2008), 73 FR 7776 (February 11, 2008) (File No. 812–13470). In compliance with Commentary .05 to NYSE Arca Equities Rule 8.600, which applies to Managed Fund Shares based on an international or global portfolio, the Exchange states that the Trust's application for exemptive relief under the 1940 Act provides that the Fund will comply with federal securities laws in accepting securities for deposits and satisfying redemptions with redemption securities, including that the securities accepted for deposits and the securities used to satisfy redemption requests are sold in transactions that would be exempt from registration under the Securities Act of 1933 (15 U.S.C. 77a).

Africa, South Korea, Taiwan, Turkey, and Thailand.[8]

The Exchange adds that, in addition to using the BIS Survey to assess liquidity, the Fund's portfolio managers also will use information about transaction volume, bid-ask spreads, and average transaction size in each currency and in contracts and derivatives on such currencies to assess liquidity, obtaining this information through market observation, subscription services, and from publicly available sources.

The Exchange notes that, because the market for money market instruments in these countries generally is less liquid and accessible to foreign investors than corresponding markets in more developed economies, the Fund intends to achieve exposure to the applicable non-U.S. market(s) by investing primarily in short-term U.S. money market securities and in forward currency contracts and swaps, the combination of which is designed to create a position economically similar to a money market instrument denominated in a non-U.S. currency.[9]

The Fund generally will maintain a weighted average portfolio maturity of 90 days or less, will not purchase any money market instrument with a remaining maturity of more than 397 calendar days, and will not invest in non-U.S. equity securities. The Exchange notes that the Fund will issue and redeem Shares on a continuous basis at net asset value (''NAV'')[10] only in large blocks of shares, typically 50,000 shares or more (''Creation Units''), in transactions with authorized participants. Creation Units of the Fund are usually issued in exchange for cash, and redemptions are effected usually in exchange for a basket of U.S. money market instruments and/or a designated amount of cash. Once created, Shares of the Fund trade on the secondary market in amounts less than a Creation Unit.

The Exchange states that more information regarding the Shares and the Fund, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions, and taxes, can be found in the Registration Statement.

B. Availability of Information

The Fund's Web site (*www.wisdomtree.com*), which will be publicly available prior to the public offering of the Shares, will include a downloadable form of the prospectus for the Fund. The Web site will include additional quantitative information for the Fund, updated on a daily basis, including: (1) The prior business day's reported NAV, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[11] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in the Core Trading Session[12] on the Exchange, the Trust will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (''Disclosed Portfolio'')[13] held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[14]

In addition, an estimated value, defined in NYSE Arca Equities Rule 8.600(c)(3) as the ''Portfolio Indicative Value,'' which reflects an estimated intraday value of the Fund's portfolio, will be disseminated. The Portfolio Indicative Value will be based upon the current value for the components of the Disclosed Portfolio and will be updated and disseminated by the Exchange at least every 15 seconds during the Core Trading Session through the facilities of the Consolidated Tape Association. The Exchange states that the dissemination of the Portfolio Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and to provide a close estimate of that value throughout the trading day.

The Exchange further states that information regarding market price and volume of the Shares is and will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The previous day's closing price and trading volume information will be published daily in the financial section of newspapers. Quotation and last-sale information regarding the Shares will be available via the Consolidated Tape Association high-speed line.

C. Initial and Continued Listing

The Shares will be subject to NYSE Arca Equities Rule 8.600(d), which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. A minimum of 100,000 Shares will be required to be outstanding at the commencement of trading. The Exchange states that this minimum number of Shares required to be outstanding is comparable to requirements that have been applied to previously listed series of exchange-traded funds. The Exchange believes that the proposed minimum number of Shares outstanding at the start of trading will be sufficient to provide market liquidity. In addition, the Exchange states that it will obtain a representation from the Trust prior to the listing of the Fund Shares that the NAV per Share will be calculated daily and that the NAV and Disclosed Portfolio will be made available to all market

[8] Data for the currencies of these countries is included in the Bank for International Settlements Triennial Central Bank Survey, December 2007 (''BIS Survey''). The Fund will invest in instruments that provide exposure to currencies selected from the top 42 currencies in the chart included in the BIS Survey (Currency distribution of foreign exchange turnover), reflecting the percentage share of average daily turnover for the applicable month and year.

[9] The Fund may pursue its objectives through direct investments in money market instruments issued by entities in the applicable non-U.S. country and denominated in the applicable non-U.S. currency when WisdomTree Asset Management believes it is in the best interest of the Fund to do so. The decision to secure exposure directly or indirectly will be a function of, among other things, market accessibility, credit exposure, and tax ramifications for foreign investors. If the Fund pursues direct investment, eligible investments will include short-term securities issued by the applicable foreign government and its agencies or instrumentalities, bank debt obligations and time deposits, bankers' acceptances, commercial paper, short-term corporate debt obligations, mortgage-backed securities, and asset-backed securities.

[10] The NAV of the Fund's Shares generally is calculated once daily Monday through Friday as of the close of regular trading on the New York Stock Exchange LLC, generally 4 p.m. Eastern time (''ET''). The NAV per share is calculated by dividing the Fund's net assets by the number of Fund Shares outstanding. The Exchange states that additional information regarding the valuation of Fund investments in calculating the Fund's NAV can be found in the Registration Statement.

[11] The Bid/Ask Price of the Fund is determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[12] *See* NYSE Arca Equities Rule 7.34. The Core Trading Session is from 9:30 a.m. to 4 p.m. ET.

[13] *See* NYSE Arca Equities Rule 8.600(c)(2) (defining Disclosed Portfolio as the identities and quantities of the securities and other assets held by the investment company that will form the basis for the investment company's calculation of NAV at the end of the business day).

[14] Under accounting procedures followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Notwithstanding the foregoing, portfolio trades that are executed prior to the opening of the Exchange on any business day may be booked and reflected in NAV on such business day. Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

participants at the same time.[15] The Exchange further represents that, for initial and/or continued listing, the Shares must be in compliance with Rule 10A–3 under the Act,[16] as provided by NYSE Arca Equities Rule 5.3.

D. Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Shares of the Fund will be halted if the ''circuit breaker'' parameters in NYSE Arca Equities Rule 7.12 are reached. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities comprising the Disclosed Portfolio and/or the financial instruments of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Finally, trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth specific circumstances under which trading in the Shares of the Fund may/must be halted.

E. Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. The Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m. ET, in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange states that it has appropriate rules to facilitate transactions in the Shares during all trading sessions. The minimum trading increment for the Shares on the Exchange will be $0.01.

F. Surveillance

The Exchange intends to utilize its existing surveillance procedures applicable to derivative products (which includes Managed Fund Shares) to monitor trading in the Shares. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The Exchange's current trading surveillance focuses on detecting securities trading outside their normal patterns. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations. The Exchange states that it may obtain information via the Intermarket Surveillance Group (''ISG'') from other exchanges who are members of ISG.[17] In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

G. Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a),[18] which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (4) how information regarding the Portfolio Indicative Value is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement and will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4 p.m. ET each trading day.

III. Discussion and Commission's Findings

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[19] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act,[20] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that, for the Shares to be listed and traded on the Exchange, such Shares must be in compliance with the initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

The Commission believes that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act[21] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotation and last-sale information for the Shares will be disseminated by means of the facilities of the Consolidated Tape Association. In addition, the Portfolio Indicative Value will be updated and disseminated at least every 15 seconds during the Core Trading Session on the Exchange through the facilities of the Consolidated Tape Association, and, on each business day before commencement of the Core Trading Session, the Trust will disseminate the Disclosed Portfolio on its Web site. The Commission also notes that information

[15] E-mail from Tim Malinowski, Director, NYSE Euronext, to Edward Cho, Special Counsel, Division of Trading and Markets, Commission, dated September 11, 2008. *See* NYSE Arca Equities Rule 8.600(d)(1).

[16] *See* 17 CFR 240.10A–3.

[17] For a list of the current members of ISG, *see www.isgportal.org*. The Exchange notes that not all of the components of the Disclosed Portfolio for the Fund may trade on exchanges that are members of ISG.

[18] NYSE Arca Equities Rule 9.2(a) provides that an ETP Holder, before recommending a transaction, must have reasonable grounds to believe that the recommendation is suitable for the customer based on any facts disclosed by the customer as to his other security holdings and as to his financial situation and needs. Further, the rule provides, with a limited exception, that prior to the execution of a transaction recommended to a non-institutional customer, the ETP Holder shall make reasonable efforts to obtain information concerning the customer's financial status, tax status, investment objectives, and any other information that the ETP Holder believes would be useful to make a recommendation. *See* Securities Exchange Act Release No. 54026 (June 21, 2006), 71 FR 36850 (June 28, 2006) (SR–PCX–2005–115).

[19] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78k–1(a)(1)(C)(iii).

regarding market price and volume of the Shares is and will be continually available on a real-time basis throughout the day through electronic means, and the previous day's closing price and trading volume information will be published daily in the financial section of newspapers. Additionally, the following information will be available on the Funds' Web site (*www.wisdomtree.com*), which will be publicly accessible at no charge: (1) The prior business day's reported NAV, the Bid/Ask Price, and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters.

Furthermore, the Commission believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission notes that the Exchange is required to obtain a representation from the Trust, prior to listing, that the NAV per Share will be calculated daily, and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.[22] The Exchange may consider the suspension of trading in, or removal from listing of, the Shares if the value of the Portfolio Indicative Value is no longer calculated or available or the Disclosed Portfolio is not made available to all market participants at the same time.[23] In addition, NYSE Arca Equities Rule 8.600(d)(2)(B)(ii) requires that the Reporting Authority [24] that provides the Disclosed Portfolio implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the portfolio. Lastly, the Commission notes that the Exchange will halt trading in the Shares under the specific circumstances set forth in NYSE Arca Equities Rule 8.600(d)(2)(D) and that, if WisdomTree Asset Management becomes affiliated with a broker-dealer, WisdomTree Asset Management must erect a firewall between it and such broker-dealer with respect to access to information concerning the composition and/or changes to the investment portfolio of the Funds, in accordance with Commentary .07 to NYSE Arca Equities Rule 8.600.

Though the Exchange has stated that the Fund's investment objective may be changed without a vote of shareholders, an Exchange's obligations under Section 19(b) of the Act and Rule 19b–4 thereunder are independent of any requirements that may apply to the Fund's issuer. Thus, the Exchange must monitor changes to the Shares, including any change to the Fund's investment objective. The Exchange must assess whether any changes to the Shares would require it to submit a proposed rule change in accordance with Section 19(b)(1) of the Act and Rule 19b–4 thereunder or take any other action as appropriate, including halting trading of the Shares.

The Commission further believes that the trading rules and procedures to which the Shares will be subject pursuant to this proposal are consistent with the Act. The Exchange has represented that the Shares are equity securities subject to Exchange's rules governing the trading of equity securities.

In support of this proposal, the Exchange has made the following representations:

1. The Shares will be subject to the initial and continued listing criteria applicable to Managed Fund Shares. In addition, for initial and/or continued listing, the Shares must comply with Rule 10A–3 under the Act,[25] as provided by NYSE Arca Equities Rule 5.3.

2. The Exchange will rely on its existing surveillance procedures applicable to derivative products, which will include Managed Fund Shares.[26] The Exchange's surveillance procedures are adequate to properly monitor the trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

3. Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares, prospectus delivery requirements, and other information, as described in more detail herein.

For the foregoing reasons, the Commission believes that the proposal to list and trade the Shares is consistent with the Act and finds good cause for approving the proposed rule change. This approval order is based on the Exchange's representations.

The Commission finds good cause for approving the proposed rule change before the 30th day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission notes that the investment objective of the Fund is similar to those applicable to other Managed Fund Shares, the listing and trading of which the Commission has previously approved for the Exchange.[27] The Commission further notes that the Fund will invest in instruments that provide exposure to currencies selected only from the top 42 currencies in the chart included in the BIS Survey (Currency distribution of foreign exchange turnover), reflecting the highest percentage shares of average daily turnover for the applicable month and year. Accelerated approval of the proposed rule change should provide additional choices for investors in, and promote additional competition in the market for, Managed Fund Shares. Therefore, the Commission finds good cause, consistent with Section 19(b)(2) of the Act,[28] to approve the proposed rule change on an accelerated basis.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[29] that the proposed rule change (SR–NYSEArca–2008–86) be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E8–22308 Filed 9–23–08; 8:45 am]

BILLING CODE 8010–01–P

[22] *See supra* note 15 and accompanying text.

[23] *See* NYSE Arca Equities Rule 8.600(d)(2)(C)(ii).

[24] *See* NYSE Arca Equities Rule 8.600(c)(4) (defining Reporting Authority).

[25] 17 CFR 240.10A–3.

[26] The Commission notes that the Fund will not invest in non-U.S. equity securities and believes that the Exchange's rules and procedures are adequate with respect to the trading of the Shares. The Commission, however, notes that other proposed series of Managed Fund Shares may require additional Exchange rules and procedures to govern their listing and trading on the Exchange. For example, in the case of a proposed series of Managed Fund Shares that are based on a portfolio, at least in part, of non-U.S. equity securities, rules relating to comprehensive surveillance sharing agreements and quantitative initial and continued listing standards may be required.

[27] *See, e.g.*, Securities Exchange Act Release No. 57801 (May 8, 2008), 73 FR 27878 (May 14, 2008) (SR–NYSEArca–2008–31) (approving the listing and trading of 12 actively managed exchange-traded funds of the WisdomTree Trust, including 11 international currency funds and one U.S. current income fund, pursuant to NYSE Arca Equities Rule 8.600).

[28] 15 U.S.C. 78s(b)(2).

[29] *Id.*

[30] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 6365]

30-Day Notice of Proposed Information Collection: DS Form 4502, DS Form 7003, DS Form 7004, Fulbright Teacher Exchange Program Application Package, OMB No.1405–0114

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Fulbright Teacher Exchange Program Application Package.
- *OMB Control Number:* 1405–0114.
- *Type of Request:* Revision of a currently approved collection.
- *Originating Office:* Office of Global Educational Programs (ECA/A/S)
- *Form Number:* DS–4502, DS–7003, DS–7004.
- *Respondents:* Educators desiring to participate in the Fulbright Teacher Exchange Program and/or host an international participant.
- *Estimated Number of Respondents:*
  - DS–4502 (U.S. Application)—800
  - DS–7003 (International Application)—300
  - DS–7004 (Hosting Application)—100
- *Estimated Number of Responses:*
  - DS–4502 (U.S. Application)—800
  - DS–7003 (International Application)—300
  - DS–7004 (Hosting Application)—100
- *Average Hours Per Response:*
  - DS–4502 (U.S. Application)—2 hours
  - DS–7003 (International Application)—2 hours
  - DS–7004 (Hosting Application)—1.5 hours
- *Total Estimated Burden:*—2350 hours.
- *Frequency:* On occasion.
- Obligation to Respond Required to Obtain or Retain a Benefit.

DATE(S): Submit comments to the Office of Management and Budget (OMB) for up to 30 days from September 24, 2008.

ADDRESSES: Direct comments and questions to Katherine Astrich, the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB), who may be reached at 202–395–4718. You may submit comments by any of the following methods:

- *E-mail: kastrich@omb.eop.gov.* You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Mail (paper, disk, or CD–ROM submissions):* Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503.
- *Fax:* 202–395–6974

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information collection and supporting documents from Ruta Chagnon, Program Officer (ECA/A/S/X); Department of State, SA–44, Room 349, 301 Fourth Street, SW., Washington DC 20547, who may be reached on 202.453.8645 or at *ChagnonRX@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond,

Abstract of Proposed Collection

Under the Mutual Educational and Cultural Exchange (Fulbright-Hays) Act of 1961, as amended, the Fulbright Teacher Exchange Program offers academic year exchanges and seminar opportunities to U.S. educators. The data collected is used to determine whether prospective candidates are qualified for participation in and/or eligible to host international participants of the program.

Methodology

Applicants submit either a paper or electronic application to ECA. The receiving office enters the data for retention and program use as appropriate.

Dated: September 18, 2008.

Helene Vonnegut,

Acting Executive Director, ECA/IIP, Department of State.

[FR Doc. E8–22407 Filed 9–23–08; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Delegation of Authority No. 316]

Delegation From the Secretary of Certain Certification Functions in Maritime Law Enforcement to the Assistant Secretary for International Narcotics and Law Enforcement Affairs

By virtue of the authority vested in the Secretary of State, including the authority of section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), I hereby delegate to the Assistant Secretary for International Narcotics and Law Enforcement Affairs, the certification functions of 46 U.S.C. 70502(d)(2) and 18 U.S.C. 2237(d).

Notwithstanding this delegation of authority, the Secretary or the Deputy Secretary may exercise any function or authority covered by this delegation. The functions delegated herein may be re-delegated.

Any reference in this delegation of authority to any act, order, determination, delegation of authority, regulation, or procedure shall be deemed to be a reference to such act, order, determination, delegation of authority, regulation or procedure as amended from time to time.

Delegation of Authority Number 164, dated May 23, 1987, is hereby superseded.

This Delegation of Authority shall be published in the **Federal Register**.

Dated: September 2, 2008.

Condoleezza Rice,

Secretary of State, Department of State.

[FR Doc. E8–22409 Filed 9–23–08; 8:45 am]

BILLING CODE 4710–17–P

DEPARTMENT OF STATE

[Public Notice 6366]

Meeting of Advisory Committee on International Communications and Information Policy

The Department of State's Advisory Committee on International Communications and Information Policy (ACICIP) will hold a public meeting on October 16, 2008, from 10 a.m. to 11:30 a.m., in the Loy Henderson Auditorium of the Harry S. Truman Building of the U.S. Department of State. The Truman Building is located at 2201 C Street, NW., Washington, DC 20520.

The committee provides a formal channel for regular consultation and coordination on major economic, social and legal issues and problems in international communications and

information policy, especially as these issues and problems involve users of information and communications services, providers of such services, technology research and development, foreign industrial and regulatory policy, the activities of international organizations with regard to communications and information, and developing country issues.

The meeting will be led by ACICIP Chair Mr. Richard E. Wiley of Wiley Rein LLP and Ambassador David A. Gross, U.S. Coordinator for International Communications and Information Policy.

The meeting's agenda will include discussions pertaining to various upcoming international telecommunications meetings and conferences. In particular, there will be a report on preparations by the U.S. Delegation to the ITU World Telecommunication Standardization Assembly, taking place October 21 through 30, 2008. There will be reports on meetings that have taken place since the ACICIP last met, including the OECD Seoul Ministerial and bilateral meetings with China, Colombia and the European Union. There will also be a briefing on a planned upcoming conference with regulators and telecoms and trade officials from CAFTA countries to be co-hosted by the U.S. Trade and Development Agency and expected to be held in Guatemala City this fall. Lastly, there will be discussion on other major upcoming meetings, such as ITU Council, the Internet Governance Forum, and the US–India ICT Working Group.

Members of the public may submit suggestions and comments to the ACICIP. Submissions regarding an event, consultation, meeting, etc. listed in the agenda above should be received by the ACICIP Executive Secretary (contact information below) at least ten working days prior to the date of that listed event. All comments must be submitted in written form and should not exceed one page for each country (for comments on consultations) or for each subject area (for other comments). Resource limitations preclude acknowledging or replying to submissions.

While the meeting is open to the public, admittance to the Department of State building is only by means of a pre-clearance. For placement on the pre-clearance list, please submit the following information no later than 5 p.m. on Tuesday, October 14, 2008 (please note that this information is not retained by the ACICIP Executive Secretary and must therefore be re-submitted for each ACICIP meeting):

I. State That You Are Requesting Pre-Clearance to a Meeting

II. Provide the Following Information

1. Name of meeting and its date and time.

2. Visitor's full name.

3. Company/Agency/Organization.

4. Title at Company/Agency/Organization.

5. Date of birth.

6. Citizenship.

7. Acceptable forms of identification for entry into the U.S. Department of State include:

- U.S. driver's license with photo;
- Passport;
- U.S. government agency ID;

8. ID number on the ID visitor will show upon entry.

Send the above information to Emily Yee by fax (202) 647–5957 or e-mail *YeeE@state.gov.*

Privacy Act Statement: The above information is sought pursuant to 5 U.S.C. 301 and 22 U.S.C. 2651a, 4802(a). The principal purpose for collecting the information is to assure protection of U.S. Department of State facilities. The information provided also may be released to Federal, State or local agencies for law enforcement, counter-terrorism or homeland security purposes, or to other Federal agencies for certain personnel and records management matters. Providing this information is voluntary but failure to do so may result in denial of access to U.S. Department of State facilities.

All visitors for this meeting must use the 23rd Street entrance. The valid ID bearing the number provided with your pre-clearance request will be required for admittance. Non-U.S. government attendees must be escorted by Department of State personnel at all times when in the building.

For further information, please contact Emily Yee, Executive Secretary of the Committee, at (202) 647–5205 or *YeeE@state.gov.*

General information about ACICIP and the mission of International Communications and Information Policy is available at: *http://www.state.gov/e/eeb/adcom/c667.htm.*

Dated: September 17, 2008.

Emily Yee,

ACICIP Executive Secretary, Department of State.

[FR Doc. E8–22408 Filed 9–23–08; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice 6257]

Shipping Coordinating Committee; Notice of Subcommittee Meetings

The Shipping Coordinating Committee (SHC), through its Subcommittee on Radiocommunications and Search and Rescue Sub-Committee, will conduct open meetings at 9:30 a.m. on Wednesday, October 15, 2008; Wednesday, November 5, 2008; and Wednesday, December 17, 2008. The meetings are scheduled to be held in suite 1060 of the Radio Technical Commission for Maritime Services (RTCM), 1800 North Kent Street, Arlington, VA 22209. The purpose of these SHC subcommittee meetings is to prepare for the 13th Session of the International Maritime Organization (IMO) Subcommittee on Radiocommunications and Search and Rescue (COMSAR 13) to be held at IMO Headquarters in London, England from January 19–23, 2009. The primary matters to be considered at COMSAR 13 include:

- Global Maritime Distress and Safety System (GMDSS);
- International Telecommunication Union (ITU) maritime radiocommunication matters;
- Satellite services (Inmarsat and Cospas-Sarsat);
- Matters concerning search and rescue, including those related to the 1979 SAR Conference and the implementation of the GMDSS;
- Developments in maritime radiocommunication systems and technology;
- Revision of the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual;
- Development of procedures for updating shipborne navigation and communication equipment;
- Measures to protect the safety of persons rescued at sea;
- Work program and agenda for COMSAR 14;
- Election of Chairman and Vice-Chairman for 2010.

Members of the public may attend these meetings up to the seating capacity of the rooms. Interested persons may seek information, including meeting room numbers, by writing: Mr. Russell S. Levin, U.S. Coast Guard Headquarters, Commandant (CG–622), Jemal Building Room JR10–1216, 1900 Half Street, SW., Washington, DC 20593 or by e-mail to *Russell.S.Levin@uscg.mil.*

Dated: September 16, 2008.

Mark Skolnicki,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. E8–22432 Filed 9–23–08; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending September 12, 2008

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions To Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2008–0285.

Date Filed: September 12, 2008.

Due Date for Answers, Conforming Applications, or Motion To Modify Scope: October 3, 2008.

Description: Application of Sovereign Air, Inc. requesting authority to operate scheduled passenger service as a commuter air carrier.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E8–22363 Filed 9–23–08; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Environmental Impact Statement: Angoon Airport, Angoon, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent.

SUMMARY: The FAA announces that they will prepare an Environmental Impact Statement (EIS) to consider alternatives to and disclose the potential impacts of constructing a new land-based commercial airport near the City of Angoon. The FAA will hold public and agency scoping meetings to help identify substantive project concerns to be addressed in the EIS process. Cooperating agencies in this process include the United States Forest Service (USFS), and the United States Army Corps of Engineers (ACOE).

DATES: 1. October 27, 2008 in Anchorage, Alaska for agency scoping meeting.

2. October 27, 2008 in Anchorage, Alaska for public scoping meeting.

3. October 29, 2008 in Juneau, Alaska for agency scoping meeting.

4. October 29, 2008 in Juneau, Alaska for public scoping meeting.

5. October 31, 2008 in Angoon, Alaska for public scoping meeting.

6. November 10, 2008 close of scoping comment period.

Responsible Official: Leslie A. Grey, Environmental Protection Specialist AAL–614, Federal Aviation Administration, Alaskan Region, Airports Division, 222 W. 7th Avenue, #14, Anchorage, AK 99513–7587 Anchorage, AK 99513–7587, Telephone (907) 271–5453.

FOR FURTHER INFORMATION CONTACT: Leslie A. Grey, Environmental Protection Specialist AAL–614, Federal Aviation Administration, Alaskan Region, Airports Division, 222 W. 7th Avenue, #14, Anchorage, AK 99513–7587, Telephone (907) 271–5453, e-mail: *comments@angoonairporteis.com.*

Additional details regarding the project can be found on the project Web site at *http://www.angoonairporteis.com.*

Submit Written Comments, Send to: Leslie A. Grey, Environmental Protection Specialist AAL–614, Federal Aviation Administration, Alaskan Region, Airports Division, 222 W. 7th Avenue, #14, Anchorage, AK 99513–7587, Telephone (907) 271–5453, e-mail: *comments@angoonairporteis.com.*

SUPPLEMENTARY INFORMATION: The FAA will prepare an EIS to assess the proposed construction of a land-based airport in or near the community of Angoon. The Alaska Department of Transportation and Public Facilities' (DOT&PF) Airport Master Plan site submitted to the FAA for consideration would encompass approximately 270 acres and would include a single 3,300 foot runway (with the ability to be expanded to 4,000 feet in the future) and a 3.5 acre apron that would include areas for airport support facilities as needed. This airport would be similar in size and facilities to existing airports at Hoonah, AK and Kake, AK.

Because DOT&PF's proposed site is partially within Admiralty Island National Monument, the USFS has to make a decision on whether to grant and administer a Special Use Permit for airport operation on the Monument, or pursue some type of conveyance of the property to state ownership. To facilitate this process, the FAA has asked the USFS to be a cooperator in the EIS process to ensure that the EIS analysis and range of alternatives will meet the need of the USFS to make an informed decision.

Because jurisdictional waters of the United States occur within the proposed project area, it is possible that a 404(b)(1) permit application will also be required for the project. The FAA has also asked the ACOE to be a cooperator in this process because of the ACOE's jurisdictional authority over this resource.

To ensure that the full range of issues related to the proposed action are addressed and that all significant issues are identified, the FAA will coordinate and consult with the public; tribal governments; Federal, State, local agencies, and tribal corporations that have jurisdiction by law or have special expertise with respect to any environmental impacts associated with the proposed projects.

The agency scoping meetings will be held in Anchorage, Alaska on October 27, 2008 and in Juneau, Alaska on October 29, 2008. Public scoping meetings will be held in Anchorage, Alaska on October 27, 2008, in Juneau, Alaska on October 29, 2008 and in Angoon, Alaska on October 31, 2008. Notification of the public scoping meetings will be published on the project Web site (*http://www.angoonairporteis.com*), in the Juneau Empire, and in the Anchorage Daily News, and will be posted at the Community Center in Angoon.

In addition to providing input at the scoping meetings, the agencies and the public may submit written comments via the e-mail address *comments@angoonairporteis.com* or the address shown above under, ''to Submit Written Comments, Send to.'' Comments must be submitted by November 10, 2008.

Issued in Anchorage, Alaska, on September 17, 2008.

James W. Lomen,

Deputy Division Manager, FAA, Airports Division, AAL–601.

[FR Doc. E8–22475 Filed 9–23–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fifth Meeting—RTCA Special Committee 217/EUROCAE WG 44—Airport Mapping Databases

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 217 meeting: Airport Mapping Databases.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 217 meeting: Airport Mapping Databases.

DATES: The meeting will be held on October 21–23, 2008, from 9 a.m. to 5 p.m.

ADDRESS: The meeting will be held at Novotel-Airport Hotel, Zurich, Switzerland.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036–5133; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.* Or Andreas Paul of Lufthansa Systems FlightNav, Tel: 32–2–729 3194, Fax: 32–2–729 9008.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 217 meeting. The agenda will include:

21 October

- Opening Plenary
- Chairmen's remarks and introductions
- Review and approve meeting agenda
- Discussion
- Schedule for this week
- Schedule for next meetings
- Presentations
- Presentations
- Report of September Telecon—Jens Schiefele
- Additional AMDB Requirements Related to D-Taxi Datalink and Runway Safety—Sam van der Stricht and Christian Bousmanne
- Meet to revise documents

22 October

- Plenary Session

23 October—Thursday

- Closing Plenary Session
- Other Business
- Determine and agree on action plan
- Meeting Plans and Dates

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the "**FOR FURTHER INFORMATION CONTACT**" section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 17, 2008.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. E8–22479 Filed 9–23–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2008–0145, Notice 1]

NHTSA's Activities Under the United Nations Economic Commission for Europe 1998 Global Agreement: Pedestrian Safety

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of activities under the 1998 Global Agreement and request for comments.

SUMMARY: NHTSA is publishing this notice to inform the public that there is a vote scheduled to establish the Global Technical Regulation on Pedestrian Safety at the November 2008 session of the World Forum for Harmonization of Vehicle Regulations (WP.29). In anticipation of the vote NHTSA is requesting comments to inform its decision for the vote. Publication of this information is in accordance with NHTSA's Statement of Policy regarding Agency Policy Goals and Public Participation in the Implementation of the 1998 Global Agreement on Global Technical Regulations.

DATES: Written comments may be submitted to this agency within 30 days of publication of this notice.

ADDRESSES: You may submit comments [identified by DOT Docket No. NHTSA–2008–0145, Notice 1] by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1–800–647–5527.
- *Fax:* 202–493–2251.

Instructions: All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Mr. Ezana Wondimneh, Division Chief, International Policy and Harmonization (NVS–133), National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; Phone (202) 366–0846, Fax (202) 493–2280.

SUPPLEMENTARY INFORMATION: Pedestrian safety is a key focus worldwide. Data indicate that, annually: in the European Union about 8,000 pedestrians and cyclists are killed and about 300,000 injured; in North America approximately 5,000 pedestrians are killed and 85,000 injured; in Japan approximately 3,300 pedestrians and cyclists are killed and 27,000 seriously injured; and in South Korea around 3,600 pedestrians are killed and 90,000 injured.[1]

The U.S. participated in the International Harmonized Research Activities (IHRA) Pedestrian Safety Working Group (IHRA–PS–WG) as it began to investigate and analyze the latest pedestrian accident data from IHRA member countries in 2001 and continued on to prepare harmonized pedestrian-passenger vehicle test procedures. Following this, separate adult and child head form tests were presented to the World Forum for

[1] Further discussion of these statistics and data sources is available in the text of the GTR.

Harmonization of Vehicle Regulations (WP.29) at the end of 2002. Initial leg form tests were proposed in 2004. Since then, the U.S. has been working with representatives from WP.29 and IHRA to refine these testing procedures for inclusion in the GTR.

NHTSA has also participated in the pedestrian safety technical working group established under the GRSP since 2002. In March 2004, a formal proposal to develop a pedestrian safety GTR was adopted by the Executive Committee for the 1998 Agreement (AC.3) under the sponsorship of the European Commission. The working group is chaired by Japan.

This GTR is expected to improve pedestrian safety by requiring vehicle hoods and bumpers to absorb energy more efficiently when impacted in a 40 kilometer per hour (km/h) vehicle-to-pedestrian impact. These incidents account for more than 75 percent of the pedestrian-injured accidents (AIS 1+) reported by IHRA/PS. Pedestrian fatalities in countries that implement the GTR could be reduced by between 1 and 5 percent depending on the contracting party's transportation environment. The GTR consists of two sets of performance criteria applying to: (a) The hood top and fenders; and (b) the front bumper. Test procedures have been developed using sub-system impacts for adult and child head protection and adult leg protection.

The head impact requirements will ensure that hood tops and fenders provide head protection when struck by a pedestrian. In testing, the hood top and fenders would be impacted with a child headform and an adult headform at 35 km/h. The Head Injury Criterion (HIC) must not exceed 1,000 over one half of a child headform test area and must not exceed 1,000 over two thirds of the combined child and adult headform test areas. The HIC for the remaining areas must not exceed 1,700 for both headforms.

The leg protection requirements for the front bumper would require bumpers to subject pedestrians to lower impact forces than result from most current designs. The testing required by this GTR specifies that the vehicle bumper is struck at 40 km/h with a legform that simulates the impact response of an adult's leg. Vehicles with a lower bumper height of less than 425 millimeters (mm) are tested with a lower legform test device, while vehicles with a lower bumper height of more than 500mm are tested with an upper legform test device. Vehicles with a lower bumper height between 425mm and 500mm are tested with either legform as chosen by the manufacturer. In the lower legform-to-bumper test, vehicles must meet limits on lateral knee bending angle, knee shearing displacement, and lateral tibia acceleration. In the upper legform to bumper test, limits are placed on the instantaneous sum of the impact forces with respect to time and the bending moment on the test. More detailed information on these test procedures was provided in previous notices and through the UN Web site as they were considered by WP.29.

This GTR is expected to be considered for establishment by vote at the upcoming November 2008 session of WP.29/AC.3. Once a GTR is established through consensus voting at WP.29, Contracting Parties, while not obligated to automatically adopt the regulation, are obligated to initiate the process of rulemaking in their respective jurisdictions. If a GTR is established, it is the agency's policy to initiate domestic rulemaking to adopt its requirements, including a cost and benefit analysis specific to the U.S. This process provides further opportunity for the public to comment on our proposed regulation for consideration through the usual U.S. rulemaking process.

In anticipation of the vote to establish a GTR for pedestrian safety, NHTSA is requesting comment from all interested parties. The draft regulation and associated documents can be found in the docket for this notice and on the UNECE Web site.[2]

Issued on: September 17, 2008.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E8–22330 Filed 9–23–08; 8:45 am]

BILLING CODE 4910–59–P

[2] ECE/TRANS/WP.29/2007/105

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub-No. 5) (2008–4)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board, DOT.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the fourth quarter 2008 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2008 RCAF (Unadjusted) is 1.199. The fourth quarter 2008 RCAF (Adjusted) is 0.550. The fourth quarter 2008 RCAF–5 is 0.520.

DATES: *Effective Date:* October 1, 2008.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. [Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available on our Web site *http://www.stb.dot.gov*. [Assistance for the hearing impaired is available through FIRS: 1–800–877–8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: September 18, 2008.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8–22495 Filed 9–23–08; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 18, 2008.

The Department of the Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 24, 2008 to be assured of consideration.

Financial Crimes Enforcement Network (FinCEN)

OMB Number: 1506–0015.

Type of Review: Extension.

Title: Suspicious Activity Report by Money Services Business.

Form: FinCEN 109.

Description: Regulations under 31 CFR 103.20 require Money Services Business's to report suspicious

transactions to the Department of the Treasury.

Respondents: Individuals or household.

Estimated Total Reporting Burden: 878,400 hours.

Clearance Officer: Russell Stephenson (202) 354–6012, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183.

OMB Reviewer: Alexander T. Hunt (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E8–22321 Filed 9–23–08; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 17, 2008.

The Department of the Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 24, 2008 to be assured of consideration.

Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Number: 1513–0103.

Type of Review: Extension.

Title: Tobacco Bond—Collateral and Tobacco Bond—Surety.

Forms: TTB F 5200.25, TTB F 5200.26.

Description: TTB requires a corporate surety bond or a collateral bond to ensure payment of the excise tax on tobacco products (TP) and cigarette paper and tubes (CP&T) removed from the factory or warehouse. These TTB forms identify the agreement to pay and the person from which TTB will attempt to collect any unpaid excise tax. Manufactures of TP or CP&T, export warehouse proprietors, and corporate sureties, if applicable, are the respondents for these forms.

Respondents: Businesses or other for-profit institutions

Estimated Total Burden Hours: 25 hours

OMB Number: 1513–0053

Type of Review: Extension

Title: Report of Wine Premises Operations

Form: TTB F 5120.17

Description: This report is used to monitor wine operations, ensure collection of wine tax revenue, and ensure wine is produced in accordance with law and regulations. This report also provides raw data for TTB's monthly statistical release on wine.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 29,616 hours.

OMB Number: 1513–0030.

Type of Review: Extension.

Title: Claim—Alcohol, Tobacco, and Firearms Taxes.

Form: TTB F 5620.8, TTB F 5629.8.

Description: This form is used by taxpayers to show the basis for a credit remission and allowance of tax on loss of taxable articles, to request a refund or abatement on taxes excessively or erroneously collected, and to request a drawback of tax paid on distilled spirits used in the production on non-beverage products.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 10,000 hours.

Clearance Officer: Frank Foote (202) 927–9347, Alcohol and Tobacco Tax and Trade Bureau, Room 200 East, 1310 G Street, NW., Washington, DC 20005.

OMB Reviewer: Alexander T. Hunt (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E8–22322 Filed 9–23–08; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 18, 2008

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, and 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before October 24, 2008 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1488.

Type of Review: Extension.

Title: REG–209837–96 (TD 8719 (Final)) Requirements Respecting the Adoption or Change of Accounting Method, Extensions of Time to Make Elections.

Description: The regulations provide the standards the Commissioner will use to determine whether to grant an extension of time to make certain elections.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 5,000 hours.

OMB Number: 1545–0877.

Type of Review: Revision.

Title: Acquisition or Abandonment of Secured Property.

Form: 1099–A.

Description: Form 1099–A is used by lenders to report foreclosures and abandonments of property that is security for a loan.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 61,817 hours.

OMB Number: 1545–1677.

Type of Review: Extension.

Title: REG–136311–01 (Final) Exclusions From Gross Income of Foreign Corporations (TD 9087).

Description: This document contains rules implementing the portions of section 883(a) and (c) of the Internal Revenue Code that relate to income derived by foreign corporations from the international operation of a ship or ships or aircraft. The rules provide, in general, that a foreign corporation organized in a qualified foreign country and engaged in the international operation of ships or aircraft shall exclude qualified income from gross income for purposes of United States Federal income taxation, provided that the corporation can satisfy certain ownership and related documentation requirements.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 23,900 hours.

OMB Number: 1545–1393.

Type of Review: Extension.

Title: EE–14–81 (NPRM) Deductions and Reductions in Earnings and Profits (or Accumulated Profits) With Respect to Certain Foreign Deferred Compensation Plans Maintained by Certain Foreign Corporations.

Description: The regulation provides guidance regarding the limitations on deductions and adjustments to earnings and profits (or accumulated profits) for certain foreign deferred compensation plans. Respondents will be multinational corporations.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 634,450 hours.

OMB Number: 1545–1654.

Type of Review: Extension.

Title: REG–106527–98 (Final) Capital Gains, Partnership and Subchapter S, and Trust Provisions.

Description: Section 1(h) requires that transferors recognize collectibles gain when an interest in an S corporation, trust, or a partnership holding property with collectibles gain is sold or exchanged and that partners take section 1250 capital gain in the partnership property into account when an interest in the partnership is sold or exchanged. These regulations provide guidance.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 1 hour.

OMB Number: 1545–1927.

Type of Review: Extension.

Title: IRS e-file Electronic Funds Withdrawal Authorization for Form 7004.

Form: 8878–A.

Description: Form 8878–A is used by a corporate officer or agent and an electronic return originator (ERO) to use a personal identification number (PIN) to authorize an electronic funds withdrawal for a tax payment made with a request to extend the filing due date for a corporate income tax return.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 505,400 hours.

OMB Number: 1545–1398.

Type of Review: Extension.

Title: Race and National Origin Identification.

Form: 9620.

Description: Form 9620 is an optically scannable form that is used to collect race and national origin data on all IRS employees and new hires. The form is a valuable tool in allowing the IRS to meet its diversity/EEO goals and as a component of its referral and tracking system and recruitment program.

Respondents: Individuals or households.

Estimated Total Burden Hours: 2,500 hours.

OMB Number: 1545–1934.

Type of Review: Extension.

Title: TD 9394 (REG–108524–00) (Final)—section 1446 Regulations; Form 8804–C—Certificate of Partner-Level Items to Reduce section 1446 Withholding.

Form: 8804–C.

Description: This regulation implements withholding regime on partnerships conducting business in the United States that have foreign partners. Such partners are required to pay withholding tax in installments on each foreign partner's allocable share of the partnership's U.S. Business taxable income. Special rules for publicly traded partnerships such that these partnerships pay withholding tax on distributions to foreign partners.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 18,168 hours.

OMB Number: 1545–1644.

Type of Review: Extension.

Title: REG–126024–01 (final) Reporting of Gross Proceeds Payment to Attorneys; TD 9270.

Description: Information is required to implement section 1021 of the Taxpayer Relief Act of 1997. This information will be used by the IRS to verify compliance with section 6045 and to determine that the taxable amount of these payments has been computed correctly.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 1 hour.

OMB Number: 1545–0096.

Type of Review: Revision.

Title: Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons; Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding, Form 1042–T, Annual Summary.

From: 1042.

Description: Form 1042 is used by withholding agents to report tax withheld at source on certain income paid to nonresident alien individuals, foreign partnerships, and foreign corporations to the IRS. Form 1042–S is used by withholding agents to report income and tax withheld to payees. A copy of each 1042–S is filed magnetically or with Form 1042 for information reporting purposes. The IRS uses this information to verify that the correct amount of tax has been withheld and paid to the United States. Form 1042–T is used by withholding agents to transmit Forms 1042–S to the IRS.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 397,100 hours.

OMB Number: 1545–1798.

Type of Review: Revision.

Title: User Fee for Exempt Organization Determination Letter Request.

Form: 8718.

Description: The Omnibus Reconciliation Act of 1990 requires payment of a ''user fee'' with each application for a determination letter. Because of this requirement, the Form 8718 was created to provide filers the means to make payment and indicate the type of request.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 16,667 hours.

OMB Number: 1545–0119.

Type of Review: Extension.

Title: Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.

Form: 1099–R.

Description: Form 1099–R is used to report distributions from pensions, annuities, profit-sharing or retirement plans, IRAs, and the surrender of insurance contracts. This information is used by IRS to verify that income has been properly reported by the recipient.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 18,704,546 hours.

OMB Number: 1545–0748.

Type of Review: Extension.

Title: Employer Appointment of Agent.

Form: 2678.

Description: 26 U.S.C. 3504 authorizes an employer to designate a fiduciary, agent, etc., to perform the same acts as required of employers for purposes of employment taxes.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 47,600 hours.

OMB Number: 1545–1484.

Type of Review: Extension.

Title: REG–242282–97 (formerly Intl-62–90, Intl–32–93, Intl–52–86, and Intl–52–94) (Final) General Revision of Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Corporations.

Description: The regulations are needed to provide guidance relating to the withholding of income of nonresident alien individuals and foreign corporations.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 1 hour.

OMB Number: 1545–1591.

Type of Review: Extension.

Title: Reg–251701–96 Electing Small Business Trusts.

Description: This regulation provides the time and manner for making the Electing Small Business Trust election pursuant to section 1361 (e)(3).

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 7,500 hours.

OMB Number: 1545–1364.

Type of Review: Revision.

Title: EG–144615–02 (NPRM), Methods to Determine Taxable Income in Connection with a Cost Sharing Arrangement.

Description: The collection of information related to the IRS's assessment of whether a cost sharing arrangement is valid, and whether each participant's share of costs is proportionate to the participants share of benefits, and whether arm's length compensation has been paid to those participants providing external contributions such that an appropriate return is provided to those participants for putting their funds at risk to a greater extent than the other participants.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 9,350 hours.

OMB Number: 1545–1005.

Type of Review: Extension.

Title: PS–62–87 (Final) Low-Income Housing Credit for Federally-Assisted Buildings.

Description: The rule requires the taxpayer (low-income building owner) to seek a waiver in writing from the IRS concerning low-income buildings acquired during a special 10-year period in order to avert a claim against a Federal mortgage insurance fund.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 3,000 hours.

OMB Number: 1545–0819.

Type of Review: Extension.

Title: 26 CFR 601.201 Instructions for Requesting Rulings and Determination Letters.

Description: The National Office issues ruling letters and Area Directors issue determination letters to taxpayers interpreting and applying the tax laws to a specific set of facts. The National Office also issues other types of letters. The procedural regulations set forth the instructions for requesting ruling and determination letters.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 248,496 hours.

OMB Number: 1545–1937.

Type of Review: Extension.

Title: Notice 2005–41, Guidance Regarding Qualified Intellectual Property Contributions.

Description: This notice explains new section 170(e)(1)(B)(iii) and 170(m) as added by section 882 of the American Jobs Creation Act of 2004. Under section 170(e)(1)(B)(iii), a donor's initial charitable contribution deduction for a gift of qualified intellectual property is limited to the lesser of the donor's adjusted basis is the property or its fair market value. Under section 170(m), the donor may claim additional deduction in subsequent years if the property produces income.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 30 hours.

OMB Number: 1545–1936.

Type of Review: Extension.

Title: Revenue Procedure 2005–24, Waiver of Spousal Election.

Description: This revenue procedure provides guidance on the procedures for waiving a spousal election right with respect to charitable remainder annuity trusts under section 664(d)(1) and charitable remainder unitrusts under section 664(d)(2) that are established after the date that is 90 days after the date the Rev. Proc. is published in the IRB.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 150,000 hours.

OMB Number: 1545–1490.

Type of Review: Extension.

Title: FI–28–96 (Final) Arbitrage Restrictions on Tax-Exempt Bonds.

Description: The recordkeeping requirements are necessary for the Service to determine that an issuer of tax-exempt bonds has not paid more than fair market value for nonpurpose investments under section 148 of the Internal Revenue Code.

Respondents: State, Local, or Tribal Governments.

Estimated Total Burden Hours: 1,425 hours.

Clearance Officer: Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E8–22325 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Proposed Collections; Comment Requests

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on the revision of an information collection that is proposed for approval by the Office of Management and Budget. The Office of International Affairs within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form S, Purchases and Sales of Long-term Securities by Foreigners.

DATES: Written comments should be received on or before *November 24, 2008* to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 5422, 1500 Pennsylvania Avenue NW., Washington, DC 20220. In view of possible delays in mail delivery, please also notify Mr. Wolkow by e-mail *(dwight.wolkow@do.treas.gov),* FAX (202–622–2009) or telephone (202–622–1276).

FOR FURTHER INFORMATION CONTACT: Copies of the proposed forms and instructions are available on the Treasury's TIC Forms Web page, *http://www.treas.gov/tic/forms.html.* Requests for additional information should be directed to Mr. Wolkow.

SUPPLEMENTARY INFORMATION:

Title: Treasury International Capital Form S, Purchases and Sales of Long-term Securities by Foreigners.

OMB Control Number: 1505–0001.

Abstract: Form S is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR part 128), and is designed to collect timely information on international portfolio capital movements. Form S is a monthly report used to cover transactions in long-term marketable securities undertaken DIRECTLY with foreigners by banks, other depository institutions, brokers,

dealers, underwriting groups and other individuals and institutions. This information is necessary for compiling the U.S. balance of payments and international investment position accounts, and for formulating U.S. international financial and monetary policies.

Current Actions: (a) Under the ''Grand Total'' row (9999–6), an additional row will be added to record the total of transactions in asset-backed-securities (ABS) that is included in the ''Grand Total'' row. In the new row, entries will be required under the columns for ''Bonds of U.S Gov't Corporations and Federally-Sponsored Agencies'', for ''Corporate and Other Bonds'', and for ''Foreign Bonds'' (columns 3,4,5,6,9,10). The new row will also be included in the addendum section of the form that covers transactions with foreign official institutions. The additional information will satisfy a minimum need for more timely information on such transactions. The information will increase the reporting burden modestly as compared with the alternative burden of adding new columns because columns would require the data by country. The additional information will move toward providing information already available in the less timely annual reports on holdings of securities. Comments from TIC respondents indicate that their computerized database systems can produce the data on ABS; (b) the instructions will be revised to cover the additional row proposed above; (c) the instructions will be revised to add coverage of reporting by prime brokers; (d) the instructions (section D of the General Instructions) will be revised to require that foreign currency transactions be converted to U.S. dollars as of the settlement date, instead of the current requirement to convert as of the report date; (e) the instructions (section F of the General Instructions) will be revised to require that data reporters, once the exemption level is exceeded, continue to report for the remainder of the current calendar year, instead of the current requirement to continue reporting for that period plus the following calendar year; and (d) these changes will be effective beginning with the reports as of March 31, 2009.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Form S (1505–0001)

Estimated Number of Respondents: 254

Estimated Average Time per Respondent: Six hours per respondent per filing. This estimate includes 0.4 hours for the Current Actions proposed above. The estimated average time per respondent varies from 10.8 hours for the approximately 30 major reporters to 5.4 hours for the other reporters.

Estimated Total Annual Burden Hours: 18,400 hours, based on 12 reporting periods per year.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: (a) Whether Form S is necessary for the proper performance of the functions of the Office, including whether the information will have practical uses; (b) the accuracy of the above estimate of the burdens; (c) ways to enhance the quality, usefulness and clarity of the information to be collected; (d) ways to minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data; and (e) estimates of capital or start-up costs of operation, maintenance and purchase of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. E8–22339 Filed 9–23–08; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Establishment of Advisory Committee on the Ten Year Framework for Energy and Environment Cooperation With China and Request for Nominations

AGENCY: Department of the Treasury, Departmental Offices. Office of the Special Envoy for China and the Strategic Economic Dialogue.

ACTION: Notice of Intent to Establish and Request for Nominations.

SUMMARY: The Department of the Treasury (the ''Department'') intends to establish the Advisory Committee on the Ten Year Framework for Energy and Environment Cooperation with China (the ''Advisory Committee'') to provide advice and recommendations on how best the United States can cooperate with China on shared energy and environmental challenges pursuant to the ''Framework for the Ten Year Cooperation on the Energy and Environment between the Government of the United States of America and the Government of the People's Republic of China'' (signed on 6/18/08 in Washington, DC). The Department is seeking nominations of individuals to be considered for selection as Advisory Committee members, and names of professional and public interest groups that should be represented on the Committee.

DATES: Nominations must be received before or on September 29, 2008.

ADDRESSES: Nominations should be sent to *mary.kertz@do.treas.gov* or by hard copy to Advisory Committee on the Ten Year Framework for Energy and Environment Cooperation with China, Office of the Special Envoy for China and the Strategic Economic Dialogue, Department of the Treasury, Main Treasury Building, Room 1308, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Mary Kertz, Special Advisor to Ambassador Alan Holmer, Office of the Special Envoy for China and the Strategic Economic Dialogue, Department of the Treasury, Main Treasury Building, Room 1308, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, (202) 622–2208 (not a toll-free number).

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., the Department is publishing this notice that the Department intends to establish the Advisory Committee. The Advisory Committee's objective will be to provide advice and recommendations to the U.S. chair of the joint U.S.-China Steering Committee for Energy and Environment Cooperation (the ''Joint Steering Committee''), which is currently occupied by the Secretary of the Treasury. In particular, the Advisory Committee will make periodic recommendations to the U.S. chair of the Joint Steering Committee on the status of energy and environment cooperation with China; on prioritizing energy and environment challenges facing the United States and China; and on the means to further promote and enhance cooperation on energy and environment challenges that face both the United States and China through the Ten Year Framework.

The charter will provide that the duties of the Advisory Committee shall be solely advisory and shall extend only to responding to requests from the U.S. Chair of the Joint Steering Committee, which is currently occupied by the Secretary of the Treasury. Such responses may be in the form of advice

or recommendations to the U.S. Chair. No determination of fact or policy shall be made by the Advisory Committee. The Advisory Committee shall meet as necessary to carry out its duties. The Advisory Committee is expected to meet at least semi-annually at the call of the Designated Federal Officer (DFO) in consultation with the Chair. The DFO shall ensure compliance with the requirements of FACA and its implementing regulations. Meetings of subcommittees may occur more frequently.

To achieve the Advisory Committee's objective, the Department will ensure that the Advisory Committee reflects a balanced membership, including up to 25 members representing the views of both government and non-government entities and groups having an interest and demonstrated leadership in global energy and environment issues. In order to select Advisory Committee members who represent the greatest range of interests in U.S.-China cooperation under the Ten Year Framework, the Department is soliciting suggestions for potential Committee members from a variety of sources including but not limited to government, industry, academia, think tanks, and non-governmental organizations. Nominations should describe and document the proposed members' qualifications for Committee membership. In addition to individual nominations, the Department is soliciting the names of professional and public interest groups that should have representative members participating on the Advisory Committee. Members will serve a two to three-year appointment with the possibility of a one-year renewal. Advisory Committee members will not receive compensation, but they will be reimbursed for travel expenses consistent with governing Federal laws and regulations.

Dated: September 18, 2008.

Taiya Smith,

Executive Secretary.

[FR Doc. E8–22364 Filed 9–23–08; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Senior Executive Service; Legal Division Performance Review Board

AGENCY: Department of the Treasury.

ACTION: Notice of members of the Legal Division Performance Review Board (PRB).

SUMMARY: Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the Legal Division PRB. The purpose of this Board is to review and make recommendations concerning proposed performance appraisals, ratings, bonuses, and other appropriate personnel actions for incumbents of SES positions in the Legal Division.

DATES: *Effective Date:* September 24, 2008.

FOR FURTHER INFORMATION CONTACT: Stephen M. Albrecht, Counselor to the General Counsel, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 3000, Washington, DC 20220, Telephone: (202) 622–1143 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Composition of Legal Division PRB

The Board shall consist of at least three members. In the case of an appraisal of a career appointee, more than half the members shall consist of career appointees. Composition of the specific PRBs will be determined on an ad hoc basis from among the individuals listed in this notice.

The names and titles of the PRB members are as follows:

Stephen M. Albrecht, Counselor to the General Counsel;
Rupa Bhattacharyya, Deputy Assistant General Counsel (International Affairs);
Peter A. Bieger, Deputy Assistant General Counsel (Banking and Finance);
Himamauli Das, Assistant General Counsel (International Affairs);
John Harrington, International Tax Counsel;
H. Stephen Kesselman, Deputy Chief Counsel (Operations), Internal Revenue Service;
John G. Knepper, Deputy General Counsel, Chairperson;
Bernard J. Knight, Jr., Assistant General Counsel (General Law, Ethics and Regulation);
Donald L. Korb, Chief Counsel, Internal Revenue Service;
Richard G. Lepley, Deputy Assistant General Counsel (General Law and Regulation);
M.J.K. Maher, Jr., Deputy Assistant General Counsel (Enforcement & Intelligence);
Margaret V. Marquette, Chief Counsel, Financial Management Service;
Mark Monborne, Assistant General Counsel (Enforcement & Intelligence);
Clarissa C. Potter, Deputy Chief Counsel (Technical), Internal Revenue Service;
Kevin Rice, Chief Counsel, Bureau of Engraving and Printing;
Laurie Schaffer, Assistant General Counsel (Banking and Finance);
Daniel P. Shaver, Chief Counsel, United States Mint;
Sean M. Thornton, Chief Counsel, Office of Foreign Assets Control;
Robert M. Tobiassen, Chief Counsel, Alcohol and Tobacco Tax and Trade Bureau, and
Paul Wolfteich, Chief Counsel, Bureau of Public Debt.

Dated: September 16, 2008.

John G. Knepper,

Deputy General Counsel.

[FR Doc. E8–22323 Filed 9–23–08; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8693

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8693, Low-Income Housing Credit Disposition Bond.

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Low-Income Housing Credit Disposition Bond.

OMB Number: 1545–1029.

Form Number: 8693.

Abstract: Section 42(j)(6) of the Internal Revenue Code states that when a taxpayer disposes of a building (or an interest therein) on which the low-income housing credit has been claimed, the taxpayer may post a bond in lieu of paying the recapture tax if the

building continues to be operated as a qualified low-income building for the remainder of the compliance period. For 8693 is used to post a bond under Code section 42(j)(6) to avoid recapture of the low-income housing credit.

Current Actions: There are no changes being made to Form 8693 at this time. A correction was made, however, to a prior computing error.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations and individuals.

Estimated Number of Respondents: 667.

Estimated Time per Respondent: 1 hour, 41 minutes.

Estimated Total Annual Burden Hours: 1,128.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 12, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22366 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1120–H

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1120–H, U.S. Income Tax Return for Homeowners Associations.

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Income Tax Return for Homeowners Associations. Agencies Report of Noncompliance or Building Disposition.

OMB Number: 1545–0127.

Form Number: 1120–H.

Abstract: Homeowners associations file Form 1120–H to report income, deductions, and credits. The form is also used to report the income tax liability of the homeowners association. The IRS uses Form 1120–H to determine if the income, deductions and credits have been correctly computed. The form is also used for statistical purposes.

Current Actions: There are no changes being made to Form 1120–H at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business Time per Respondent 32 hours, 10 minutes.

Estimated Number of Respondents: 112,311.

Estimated Time per Respondent: 32 hrs., 38 minutes.

Estimated Total Annual Burden Hours: 3,665,832.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 12, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22367 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 941–M

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

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

Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 941–M, Employer's Monthly Federal Tax Return.

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Employer's Monthly Federal Tax Return.

OMB Number: 1545–0718.

Form Number: 941–M.

Abstract: Form 941–M is used by certain employers to report payroll taxes on a monthly rather than a quarterly basis. Employers who have failed to file Form 941 or who have failed to deposit taxes as required are notified by the District Director that they must file Form 941–M monthly.

Current Actions: There are no changes being made to Form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations and individuals.

Estimated Number of Respondents: 12,000.

Estimated Time per Respondent: 13 hr. 52 min.

Estimated Total Annual Burden Hours: 166,320.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 12, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22371 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8845

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8845, Indian Employment Credit.

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Indian Employment Credit.

OMB Number: 1545–1417.

Form Number: 8845.

Abstract: Under Internal Revenue Code section 45A, employers can claim an income tax credit for hiring American Indians or their spouses to work in a trade or business on an Indian reservation. Form 8845 is used by employers to claim the credit and by IRS to ensure that the credit is computed correctly.

Current Actions: There are no changes being made to the Form 8845 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 822.

Estimated Time per Respondent: 9 hrs., 5 min.

Estimated Total Annual Burden Hours: 7,464.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 16, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22372 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8621–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8621–A, Return by a Shareholder Making Certain Late Elections To End Treatment as a Passive Foreign Investment Company.

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622–6665, at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Return by a Shareholder Making Certain Late Elections To End Treatment as a Passive Foreign Investment Company.

OMB Number: 1545–1950.

Form Number: 8621–A.

Abstract: Form 8621–A is used by certain taxpayer/investors to request ending of their treatment as investing in a Passive Foreign Investment Company. New regulations are being written in support of the new products. The underlying law is in IRC sections 1297 and 1298.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households, businesses and other for-profit organizations.

Estimated Number of Respondents: 2,000.

Estimated Time per Respondent: 65 hours, 24 minutes.

Estimated Total Annual Burden Hours: 43,622.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 16, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22377 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 99–43

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 99–43, Nonrecognition Exchanges under Section 897.

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Nonrecognition Exchanges under Section 897.

OMB Number: 1545–1660.

Notice Number: Notice 99–43.

Abstract: Notice 99–43 announces modification of the current rules under Temporary Regulation section 1.897–6T(a)(1) regarding transfers, exchanges and other dispositions of U.S. real property interests in nonrecognition transactions occurring after June 18, 1980. The notice provides that, contrary to section 1.897–6T(a)(1), a foreign taxpayer will not recognize a gain under Code 897(e) for an exchange described in Code section 368(a)(1)(E) or (F), provided the taxpayer receives substantially identical shares of the same domestic corporation with the same divided rights, voting power, liquidation preferences, and convertability as the shares exchanged without any additional rights or features.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 8, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22386 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2005–44

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2005–44, Charitable Contributions of Certain Motor Vehicles, Boats, and Airplanes.

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of notice should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Charitable Contributions of Certain Motor Vehicles, Boats, and Airplanes.

OMB Number: 1545–1942.

Notice Number: Notice 2005–44.

Abstract: This notice provides guidance regarding how to determine the amount of a charitable contribution for certain vehicles and the related substantiation and information reporting requirements.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved new collection.

Affected Public: Individual or households and not-for-profit institutions.

Estimated Number of Respondents: 182,500.

Estimated Average Time per Respondent: 1 min.

Estimated Total Annual Burden Hours: 3,041.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 8, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22389 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2002–69

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2002–69, Interest Rates and Appropriate Foreign Loss Payment Patterns for Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(j).

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Interest Rates and Appropriate Foreign Loss Payment Patterns For Determining the Qualified Insurance

Income of Certain Controlled Corporations under Section 954(j).

OMB Number: 1545–1799.

Notice Number: Notice 2002–69.

Abstract: Notice 2002–69 allows U.S. shareholders of a foreign insurance company to use the foreign insurance company's historical loss payment patterns in computing the company's insurance reserves provided the company has a certain number of years of data and makes an election to use that data. A domestic insurance company can elect to use its own historical data in computing its reserves provided certain requirements are satisfied and an election is made. This notice allows a foreign insurance company to elect to calculate its insurance reserves in a manner similar to a domestic insurance company. Also, this notice provides guidance on how to determine a foreign insurance company's foreign loss payment patterns.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 300.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 300.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 16, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22390 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 99–32

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 99–32, Conforming Adjustments Subsequent to Section 482 Allocations.

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Conforming Adjustments Subsequent to Section 482 Allocations.

OMB Number: 1545–1657.

Revenue Procedure Number: Revenue Procedure 99–32.

Abstract: Revenue Procedure 99–32 provides guidance for conforming a taxpayer's accounts to reflect a primary adjustment under Internal Revenue Code section 482. The revenue procedure prescribes the applicable procedures for the repatriation of cash by a United States taxpayer via an interest-bearing account receivable or payable in an amount corresponding to the amount allocated under Code section 482 from, or to, a related person with respect to a controlled transaction.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 180

Estimated Time per Respondent: 9 hours.

Estimated Total Annual Burden Hours: 1,620.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 12, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22392 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5305–SEP

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5305–SEP, Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.

OMB Number: 1545–0499.

Form Number: 5305–SEP.

Abstract: Form 5305–SEP is used by an employer to make an agreement provide benefits to all employees under a Simplified Employee Pension (SEP) described in Internal Revenue Code section 408(k). This form is not to be filed with the IRS but is to be retained in the employer's records as proof of establishing a SEP and justifying a deduction for contributions to the SEP.

Current Actions: There are no changes being made to form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100,000.

Estimated Time Per Respondent: 4 hr. 57 min.

Estimated Total Annual Burden Hours: 495,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 12, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22395 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8820

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8820, Orphan Drug Credit.

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Orphan Drug Credit.

OMB Number: 1545–1505.

Form Number: 8820.

Abstract: Filers use this form to elect to claim the orphan drug credit, which is 50% of the qualified clinical testing expenses paid or incurred with respect to low or unprofitable drugs for rare diseases and conditions, as designated under section 526 of the Federal Food, Drug, and Cosmetic Act. Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 67.

Estimated Time Per Respondent: 3 hours, 58 minutes.

Estimated Total Annual Burden Hours: 266.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 10, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22396 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209827–96 and REG–111672–99]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–209827–96 and REG–111672–99 (TD 8834), Treatment of Distributions to Foreign Persons Under Sections 367(e)(1) and 367(e)(2) (§§ 1.367(e)–1, 1.367(e)–2 and 1.6038B–1).

DATES: Written comments should be received on or before November 24, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Treatment of Distributions to Foreign Persons Under Sections 367(e)(1) and 367(e)(2).

OMB Number: 1545–1487.

Regulation Project Number: REG–209827–96 and REG–111672–99.

Abstract: Sections 367(e)(1) and 367(e)(2) provide for gain recognition on certain transfers to foreign persons under sections 355 and 332. Section 6038B(a) requires U.S. persons transferring property to foreign persons in exchanges described in sections 332 and 355 to furnish information regarding such transfers. This information is used by the Internal Revenue Service to verify whether a taxpayer is entitled to an exemption from income tax.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 217.

Estimated Time per Respondent: 11 hours, 23 minutes.

Estimated Total Annual Burden Hours: 2,471.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 12, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22428 Filed 9–23–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of establishment of new system of records.

SUMMARY: The Privacy Act of 1974 (5 U.S.C. 552(e)(4)) requires that all agencies publish in the **Federal Register** a notice of the existence and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is establishing a new system of records entitled ''Library Network (VALNET)–VA'' (136VA19E).

DATES: Comments on this new system of records must be received no later than October 24, 2008. If no public comment is received, the new system will become effective October 24, 2008.

ADDRESSES: Written comments concerning the proposed new system of records may be submitted by: mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; or e-mail to ''*VAregulations@mail.va.gov.*'' All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment.

FOR FURTHER INFORMATION CONTACT: VHA Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; telephone 704–245–2492.

SUPPLEMENTARY INFORMATION:

I. Description of Proposed Systems of Records

This system of records is an umbrella system comprising separate sets of records located in VA Medical Center (VAMC) libraries throughout the United States. It includes records on VA employees, volunteers, students,

contractors, veterans and others receiving care at the facility who have checked out books, audiovisual software and equipment and periodicals, who have requested the loan of books, audiovisuals and periodicals from other libraries via interlibrary loan, to whom the library routes periodical tables of contents on a recurring basis and for whom the library has provided a comprehensive search to identify materials on a particular topic, and who use computers located in the library, as well as VA employees and contractors who are responsible for books, audiovisuals and periodicals purchased for their respective departments. The records may contain information related to the name, last four digits of the social security number, e-mail address, other assigned identifier, work location information, such as service, and extension for employees, students, and ward location for patients, or other assigned ID; items checked out and in use (library books, journals, audiovisuals, and library public access computer work stations to ensure fiscal responsibility for items owned by the Federal government, compliance with the Coalition for Networked Information, National Commission on New Technological Uses of Copyright Works (CONTU) guidelines, which can be found at *http://www.cni.org/docs/info.policies/CONTU.html*, and to maintain statistical data for program support. Library cards may be issued to current employees and patients who check out materials from the library. CONTU guidelines were developed by the National Commission on New Technological Uses of Copyrighted Works to assist librarians and copyright proprietors in understanding the amount of photocopying for use in interlibrary loan arrangements permitted under the copyright law.

The records and information may be used to track library materials checked out to library users and those materials that are overdue, materials borrowed from other libraries for library users, to track and recover costs of lost library materials to determine library materials to purchase and/or replace based on usage, to track users of library public access computers, and to compile management and statistical reports. Cost is recovered by Fiscal Service through Bills of Collection. If Bills of Collection are not paid, Fiscal Service garnishes checks, including Federal tax refunds, or turns the matter over to collection agencies.

II. Proposed Routine Use Disclosures of Data in the System

We are proposing to establish the following Routine Use disclosures of information maintained in the system:

1. Disclosure can be made to a collection agency in instances where individuals refuse to pay for lost or damaged materials.

2. Information from this system of records may be disclosed to a congressional office from the record of an individual in response to an inquiry from the congressional office made on behalf of that individual. Individuals sometimes request the help of a member of Congress in resolving some issues relating to a matter before VA. The member of Congress then writes VA, and VA must be able to give sufficient information in response to the inquiry.

3. Disclosure may be made to the National Archives and Records Administration (NARA) and the General Services Administration (GSA) for records management inspections under authority of Title 44, Chapter 29, of the United States Code.

NARA and GSA are responsible for management of old records no longer actively used, but which may be appropriate for preservation; they are responsible in general for the physical maintenance of the Federal government's records. VA must be able to turn records over to these agencies in order to determine the proper disposition of such records.

4. VA may disclose on its own initiative any information in this system, except the names and home addresses of veterans and their dependents, which is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order. On its own initiative, VA may also disclose the names and addresses of veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto.

VA must be able to provide on its own initiative information that pertains to a violation of laws to law enforcement authorities in order for them to investigate and enforce those laws. Under 38 U.S.C. 5701(a) and (f), VA may only disclose the names and addresses of veterans and their dependents to Federal entities with law enforcement responsibilities. This is distinct from the authority to disclose records in response to a qualifying request from a law enforcement entity, as authorized by Privacy Act subsection 5 U.S.C. 552a(b)(7).

5. Disclosure may be made to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the reporting of an investigation, the letting of a grant or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

VA must be able to provide information to agencies conducting background checks on applicants for employment.

6. VA may disclose information in this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

VA must be able to provide information to DoJ in litigation where the United States or any of its components is involved or has an interest. A determination would be made in each instance that under the circumstances involved, the purpose is compatible with the purpose for which VA collected the information. This routine use is distinct from the authority to disclose records in response to a court order under subsection (b)(11) of the Privacy Act, 5 U.S.C. 552(b)(11), or any other provision of subsection (b), in accordance with the court's analysis in *Doe* v. *DiGenova,* 779 F.2d 74, 78–84

(D.C. Cir. 1985) and *Doe* v. *Stephens,* 851 F.2d 1457, 1465–67 (D.C. Cir. 1988).

7. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, etc., with whom VA has a contract or agreement to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

VA occasionally contracts out certain functions when this would contribute to effective and efficient operations. VA must be able to give a contractor whatever information is necessary for the contractor to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor from using or disclosing the information for any purpose other than that described in the contract.

8. Disclosure may be made to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

VA must be able to provide information to unions to assist them in advancing workers' interests with respect to wages, benefits, and working conditions. The routine use does not provide any greater access to Privacy Act protected information under section 7114(b) then the unions would have to the information if it was not protected by the Privacy Act. The routine use simply removes the Privacy Act as a bar to the disclosure of the information at the Agency's discretion.

9. Disclosure may be made to officials of the Merit Systems Protection Board (MSPB), including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law. VA must be able to provide information to MSPB to assist it in fulfilling its duties as required by statute and regulation.

10. Disclosure may be made to the Equal Employment Opportunity Commission (EEOC) when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law or regulation. VA must be able to provide information to EEOC to assist it in fulfilling its duties to protect employees' rights, as required by statute and regulation.

11. Disclosure may be made at VA's initiative to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

12. To disclose to the Federal Labor Relations Authority (FLRA) (including its General Counsel) information related to the establishment of jurisdiction, the investigation and resolution of allegations of unfair labor practices, or information in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; to disclose information in matters properly before the Federal Services Impasses Panel, and to investigate representation petitions and conduct or supervise representation elections.

VA must be able to provide information to FLRA to comply with the statutory mandate under which it operates.

13. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

VA must be able to disclose records in order to respond to and minimize possible harm to individuals as a result of a data breach, to meet its duties under Chapter 57 of Title 38 and the Privacy Act.

14. VA may disclose information from this system of records relevant to a claim of a veteran or beneficiary, such as the name, address, the basis and nature of a claim, amount of benefit payment information, medical information, and military service and active duty separation information, at the request of the claimant to accredited service organizations, VA approved claim agents, and attorneys acting under a declaration of representation, so that these individuals can aid claimants in the preparation, presentation, and prosecution of claims under the laws administered by VA. The name and address of a claimant will not, however, be disclosed to these individuals under this routine use if the claimant has not requested the assistance of an accredited service organization, claims agent or an attorney. VA must be able to disclose this information to accredited service organizations, VA approved claim agents, and attorneys representing veterans so they can assist veterans by preparing, presenting, and prosecuting claims under the laws administered by VA.

III. Compatibility of the Proposed Routine Uses

The Privacy Act permits VA to disclose information about individuals without their consent for a routine use when the information will be used for a purpose that is compatible with the purpose for which we collected the information. In all of the routine use disclosures described above, the recipient of the information will use the information in connection with a matter relating to one of VA's programs, will use the information to provide a benefit to VA, or disclosure is required by law.

The notice of intent to publish an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677), December 12, 2000.

Approved: September 9, 2008.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

136VA19E

SYSTEM NAME:

Library Network (VALNET)–VA.

SYSTEM LOCATION:

Records are maintained at each Department of Veterans Affairs (VA) medical center library (see Appendix A)

and VA Central Office Library at 810 Vermont Avenue, NW., Washington, DC 20420.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The records may include information concerning all present and former VA employees volunteers, students, contractors, regardless of whether they check out materials or use tables of content routing and interlibrary loan services, but only those veterans and others receiving care at the facility who check out materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records may include information related to:

1. Items checked out and in use (library books, journals, audiovisuals);
2. Library public access computer work stations used by VA staff and patients;
3. Name, last four digits of the social security number, email address, other assigned identifier, work location information, such as service, and extension for employees, students, and ward location for patients or other assigned ID.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, section 501.

PURPOSE(S):

The records and information may be used to track library materials checked out to library users and those materials that are overdue, materials borrowed from other libraries for library users, to track and recover costs of lost library materials to determine library materials to purchase and/or replace based on usage, to track users of library public access computers, and to compile management and statistical reports. Cost is recovered by Fiscal Service through Bills of Collection. If Bills of Collection are not paid, Fiscal Service garnishes checks, including Federal tax refunds, or turns the matter over to collection agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information from this system of records may be disclosed to a congressional office from the record of an individual in response to an inquiry from the congressional office made on behalf of that individual.
2. Disclosure may be made to the National Archives and Records Administration (NARA) for records management inspections under authority of Title 44 United States Code.
3. Disclosure may be at VA's initiative made to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the reporting of an investigation, the letting of a grant or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
5. Records from this system of records may be disclosed in a proceeding before a court, adjudicative body, or other administrative body when the Agency, or any Agency component or employee (in his or her official capacity as a VA employee), is a party to litigation; when the Agency determines that litigation is likely to affect the Agency, any of its components or employees, or the United States has an interest in the litigation, and such records are deemed to be relevant and necessary to the legal proceedings; provided that the disclosure is compatible with the purpose for which the records were collected.
6. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, etc., with whom VA has a contract or agreement to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.
7. Disclosure may be made to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.
8. Disclosure may be made to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.
9. Disclosure may be made to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discrimination.
10. VA may disclose information in this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that disclosure of the records to the DoJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.
11. VA may disclose on its own initiative any information in this system, except the names and home addresses of veterans and their dependents, which is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order. On its own initiative, VA may also disclose the names and addresses of veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto.
12. To disclose to the Federal Labor Relations Authority (including its General Counsel) information related to the establishment of jurisdiction, the investigation and resolution of allegations of unfair labor practices, or information in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; to disclose information in matters properly before the Federal Services Impasses Panel, and to investigate representation petitions and conduct or supervise representation elections.
13. VA may, on its own initiative, disclose any information or records to

appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

14. VA may disclose information from this system of records relevant to a claim of a veteran or beneficiary, such as the name, address, the basis and nature of a claim, amount of benefit payment information, medical information, and military service and active duty separation information, at the request of the claimant to accredited service organizations, VA approved claim agents, and attorneys acting under a declaration of representation, so that these individuals can aid claimants in the preparation, presentation, and prosecution of claims under the laws administered by VA. The name and address of a claimant will not, however, be disclosed to these individuals under this routine use if the claimant has not requested the assistance of an accredited service organization, claims agent or an attorney. VA must be able to disclose this information to accredited service organizations, VA approved claim agents, and attorneys representing veterans so they can assist veterans by preparing, presenting, and prosecuting claims under the laws administered by VA.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic and/or paper format.

RETRIEVABILITY:

Records are retrieved by name, last four of the social security number and/or other assigned identifiers of the individuals on whom they are maintained.

SAFEGUARDS:

1. Access to VA libraries is not restricted to VA employees. Generally the offices housing the files for storage of records are attended by staff who maintain the files during normal duty hours and after normal duty hours facilities are protected from outside access by the Federal Protective Service or other security personnel.

2. Access to files is controlled by the employees who maintain the files. Access to computerized records is controlled by the use of security codes known only to authorized users.

RETENTION AND DISPOSAL:

The VALNET records may be disposed of in accordance with the records retention standards authorized by the National Archives and Records Administration General Records Schedule 14, item 6, and published in the Veterans Health Administration Records Control Schedule 10–1, Item XLV.

SYSTEM MANAGER(S) AND ADDRESS:

Official responsible for policies and procedures; Network Librarian, VHA Library Program Office (19E), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Officials maintaining the system; Director at the facility where the individuals were associated.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the designated individual at the VA facility where the records are maintained. Individuals must furnish the following information in order for their records to be located and identified: a. full name, b. dates of employment, service, hospital stay, or use of library, c. description of information being sought and, d. return address.

RECORD ACCESS PROCEDURE:

Individuals seeking information regarding access to and contesting records in the system may write, call, or visit the VA facility location where they are or were employed or made contact.

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by VA employees, volunteers, students, contractors, veterans, others receiving care at the facility and automated computer systems such as Integrated Library Systems (ILS) which are used to track items which have been checked out of the library.

Appendix A—List of VA Libraries

Chief, Library Service (142D), VA MROC, 2925 DeBarr Road, Anchorage, AK 99508–2989.

Chief, Library Service (142D), VA Medical Center, 3701 Loop Road, East Tuscaloosa, AL 35404–5088.

Chief, Library Service (142D), VA Medical Center, 100 North College Avenue, Fayetteville, AR 72703–1999.

Chief, Lng Resources (142D), VA Medical Center (2), 4300 W. 7th St., Little Rock, AR 72205–5484.

Chief, Library Service (142D), VA Medical Center, 650 East Indian School Road, Phoenix, AZ 85012–1892.

Library Manager (154), VA Medical Center, 500 Highway 89 North, Prescott, AZ 86313.

Chief, Library Service (7–142D),VA Medical Center, 3601 South 6th Street, Tucson, AZ 85723–0001.

Chief, Lng Resources (162D), VA Medical Center, 2615 East Clinton Avenue, Fresno, CA 93703–2286.

Chief, Library Service (142D), VA Medical Center, 11201 Benton Street, Loma Linda, CA 92357–1000.

Chief, Library Service (142D), VA Medical Center, 5901 East 7th Street, Long Beach, CA 90822–5201.

Chief, Library Service (W142D), VA Greater LA Healthcare Sys, Bldg 500, Room 6249, 11301 Wilshire Boulevard, Los Angeles, CA 90073.

Chief, Library Service (142D), VA No. California HCS, 10535 Hospital Way, Mather, CA 95655.

Chief, Med. Information (142D), VA Medical Center, 3801 Miranda Avenue, Palo Alto, CA 94304–1290.

Chief, Library Service (142D), VA Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161–4041.

Chief, Lng Resources (142D), VA Medical Center, 4150 Clement Street, San Francisco, CA 94121–1598.

Chief, Library Service (142D), VA Greater LA Healthcare System, 16111 Plummer Street, Sepulveda, CA 91343–2036.

Chief, Medical Library (142D), VA Medical Center, 1055 Clermont Street, Denver, CO 80220–3808.

Chief, Library Service (142D), VA Medical Center, 2121 North Avenue, Grand Junction, CO 81501–6499.

Chief, Library Service (142D), VA Medical Center, 950 Campbell Avenue, West Haven, CT 06516.

Chief, Library Service (142D), VA Medical Center, 50 Irving Street, NW., Washington, DC 20422.

Jan Julian (19E) VA Headquarters, 810 Vermont Avenue, NW., Washington, DC 20420–0002.

Chief, Library Service (142D), VA Medical Center, 1601 Kirkwood Highway, Wilmington, DE 19805.
Chief, Library Service (142D), VA Medical Center, P.O. Box 5005, Bay Pines, FL 33744.
Chief, Library Service (142D), VA Medical Center, 1601 SW Archer Road, Gainesville, FL 32608–1197.
Library Service (142D), VA Medical Center, 619 South Marion Street, Lake City, FL 32025.
Chief, Library Service (142D), VA Health Care Center, 5201 Raymond Street, Orlando, FL 32803.
Chief, Library Service (142D), VA Medical Center, 13000 Bruce B. Downs Blvd., Tampa, FL 33612–4745.
Chief, EES/Library (142D), VA Medical Center, 7305 N. Military Trail, West Palm Beach, FL 33410–6400.
Chief, Library Service (142D), VA Medical Center-Atlanta, 1670 Clairmont Road, Decatur, GA 30033.
Chief, Library Department (123), VA Medical Center, 1 Freedom Way, Augusta, GA 30904–6285.
Associate Chief of Staff for Education (11E), Spark M. Matsunaga VAMC, 459 Patterson Road, Honolulu, HI 96819–1522.
Chief, Library Service (142D), VA Medical Center, 1515 W. Pleasant Street, Knoxville, IA 50138–3399.
Chief, Library Service (142D), VA Medical Center, 500 West Fort Street, Boise, ID 83702–4598.
Chief, Library Service (142D), Jesse Brown VAMC, 820 S. Damen Avenue, Chicago, IL 60612–3740.
Chief, Library Service (142D), VA Medical Center, 1900 East Main Street, Danville, IL 61832–5198.
Chief, Library Service (142D), VA Medical Center, P.O. Box 5000 (142D), Hines, IL 60141–5142.
Chief, Library Service (142D), VA Medical Center, 2401 West Main Street, Marion, IL 62959–1188.
Chief, Library Service (142D), VA Medical Center, 3001 N. Green Bay Road, North Chicago, IL 60064–3096.
Chief, Library Service (142D), VA Medical Center, 1481 West 10th Street, Indianapolis, IN 46202–2803.
Chief, Library Section (142D), VA Medical Center, 1700 East 38th Street, Marion, IN 46953–4589.
Chief, Library Section (142D), VA Medical Center, 2200 Gage Boulevard, Topeka, KS 66622–0001.
Chief, Library Service (11PM–4), VA Medical Center, 5500 East Kellogg, Wichita, KS 67218–1698.
Chief, Library Section (141D-CDD), VA Medical Center, 2250 Leestown Road, Lexington, KY 40511–1093.
Chief, Library Service (142D), VA Medical Center, 800 Zorn Avenue, Louisville, KY 40206–1499.
Chief, Library Service (142D), VA Medical Center, P.O. Box 69004, Alexandria, LA 71306–9004.
Learning Resources (AD35), VA Medical Center, 1601 Perdido Street, New Orleans, LA 70112.
Chief, Library Section (142D), VA Medical Center, 510 East Stoner Avenue, Shreveport, LA 71101–4295.
Chief, Lng Resources (142D), VA MROC 1 VA Center, Togus, ME 04330–6795.
Chief, Library Service (BT/14/LIB), VA Maryland Healthcare System, 10 North Greene Street, Baltimore, MD 21201–1524.
Chief, Library Service (142D), VA Medical Center, 200 Springs Road, Bedford, MA 01730.
Chief, Library Service (142D), VA Medical Center, 421 North Main Street, Leeds, MA 01053–9714.
Chief, Library Service (142D), VA Medical Center, 1400 VFW Parkway, West Roxbury, MA 02132.
Chief, Library Service (11L), VA Ann Arbor Healthcare System, 2215 Fuller Road, Ann Arbor, MI 48105.
Chief, Library Section (142D), VA Medical Center, 5500 Armstrong Road, Battle Creek, MI 49016–1099.
Chief, Library Service (11R–1), VA Medical Center, 4646 John R. St., Detroit, MI 48201–1916.
Chief, Library Service (142D), VA Medical Center, 325 H Street, Iron Mountain, MI 49801–372.
Chief, Library Service (142D), VA Medical Center, 1500 Weiss Street, Saginaw, MI 48602.
Chief, Library Service (142D), VA Medical Center, One Veterans Drive, Minneapolis, MN 55417–2236.
Chief, Library Service (ED–142D), VA Medical Center, 4801 Eighth Street, North St. Cloud, MN 56303–2099.
Chief, Info. Mgt Service (19CI), VA Medical Center, 400 Veterans Avenue, Biloxi, MS 39531–2410.
Chief, Library Service (142D), VA Medical Center, 1500 East Woodrow Wilson, Jackson, MS 39216–5199.
Chief, Library Service (IM/LR), VA Medical Center, 800 Hospital Drive, Columbia, MO 65201–5275.
Chief, Library Service (142D), VA Medical Center, 4801 Linwood Boulevard, Kansas City, MO 64128–2295.
Chief, Lng Resources Center (142D), VA Medical Center, 1500 N. Westwood Boulevard, Poplar Bluff, MO 63901–3393.
Chief, Library Service (142D–JB), VA Medical Center (2), #1 Jefferson Barracks Drive, St. Louis, MO 63125–4199.
Chief, Library Service (142D), VA Medical Center, P.O. Box 167, 436 Williams St., Fort Harrison, MT 59636.
Chief, Library Service (142D), VA Medical Center, 1100 Tunnel Road, Asheville, NC 28805–2087.
Chief, Library Service (142D), VA Medical Center, 508 Fulton Street, Durham, NC 27705–3875.
Chief, Library Service (142D), VA Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301–3899.
Chief, Library Service (142D), VA Medical Center, 1601 Brenner Avenue, Salisbury, NC 28144.
Chief, Library Service (142D), VA Medical Center, 2101 Elm Street, Fargo, ND 58102–2417.
Chief, Library Service (026), VA Medical Center, 4101 Woolworth Avenue, Omaha, NE 68105–1873.
Chief, Library Service (142D), VA Medical Center, 718 Smyth Road, Manchester, NH 03104–4098.
Chief, Library Service (142D), VA Medical Center, 151 Knollcroft Road, Lyons, NJ 07939–5000.
Chief, Library Service (142D), VA Medical Center, 1501 San Pedro Drive, S.E., Albuquerque, NM 87108–5138.
Library 03–FES, VA Medical Center, 901 Rancho Lane, Suite 185, Room 1106, Las Vegas, NV 89106.
Chief, Lng Resources (142), VA Medical Center, 1000 Locust Street, Reno, NV 89520.
Chief, Library Service (142D), VA Medical Center, 113 Holland Avenue, Albany, NY 12208–3410.
Chief, Library Service (142D), VA Medical Center, 222 Richmond Avenue, Batavia, NY 14020–1288.
Chief, Library Service (142D), VA Medical Center, 76 Veterans Way, Bath, NY 14810.
Chief, Library Service (142D), VA Medical Center, 130 West Kingsbridge Road, Bronx, NY 10468.
Chief, Library Service (142D), VA Medical Center, 800 Poly Place, Brooklyn, NY 11209.
Chief, Library Service (142D), VA Medical Center, 3495 Bailey Avenue, Buffalo, NY 14215–1199.
Chief, Library Service (142D), VA Medical Center, 400 Fort Hill Avenue, Canandaigua, NY 14424–1188.
Chief, Library Service (142D), VA Medical Center, P.O. Box 100, Montrose, NY 10548.
Chief, Library Service (142D), VA Medical Center, 423 East 23rd Street, New York, NY 10010–5050.
Chief, Library Service (142D), VA Medical Center, 79 Middleville Road–Bldg 12, Northport, NY 11768–2290.
Medical Library (19L), Central Alabama Veterans Healthcare System, 2400 Hospital Road, Tuskegee, AL 36083.
Chief, Library Section (19D), VA Medical Center, 17273 State Route 104, Chillicothe, OH 45601.
Chief, Lng Resources (142), VA Medical Center, 3200 Vine Street, Cincinnati, OH 45220–2288.
Chief, Library Service 142D(B), VA Medical Center-Brecksville, Medical Library, 10000 Brecksville Road, Brecksville, OH 44141.
Chief, Library Service (142D), VA Outpatient Clinic, 543 Taylor Avenue, Columbus, OH 43203–1278.
Chief, Library Service (142D), VA Medical Center, 4100 West 3rd Street, Dayton, OH 45428.
Chief, Library Service (142D), VA Medical Center, 1011 Honor Heights Drive, Muskogee, OK 74401–1399.
Chief, Library Service (142D), VA Medical Center, 921 Northeast 13th Street, Oklahoma City, OK 73104–5028.
VA Medical Center (2 COPIES), ATTN: V6LIB, 1601 E 4th Plain Blvd., Vancouver, WA 98661.
Chief, Library Service (142D), VA Domiciliary, 8495 Crater Lake Highway, White City, OR 97503–1088.
Chief, Library Service (15–L), VA Medical Center, 2907 Pleasant Valley Blvd., Altoona, PA 16602–4377.

Chief, Library Service (142D), VA Medical Center, 325 New Castle Road, Butler, PA 16001–2480.
Chief, Library Service (142D), VA Medical Center, 1400 Black Horse Hill Road, Coatesville, PA 19320–2096.
Library Services (174M), Erie VA Medical Center, 135 E. 38th Street, Erie, PA 16504–1559.
Chief, Library Section (N13), VA Medical Center, 1700 S. Lincoln Avenue, Lebanon, PA 17042–7597.
Chief, Library Service (142D), VA Medical Center, 10 Calle Casia, San Juan, PR 00921–3201.
Chief, Library Service (142D), VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104–9020.
Chief, Library Section (05E), VA Medical Center, 1111 East End Boulevard, Wilkes-Barre, PA 18711–0026.
VISN 7 Library Mgr (IMSL–07–L)), WJB Dorn VA Medical Center, 6439 Garners Ferry Road, Columbia, SC 29209.
Chief, Library Service (142D), VA Medical Center, 830 Chalkstone Avenue, Providence, RI 02908–4799.
Chief, Lib & Lng Resources (142D), VA Medical Center, 109 Bee Street, Charleston, SC 29401–5799.
Chief, Lng Resources (142), VA Medical Center, Sydney & Lamont Sts., (Johnson City), Mountain Home, TN 37684–5001.
Chief, Medical Library (INFO–4), VA Medical Center, 113 Comanche Road, Fort Meade, SD 57741–1099.
Chief, Library Section (142D), VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104–2193.
Chief, Library Section (142D), VA Medical Center, 300 Veterans Boulevard, Big Spring, TX 79720–5500.
Chief, Library Service (142D), VA Medical Center, 1310 24th Avenue, South, Nashville, TN 37212–2637.
Chief, Library Section (142D), VA Medical Center, 6010 Amarillo Blvd. West, Amarillo, TX 79106–1992.
Chief, Library Service (142D), VA Medical Center, 4500 South Lancaster Road, Dallas, TX 75216–7191.
Chief, Library Service (142D), VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77030–4298.
Chief, Lib & Ed Resources (142D), VA Medical Center, 100 Emancipation Drive, Hampton, VA 23667–0001.
Chief, Library Service (14LIB–W), VA Central TX Vets Healtcare Sys, 4800 Memorial Drive, Waco, TX 76711–1397.
Chief, Library Service (142L), VA Medical Center, 500 Foothill Boulevard, Salt Lake City, UT 84148.
Chief, Library Service (142D), VA MROC, 215 North Main Street, White River Junction, VT 05009.
Chief, Library Service (142D), VA Medical Center, 1201 Broad Rock Blvd., Richmond, VA 23249–0001.
Chief, Library Service (142D), VA Medical Center, 1970 Roanoke Boulevard, Salem, VA 24153–6478.
Chief, Library Service (EDC/L), VA Medical Center, 77 Wainwright, Walla Walla, WA 99362.
Chief, Library Service (142D), VA Medical Center, 1660 S. Columbian Way, Seattle, WA 98108–1597.
Chief, Library Service (142D), VA Medical Center, North 4815 Assembly Street, Spokane, WA 99205–6197.
Chief, Lng Resources (142D), VA Medical Center, 500 East Veterans Street, Tomah, WI 54660–3100.
Chief, Library Section (142D), VA Medical Center, 2500 Overbrook Terrace, Madison, WI 53705–2286.
Chief, Library Service (142D), VA Medical Center, 5000 West National Avenue, Milwaukee, WI 53295–0001.
Chief, Lng Resources (142D), VA Medical Center, 1540 Spring Valley Drive, Huntington, WV 25704.
Chief, Library Service (142D), VA Medical Center, 200 Veterans Avenue, Beckley, WV 25801–6499.
Chief, Library Service (017L), VA Medical Center, One Medical Center Drive, Clarksburg, WV 26301.
Chief, Library Service (142D), VA Medical Center, 1898 Fort Road, Sheridan, WY 82801–8320.
Chief, Library Section (142D), VA Medical Center, 510 Butler Avenue, Martinsburg, WV 25401–0205.
Chief, Lib/Education (142D), VA Medical Center, 2360 East Pershing Blvd., Cheyenne, WY 82001–5356.
Chief, Medical Library (11L), VA Medical Center, 4101 S. 4th St. Trafficway, Leavenworth, KS 66048.
Chief, Library Service (142D), VA Maryland Healthcare System, Circle Drive, Perry Point, MD 21902–1105.
Chief, Library Section (142D), VA Medical Center, 2121 Lake Avenue, Fort Wayne, IN 46805–5100.
Chief, Library Service (142D), VA Medical Center, 385 Tremont Avenue, East Orange, NJ 07018–1095.
Chief, Library Service (142D), VA Medical Center, 940 Belmont Street, Brockton, MA 02301–5596.
Chief, Library Service (142D), VA Medical Center, 210 S. Winchester Avenue, Miles City, MT 59301–4798.
Chief, Library Service (142D), VA Medical Center, 913 NW Garden Valley Blvd., Roseburg, OR 97470–0193.
Chief, Library Service (142D), VA Medical Center, Route 9D, Castle Point, NY 12511.
Chief, Library Service 142D(W), VA Medical Center—Wade Park, Medical Library, 10701 East Boulevard, Cleveland, OH 44106.
Chief, Knowledge-Based Info (142D), VA Medical Center, 1201 Northwest 16th Street, Miami, FL 33125–1693.
Aspinwall Library (142D–A), VA Pittsburgh Health System), Delafield Road (3 COPIES), Pittsburgh, PA 15240.
Chief, Medical Library (INFO–4), VA Black Hill Health Care System, 500 North 5th Street, Hot Springs, SD 57747.
Chief, Library Service (142D), VA Medical Center, 1201 East 9th Street, Bonham, TX 75418–4019.
Chief, Library Service (142D), VA Medical Center, 9600 Veterans Drive, Tacoma, WA 98493–5000.
Chief, Library Service (142D), VA Medical Center, 3400 Lebanon Road, Murfreesboro, TN 37129–1236.
Chief, Library Service (14LIB–T), VA Medical Center, Veterans Memorial Drive, Temple, TX 76504–7497.
Library Service (118L), VA Medical Center, 2501 W. 22nd Street, Sioux Falls, SD 57117.
Library Service (142D), VA Medical Center, 800 Irving Avenue, Syracuse, NY 13210–2799.

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Federal Register

Wednesday,
September 24, 2008

Part II

Department of Housing and Urban Development

Announcement of Funding Awards for the Continuum of Care Program Fiscal Years 2005, 2006 and 2007; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket Nos. FR–4950–FA–15, FR–5030–FA–32, FR–5100–FA–14]

Announcement of Funding Awards for the Continuum of Care Program Fiscal Years 2005, 2006 and 2007

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of past funding decisions made by the Department in a competition for funding under the 2005, 2006 and 2007 Notices of Funding Availability (NOFAs) for the Homeless Assistance Grants program. This announcement contains the names of the awardees and the amounts of the awards made available. **Federal Register** notices on these actions were not published at the time; however, the public was advised of these grant selections since they were posted on HUD's Web site. The postings contained listings of the selected applicants including descriptions of the projects.

FOR FURTHER INFORMATION CONTACT: Ann M. Oliva, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410–7000; telephone (202) 708–4300 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Relay Service toll-free at (800) 877–8339. For general information on this and other HUD programs, call Community Connections at (800) 998–9999 or visit the HUD Web site at *http://www.hud.gov*.

SUPPLEMENTARY INFORMATION: HUD's Homeless Assistance Grants provide Federal support to one of the nation's most vulnerable populations while working to reduce overall homelessness and end chronic homelessness. Competitive Homeless Assistance Grants include the Supportive Housing Program, Shelter Plus Care, and the Section 8 Moderate Rehabilitation Single Room Occupancy Program, which are distributed through a competitive process called the Continuum of Care (CoC) in which Federal funding is driven by local decision-making. The CoC system is a community-based process that provides a coordinated housing and service delivery system that enables communities to plan for and provide a comprehensive response to homeless individuals and families. It is an inclusive process that is coordinated with non-profit organizations, State and local government agencies, service providers, private foundations, faith-based organizations, law enforcement, local businesses, and homeless or formerly homeless persons.

In 2005, HUD awarded 4,954 competitive Homeless Assistance Grants totaling $1,181,911,241. In 2006, 5,288 grants were awarded totaling $1,204,857,682. In 2007, 5,911 grants were awarded totaling $1,327,573,959. This notice provides details regarding the funded organizations and fulfills a required grants management action. All applications were reviewed and rated on the basis of selections criteria contained in each corresponding NOFA.

The competition was announced in the **Federal Register** on March 21, 2005 (70 FR 14273) for the Fiscal Year 2005 competition, March 8, 2006 (71 FR 12055) for the Fiscal Year 2006 competition and March 13, 2007 (72 FR 11742) for the Fiscal Year 2007 competition.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the details of these funding grant announcements in Appendix A.

Dated: September 12, 2008.

Susan D. Peppler,

Assistant Secretary for Community Planning and Development.

APPENDIX A

Recipient	State	Amount
Fiscal Year 2005 Funding Awards for the Continuum of Care Program		
Alaskan AIDS Assistance Association	AK	$103,425
Anchorage Community Mental Health Services, Inc	AK	850,026
Anchorage Housing Initiatives, Inc	AK	81,886
Behavioral Health Services of Mat-Su, Inc	AK	175,304
Covenant House Alaska	AK	245,729
Interior Alaska Center for Non-Violent Living	AK	32,824
Municipality of Anchorage	AK	296,714
Rural Alaska Community Action Program	AK	498,642
State of Alaska	AK	230,220
The LeeShore Center	AK	73,791
Yukon-Kuskokwim Health Corporation	AK	50,966
AIDS Alabama, Inc	AL	594,766
Aletheia House	AL	423,563
Birmingham Health Care, Inc	AL	626,320
City of Huntsville	AL	248,520
First Light, Inc	AL	82,379
Homeless Coalition of the Gulf Coast, Inc	AL	2,327,641
Jefferson County Housing Authority	AL	3,131,520
Jefferson-Blount-St. Clair Mental Health/Mental Retardation Authority	AL	243,791
Lighthouse Counseling Center, Inc	AL	372,520
Mental Health Center North Central Alabama, Inc	AL	258,839
Mid-Alabama Chapter of the Alabama Coalition of Citizens with Disabilities	AL	26,460
Montgomery Area Family Violence Program, Inc	AL	303,259
Montgomery Area Mental Health Authority	AL	527,827
Pathways	AL	128,182
Safeplace, Inc	AL	520,531
State of Alabama	AL	213,204
The Cooperative Downtown Ministries	AL	552,708

APPENDIX A—Continued

Recipient	State	Amount
The Housing Authority of the City of Huntsville, Alabama	AL	237,720
The Salvation Army A Georgia Corporation	AL	78,800
The Salvation Army, A Georgia Corporation	AL	159,973
The Tuscaloosa Housing Authority	AL	117,300
The Volunteer & Information Center Inc	AL	70,327
University of Alabama at Birmingham	AL	480,944
YWCA of Central Alabama	AL	368,165
Arkansas Department of Human Services	AR	1,242,168
Arkansas Supportive Housing Network, Inc	AR	647,081
Bethlehem House, Inc	AR	21,600
Black Community Developers, Inc	AR	80,611
Counseling Associates, Inc	AR	200,000
Health Resources of Arkansas, Inc	AR	48,866
Housing Authority of the City of Fayetteville, AR	AR	172,800
Little Rock Community Mental Health Center	AR	81,529
Serenity, Inc	AR	117,564
Seven Hills Homeless Center	AR	151,040
Women and Children First	AR	90,390
Arizona Behavioral Health Corporation (ABC)	AZ	7,289,193
Arizona Department of Housing	AZ	8,450,930
Chicanos Por La Causa	AZ	101,737
Chrysalis Shelter for Victims of Domestic Violence Inc	AZ	24,269
City of Phoenix Community Services	AZ	3,531,965
City of Tucson	AZ	1,601,194
CODAC Behavioral Health Services, Inc	AZ	595,666
Community Bridges, Inc	AZ	344,610
Community Information & Referral, Inc	AZ	400,921
Information & Referral Services	AZ	181,089
La Frontera Center, Inc	AZ	422,709
Mesa Community Action Network, Inc	AZ	58,878
Old Pueblo Community Foundation	AZ	218,022
Pima County	AZ	1,908,526
PREHAB of Arizona, Inc	AZ	510,688
Primavera Foundation, Inc	AZ	103,306
Save the Family Foundation of Arizona	AZ	623,138
Sojourner Center	AZ	417,763
Southern Arizona AIDS Foundation	AZ	83,323
Southwest Behavioral Health Services, Inc	AZ	205,977
The EXCEL Group	AZ	133,488
The Salvation Army	AZ	45,360
Travelers Aid Society of Tucson, Inc	AZ	112,487
Tumbleweed Center for Youth Development	AZ	214,429
UMOM New Day Centers	AZ	267,710
United States Veterans Initiative	AZ	496,557
Women in New Recovery	AZ	46,862
YWCA of Maricopa County	AZ	201,671
1736 Family Crisis Center	CA	521,824
A Community of Friends	CA	265,253
Affordable Housing Associates	CA	36,665
Alliance Against Family Violence and Sexual Assault	CA	80,647
American Family Housing	CA	401,625
Antelope Valley Domestic Violence Council	CA	143,912
Asian Pacific Women's Center, Inc	CA	149,380
Beacon Housing, Inc	CA	76,192
Berkeley Food and Housing Project	CA	633,235
Bethany Services, dba, Bakersfield Homeless Center	CA	269,408
Beyond Shelter	CA	141,912
Bill Wilson Center	CA	847,121
Bonita House, Inc	CA	33,080
Bridge Focus, Inc	CA	99,225
BUCKELEW PROGRAMS	CA	563,586
Building Opportunities for Self-Sufficiency (BOSS)	CA	2,099,720
California Council for Veterans Affairs, Inc	CA	136,216
Catholic Charities	CA	33,333
Catholic Charities CYO	CA	398,604
Catholic Charities of Los Angeles, Inc	CA	246,326
Center for Human Rights and Constitutional Law, Inc	CA	134,944
Center for Human Services	CA	230,984
Center Point, Inc	CA	516,457
Central City Lutheran Mission	CA	117,327
Charities Housing Development Corporation of Santa Clara County	CA	96,793
Children's Services International	CA	165,886

APPENDIX A—Continued

Recipient	State	Amount
City and County of San Francisco	CA	14,574,774
City of Berkeley	CA	2,069,520
City of Davis	CA	106,752
City of Fremont	CA	269,790
City of Glendale, CA/Glendale Housing Authority	CA	1,559,492
City of Long Beach	CA	3,836,893
City of Oakland	CA	2,329,732
City of Oceanside	CA	293,406
City of Oxnard	CA	737,264
City of Pasadena	CA	963,198
City of Pomona	CA	162,154
City of Santa Monica Housing Authority	CA	3,488,952
City of Woodland	CA	175,151
Clinical Sierra Vista Inc	CA	227,240
Coachella Valley Housing Coalition	CA	2,936,640
Coalition of Homeless Services Providers	CA	141,750
Colette's Children Home	CA	815,262
Committee on the Shelterless	CA	181,411
Community Action Partnership of Sonoma County	CA	147,624
Community Awareness & Treatment Services, Inc	CA	348,153
Community Development Commission of Mendocino County	CA	1,121,916
Community Housing and Shelter Services	CA	277,980
Community Housing Partnership	CA	157,491
Community Resource Center	CA	110,000
Community Support Network	CA	86,596
Community Technology Alliance	CA	303,716
Compass Community Services	CA	295,007
Contra Costa Health Services	CA	515,225
CORA (Community Overcoming Relationship Abuse)	CA	225,375
County of Alameda	CA	9,712,324
County of Los Angeles	CA	934,615
County of Napa	CA	143,389
County of Orange	CA	287,906
County of Riverside	CA	5,147,519
County of Sacramento	CA	12,336,810
County of San Diego	CA	3,238,546
County of Santa Cruz	CA	232,576
County of Ventura	CA	381,071
County of Ventura Human Services Agency	CA	80,299
Covenant House California	CA	128,499
Cupertino Community Services	CA	82,533
Domestic Violence Solutions for Santa Barbara County	CA	76,220
Emergency Housing Consortium of Santa Clara County	CA	3,005,215
Episcopal Community Services	CA	1,063,890
Fairfield Suisun Community Action Council, Inc	CA	183,750
Families In Transition of Santa Cruz County, Inc	CA	366,344
Family Supportive Housing (Concern for the Poor)	CA	197,077
Filipino American Service Group, Inc	CA	190,449
Foothill Family Shelter, Inc	CA	34,125
Frazee Community Center	CA	26,250
Fred Finch Children's Home	CA	1,346,296
Fresno County Economic Opportunities Commission	CA	285,042
Glenn County Human Resource Agency	CA	31,500
Goodwill Industries of the Greater East Bay, Inc	CA	859,669
Gramercy Housing Group	CA	210,961
Greater Bakersfield Legal Assistance, Inc. (GBLA)	CA	120,080
Greater Richmond Interfaith Program	CA	354,409
Harbor Interfaith Services, Inc	CA	127,673
Homes for Life Foundation	CA	410,637
Homeward Bound of Marin	CA	560,737
Housing Authority County of Stanislaus	CA	1,195,872
Housing Authority of Contra Costa County	CA	3,045,396
Housing Authority of the City of Calexico	CA	158,531
Housing Authority of the City of Los Angeles	CA	14,168,940
Housing Authority of the City of Napa	CA	125,786
Housing Authority of the City of Santa Barbara	CA	590,184
Housing Authority of the County of Butte	CA	122,040
Housing Authority of the County of Los Angeles	CA	7,920,612
Housing Authority of the County of Marin	CA	770,940
Housing Authority of the County of Monterey	CA	367,868
Housing Authority of the County of San Mateo	CA	4,064,236
Housing Authority of the County of Santa Clara	CA	2,749,828

APPENDIX A—Continued

Recipient	State	Amount
Housing Authority of the County of Santa Cruz	CA	117,800
Housing Authority, City of Pomona	CA	714,144
Human Options, Inc	CA	66,830
Inland Behavioral and Health Services, Inc	CA	367,063
Inland Counties Legal Services, Inc	CA	115,184
Inland Temporary Homes	CA	266,977
InnVision the Way Home	CA	1,407,844
Interfaith Shelter Network, Inc	CA	84,894
Interim, Inc	CA	276,339
Interval House	CA	152,640
Jewish Family Service of Los Angeles (JFS)	CA	180,498
Jewish Family Service of San Diego	CA	759,982
JWCH Institute, Inc	CA	308,999
L.A. Family Housing Corporation	CA	719,323
Larkin Street Youth Services	CA	54,090
LifeLong Medical Care	CA	539,398
Lompoc Housing Assistance Corporation	CA	86,440
Los Angeles Homeless Services Authority (LAHSA)	CA	19,488,666
Los Angeles Youth Network	CA	40,529
Lutheran Social Services of Northern California	CA	53,747
Many Mansions	CA	161,512
Marin Abused Women's Services	CA	120,182
Marjaree Mason Center	CA	65,482
Mary Lind Foundation	CA	442,318
Mendocino County	CA	328,129
Mental Health Association of San Mateo County	CA	112,801
Merced County Community Action Board	CA	162,330
Merced County Department of Mental Health	CA	403,623
Mercy House Transitional Living Centers, Inc	CA	249,424
New Directions, Inc	CA	574,641
New Economics for Women	CA	155,254
New Hope Village, Inc	CA	66,675
Next Door Solutions to Domestic Violence	CA	157,500
North County Interfaith Council	CA	167,629
OC Partnership	CA	866,125
OPCC (formerly Ocean Park Community Center)	CA	305,939
Orange Coast Interfaith Shelter	CA	1,400,000
Orange County Association for Mental Health	CA	342,030
Orange County Housing Authority	CA	4,584,864
Pacific Clinics	CA	952,750
Pajaro Valley Shelter Services	CA	13,623
PATH (People Assisting the Homeless)	CA	423,966
Penny Lane Centers	CA	174,971
Phoenix Programs, Inc	CA	690,875
Placer County Health and Human Services–Adult System of Care	CA	293,282
Placer Women's Center	CA	212,298
Poor and the Homeless Tehama County Coalition	CA	219,503
Poverello House	CA	354,169
Progress Foundation	CA	356,205
Project Understanding	CA	53,642
Rainbow Services, Ltd	CA	255,012
Resources for Community Development	CA	241,393
Resources for Independent Living, Inc	CA	221,372
Rubicon Programs Inc	CA	2,189,553
Saddleback Community Outreach	CA	78,615
Saint John of God Health Care Services	CA	311,960
Saint Joseph Center	CA	47,247
Samaritan House	CA	105,000
San Diego Housing Commission	CA	814,176
San Diego Youth & Community Services	CA	87,571
San Francisco Ministries Housing Corporation	CA	70,749
San Joaquin County	CA	4,516,739
San Jose Cathedral Foundation	CA	141,600
San Luis Obispo County	CA	473,981
San Luis Obispo NonProfit Housing Corporation	CA	374,241
Santa Barbara Community Housing Corp	CA	99,444
Santa Barbara County	CA	396,564
Santa Clara Unified School District	CA	200,534
Santa Cruz Community Counseling Center, Inc	CA	41,540
Serra Ancillary Care Corporation dba The Serra Project	CA	614,213
Service League of San Mateo County	CA	44,996
Service Outreach Motivation Empowerment (SOME)	CA	16,000

APPENDIX A—Continued

Recipient	State	Amount
Shelter Network of San Mateo County	CA	542,246
SHELTER, Inc. of Contra Costa County	CA	1,500,001
SHIELDS for Families, Inc	CA	90,396
Single Room Occupancy Housing Corporation	CA	741,721
Solano County Health and Social Services	CA	403,023
Sonoma County Community Development Commission	CA	956,538
South Bay Community Services	CA	193,664
South Central Health & Rehabilitation Programs	CA	224,760
Southern California Alcohol & Drug Programs, Inc	CA	355,944
St. Claire's Home, Inc	CA	148,770
St. Vincent de Paul Society of San Francisco	CA	132,545
St. Vincent de Paul Village, Inc	CA	4,124,015
STAND! Against Domestic Violence	CA	242,544
Stanislaus Community Assistance Project	CA	556,399
Step Up on Second, Inc	CA	125,856
Stop Homelessness in the Rio Hondo Area, Inc	CA	165,207
Su Casa Domestic Abuse Network	CA	52,463
Swords To Plowshares—A Veterans Rights Organization	CA	486,958
TACHS (The Association For Community Housing Solutions)	CA	73,500
Tarzana Treatment Centers, Inc	CA	188,132
Testimonial Community Love Center	CA	136,888
The Ark of Refuge, Inc	CA	208,502
The John Henry Foundation	CA	151,200
The Lord's Fellowship	CA	41,832
The Los Angeles Gay and Lesbian Community Services Center	CA	377,262
The Salvation Army	CA	475,563
The Salvation Army, A California Corporation	CA	2,756,139
The Unity Care Group	CA	335,206
Transition House	CA	116,915
Transitional Living and Community Support, Inc	CA	802,481
Turning Point Foundation	CA	346,895
Turning Point of Central California, Inc	CA	248,175
United Christian Centers	CA	46,527
United Friends of the Children	CA	294,355
United States Veterans Initiative	CA	289,796
United Way of Tulare County	CA	89,022
Upward Bound House	CA	281,424
Venice Community Housing Corporation	CA	81,170
Venice Family Clinic	CA	284,843
Veterans First	CA	501,296
Veterans Transitional Center	CA	194,525
Victor Valley Domestic Violence, Inc	CA	829,137
Vietnam Veterans of California Veterans	CA	265,807
Vietnam Veterans of California, Inc	CA	252,296
Vietnam Veterans of San Diego (VVSD)	CA	202,850
Volunteers of America	CA	301,164
Weingart Center Association, Inc	CA	485,238
Whiteside Manor, Inc	CA	876,006
WomanHaven, Inc	CA	169,865
Women's Center—High Desert, Inc	CA	113,132
Women's Daytime Drop-In Center	CA	68,975
Women's Transitional Living Center, Inc. (WTLC)	CA	287,000
YMCA of Metropolitan Los Angeles	CA	177,487
YMCA of San Diego County	CA	178,739
Yolo Community Care Continuum	CA	83,333
Young Women's Christian Association of Central Orange County	CA	189,658
Young Women's Christian Association of San Diego County	CA	553,475
YWCA of Sonoma County	CA	52,500
Bridgeway	CO	15,146
Catholic Charities of Colorado Springs, Inc	CO	74,212
Colorado Coalition for the Homeless	CO	3,403,331
Colorado Department of Human Services	CO	2,339,028
Colorado Springs Housing Authority	CO	93,756
Community Housing Services, Inc	CO	943,077
Del Norte Neighborhood Development Corporation	CO	690,000
Denver Department of Human Services	CO	1,963,744
Grand Valley Catholic Outreach, Inc	CO	189,310
Greeley Center for Independence, Inc	CO	163,911
Housing Solutions for the Southwest	CO	57,024
Larimer Center for Mental Health	CO	109,653
Partners In Housing, Inc	CO	626,378
Posada, Inc	CO	249,900

APPENDIX A—Continued

Recipient	State	Amount
The Salvation Army, A California Corporation	CO	271,150
Volunteers of America Colorado Branch	CO	1,174,603
Alliance for Living	CT	73,932
American Red Cross Middlesex Central CT Chapter	CT	133,000
Bethsaida Community, Inc	CT	87,528
Christian Community Action, Inc	CT	200,025
Chrysalis Center, Inc	CT	207,745
City of Bridgeport	CT	473,178
Community Health Resources	CT	107,184
Community Renewal Team	CT	207,118
Community Renewal Team, Inc	CT	1,090,423
Connecticut Coalition to End Homelessness, Inc	CT	218,000
Connecticut Women's Consortium, Inc	CT	171,113
CREDO Housing Development Corporation Inc	CT	112,717
Emerge, Inc	CT	44,890
Family and Children's Agency	CT	146,177
Friendship Service Center of New Britain, Inc	CT	720,037
Hall-Brooke Behavioral Health Services	CT	800,394
Housing Authority of Manchester	CT	469,920
Housing Authority of the City of Waterbury	CT	195,900
Housing Authority, City of Danbury	CT	119,040
Immaculate Conception Shelter & Housing Corporation	CT	685,703
Interfaith Housing Association	CT	48,513
Killingly Housing Authority	CT	113,520
Laurel House, Inc	CT	38,499
Liberty Community Services, Inc	CT	292,500
LMG Programs, Inc	CT	179,626
Mercy Housing and Shelter Corporation	CT	241,190
MICAH HOUSING, INC	CT	73,501
Mid Fairfield AIDS Project, Inc	CT	120,000
Mutual Housing Association of Southwestern	CT	165,900
Mutual Housing Association of Southwestern Connecticut, Inc	CT	186,000
My Sisters' Place, Inc	CT	250,000
New Opportunities, Inc	CT	749,568
Norwalk Emergency Shelter, Inc	CT	47,830
Shelter for the Homeless, Inc	CT	84,051
South Park Inn, Inc	CT	284,288
St. Luke's Community Services, Inc	CT	398,717
St. Vincent DePaul Society of Bristol, Inc	CT	348,849
State of Connecticut	CT	6,535,261
State of Connecticut Department of Mental Health and Addiction Services	CT	676,992
Thames River Community Service, Inc	CT	195,984
Thames Valley Council for Community Action, Inc. (TVCCA)	CT	655,247
The Connection Fund	CT	8,500
The Salvation Army	CT	73,150
United Way of Eastern Fairfield County	CT	39,999
United Way of Norwalk and Wilton	CT	114,306
United Way of Stamford	CT	50,000
Windham Regional Community Council	CT	273,914
Women's Center of Southeastern Connecticut	CT	50,584
Youth Continuum, Inc	CT	301,568
Catholic Charities of the Archdiocese of Washington	DC	168,641
Coalition for the Homeless	DC	171,453
Community Connections	DC	205,039
Community Family Life Services, Incorporated	DC	504,966
DC Office of Revenue Analysis	DC	3,425,436
District of Columbia. Department of Health	DC	505,260
Families Forward, Inc	DC	430,270
Hannah House, Inc	DC	30,136
House of Ruth	DC	1,072,606
Sasha Bruce Youthwork, Inc	DC	386,279
SOME (So Others Might Eat)	DC	938,946
The Community Partnership for the Prevention of Homelessness	DC	7,068,019
Transitional Housing Corporation	DC	127,385
Connections Community Support Programs, Inc	DE	928,654
SBM Housing, Inc	DE	70,540
State of Delaware	DE	1,562,557
The Ministry of Caring, Inc	DE	1,676,700
Young Women's Christian Association of New Castle County, Delaware	DE	323,967
2–1–1 Brevard, Inc	FL	76,751
2–1–1 Tampa Bay Cares, Inc	FL	172,454
Adopt-A-Family of the Palm Beaches, Inc	FL	207,813

APPENDIX A—Continued

Recipient	State	Amount
Agency for Community Treatment Services, Inc	FL	1,570,432
Aid to Victims of Domestic Abuse, Inc	FL	134,725
AIDS Coalition of Volusia/Flagler, Inc	FL	238,776
Alachua County Housing Authority	FL	80,569
Alpha,''A Beginning'', Inc	FL	69,888
Boley Cennters for Behavioral Health Care, Inc	FL	762,582
Bridgeway Center, Inc	FL	577,107
Brookwood Florida—Central, Inc	FL	98,430
Broward County Board of County Commissioners	FL	4,451,429
Broward County Housing Authority	FL	1,059,432
Carrfour Supportive Housing	FL	409,479
CASA (Community Action Stops Abuse)	FL	242,031
Catholic Charities of the Archdiocese of Miami, Inc	FL	180,000
Children's Home Society of Florida, Inc	FL	127,620
Citrus County Board of County Commissioners	FL	271,740
City of Bradenton	FL	287,700
City of Gainesville	FL	205,316
Clara White Mission, Inc	FL	132,040
Coalition for the Homeless of Pasco County, Inc	FL	19,950
Coalition for the Hungry and Homeless of Brevard County, Inc	FL	527,652
Collier County Board of County Commissioners	FL	622,521
Community Connections of Jacksonville, Inc	FL	907,557
Covenant House Florida	FL	183,729
Crosswinds Youth Services, Inc	FL	87,536
Directions for Mental Health, Inc	FL	356,438
Domestic Abuse Council, Inc	FL	257,008
Early Childhood Resources, Inc	FL	132,108
Emergency Services and Homeless Coalition of St. Johns County, Inc	FL	152,400
EscaRosa Coalition on the Homeless	FL	113,687
Family Renew Community, Inc	FL	72,025
Florida Housing Corporation	FL	593,133
Florida Keys Outreach Coalition, Inc	FL	175,879
Friends of Highlands Village, Inc	FL	242,960
Goodwill of North Florida	FL	374,473
Gulfcoast Legal Services, Inc	FL	28,954
Gulfstream Goodwill Industries, Inc	FL	372,845
Highlands County Coalition for the Homeless, Inc	FL	42,000
Homeless Coalition of Hillsborough Co	FL	515,510
Homeless Coalition of Polk County, Inc	FL	116,531
Homeless Emergency Project, Inc	FL	107,651
Homeless Services Network of Central Florida, Inc	FL	3,815,558
HOPE Family Services, Inc	FL	135,360
Housing & Community Dev. Division	FL	533,520
Housing Partnership, Inc	FL	57,224
I.M. Sulzbacher Center for the Homeless, Inc	FL	539,109
Indian River County Board of County Commissioners	FL	471,880
Lakeview Center, Inc	FL	570,095
Lee County Board of County Commissioners	FL	1,890,017
LifeStream Behavioral Center, Inc	FL	124,320
Loaves and Fishes Soup Kitchen, Inc	FL	248,672
Mental Health Care, Inc	FL	1,669,758
Mental Health Resource Center, Inc	FL	251,639
Miami-Dade County	FL	21,068,899
Mid-Florida Homeless Coalition, Inc	FL	78,143
Monroe Association for Retarded Citizens	FL	102,269
New Life Outreach Ministry, Inc	FL	143,586
Oakwood Center of the Palm Beaches, Inc	FL	778,071
Operation PAR, Inc	FL	100,452
Palm Beach County Board of County Commissioners	FL	438,254
Peaceful Paths Domestic Abuse Network, Inc	FL	123,280
River Region Human Services, Inc	FL	491,358
Serenity House of Volusia, Inc	FL	301,194
Suncoast Center for Community Mental Health, Inc	FL	147,731
Talbot House Ministries of Lakeland, Inc	FL	303,300
Tallahassee Coalition for the Homeless, Inc	FL	978,995
The Center for Information & Crisis Services	FL	134,441
The Lord's Place, Inc	FL	466,007
The Salvation Army, a Georgia Corporation	FL	1,416,304
Tri-County Human Services, Inc. (TCHS)	FL	74,779
United Way of Marion County	FL	62,160
United Way of Northeast Florida	FL	64,374
Volunteers of America of Florida, Inc	FL	2,214,566

APPENDIX A—Continued

Recipient	State	Amount
Volusia/Flagler County Coalition for the Homeless, Inc	FL	225,138
Westcare Gulfcoast Florida, Inc	FL	273,000
YWCA of Palm Beach County	FL	225,195
YWCA of Tampa Bay	FL	176,237
Achor Center, Inc	GA	373,585
Action Ministries, Inc	GA	825,025
Advantage Behavioral Health Systems	GA	166,591
Alternate Life Paths Program, Inc	GA	48,572
Atlanta Enterprise Center, Inc	GA	190,955
Augusta-Richmond County	GA	181,027
Board of Commissioners of Fulton County, Georgia	GA	1,060,438
Buckhead Christian Ministry	GA	80,000
Calvary Refuge, Inc	GA	203,326
Chatham-Savannah Authority for the Homeless	GA	402,725
Citizens Against Violence, Inc	GA	265,764
CITY OF SAVANNAH	GA	253,836
Cobb County Community Services Board	GA	105,000
Community Advanced Practice Nurses, Inc	GA	103,979
CSRA Economic Opportunity Authority, Inc	GA	119,081
Decatur Cooperative Ministry, Inc	GA	44,243
Douglass County Continuum of Care Coalition, Inc	GA	452,679
Economic Opportunity for Savannah-Chatham County Area, Inc	GA	220,500
Families First, Inc	GA	172,493
Furniture Bank of Metro Atlanta	GA	70,010
GA Coalition Against Domestic Violence	GA	182,142
Genesis Shelter, Inc	GA	136,500
Georgia Housing and Finance Authority	GA	6,225,408
Georgia Law Center on Homelessness & Poverty Inc	GA	294,000
Goodwill Industries of Middle Georgia, Inc	GA	348,401
Greenbriar Children's Center, Inc	GA	398,424
Gwinnett Housing Resource Partnership, Inc. dba: The IMPACT! Group	GA	220,343
HODAC, Inc	GA	42,891
Hope House, Inc	GA	58,842
House of Grace	GA	129,529
House of T.I.M.E., Inc	GA	347,079
Housing Authority of Savannah	GA	940,200
Housing Initiative of North Fulton	GA	23,646
Initiative for Affordable Housing, Inc	GA	320,938
Jerusalem House, Inc	GA	193,704
Jewish Family & Career Services, Inc	GA	157,729
Loaves & Fishes Ministries of Macon, Inc	GA	97,429
Lowndes Associated Ministries to People, Inc	GA	286,841
Macon Bibb County Economic Opportunity Council, Inc	GA	194,250
Maranatha Outreach, Inc	GA	60,178
Marietta Housing Authority	GA	433,176
Mary Hall Freedom House, Inc	GA	285,341
Metro Atlanta Task Force for the Homeless, Inc	GA	338,100
New Horizons Community Service Board	GA	45,122
Nicholas House, Inc	GA	36,141
Open Door Community House, Inc	GA	267,745
Our Common Welfare, Incorporated	GA	158,033
Our House, Inc	GA	47,235
Phoenix Alliance, Inc	GA	58,371
Progressive Redevelopment, Inc	GA	563,246
Rainbow Village Inc	GA	451,789
S.H.A.R.E. House INC	GA	126,526
Saint Joseph's Mercy Care Services, Inc	GA	36,823
Samaritan House of Atlanta, Inc	GA	73,255
St. Jude's Recovery Center	GA	1,064,098
Stewart Community Home, Inc	GA	285,620
The Center for Family Resources	GA	814,234
The Extension, Inc	GA	104,654
The Young Adult Guidance Center, Inc	GA	154,396
Travelers Aid Metropolitan Atlanta, Inc	GA	111,477
Travelers Aid of Metropolitan Atlanta, Inc	GA	154,298
Unified Government of Athens-Clarke County	GA	289,166
Union Mission	GA	385,313
Zion Keepers, Inc	GA	100,093
Guam Housing & Urban Renewal Authority	GU	682,563
Child and Family Service	HI	84,488
City and County of Honolulu	HI	2,450,900
Hale Kipa, Inc	HI	200,000

APPENDIX A—Continued

Recipient	State	Amount
Maui Economic Concerns of the Community, Inc	HI	204,899
Mental Health Kokua	HI	870,274
State of Hawaii	HI	787,996
Steadfast Housing Development Corporation	HI	715,143
The Salvation Army a California Corporation	HI	637,366
Area Substance Abuse Council/New Directions	IA	104,223
Cedar Valley Friends of the Family	IA	254,249
Center for Siouxland	IA	208,230
City of Des Moines	IA	1,726,919
City of Sioux City	IA	113,452
Community Action Agency of Siouxland	IA	137,241
Community Corrections Improvement Association	IA	400,000
Community Housing Initiatives, Inc	IA	511,198
Crittenton Center	IA	184,527
Family Resources, Inc	IA	114,699
Hawkeye Area Community Action Program, Inc	IA	1,080,215
Hillcrest Family Services	IA	71,540
John Lewis Coffee Shop, Inc	IA	867,000
Northern Lights Alliance for the Homeless	IA	192,764
Opening Doors	IA	42,222
Project Concern, Inc	IA	31,570
Shelter House Community Shelter and Transition Services	IA	448,318
Youth and Shelter Services, Inc	IA	318,127
YWCA Clinton	IA	49,232
Boise City Housing Authority	ID	668,058
Idaho Housing and Finance Association	ID	1,828,931
The Society of St. Vincent de Paul in the City of Coeru d'Alene	ID	187,929
Women's and Children's Alliance	ID	119,123
Abundant Faith Ministry	IL	48,825
Affordable Housing Preservation Foundation—51st Street Y	IL	155,106
AIDS Foundation of Chicago	IL	1,028,952
Anna Bixby Women's Center	IL	141,445
Apna Ghar, Inc. (Our Home)	IL	124,785
B.C.M.W. Community Services	IL	19,597
Beacon Therapeutic Diagnostic Treatment Center	IL	1,083,562
Bethel Community Facility	IL	491,846
Bethel New Life, Inc	IL	666,693
Bridge Communities, Inc	IL	107,289
C.E.F.S. Economic Opportunity Corporation	IL	199,675
Casa Central Social Service Corporation	IL	846,265
Catholic Charities of the Archdiocese of Chicago	IL	2,925,856
Catholic Charities, Diocese of Joliet	IL	2,078,614
CDBG Operations Corporation	IL	579,814
CEDA Northwest Self-Help Center, Inc	IL	159,394
Chestnut Health Systems	IL	904,559
Chicago Abused Women Coalition	IL	26,329
Chicago Christian Industrial League	IL	1,707,999
Chicago Department of Human Services	IL	5,990,383
Chicago House and Social Service Agency	IL	45,123
Circle Urban Ministries	IL	396,875
City of Bloomington	IL	429,724
City of Chicago	IL	6,053,063
City of Rockford	IL	799,745
City of Urbana	IL	358,554
Community Crisis Center	IL	95,116
Community Mental Health Council, Inc	IL	301,792
Community Supportive Living Systems Inc	IL	203,150
Connections for the Homeless	IL	533,478
Cornerstone Community Outreach	IL	211,242
Cornerstone Services, Inc	IL	1,723,853
Deborah's Place	IL	1,083,251
Dove, Inc	IL	548,425
DuPage County Community Services	IL	239,217
DuPage County Health Department	IL	567,718
DuPage P.A.D.S., Inc	IL	318,054
Ecker Center for Mental Health	IL	163,030
Embarras River Basin Agency, Inc	IL	404,567
Family Counseling Center	IL	186,248
Family Rescue, Inc	IL	676,487
Featherfist	IL	1,525,777
Fellowship Housing Corporation	IL	100,120
Fifth Street Renaissance	IL	24,150

APPENDIX A—Continued

Recipient	State	Amount
Goldie's Place	IL	67,736
Good Samaritan Ministries, A Project of Carbondale Interchurch Council	IL	74,397
Healthcare Alternative Systems, Inc	IL	214,748
Heartland Health Outreach	IL	2,570,116
Heartland Human Care Services, Inc	IL	3,036,451
Helping Hands of Springfield, Inc	IL	115,332
Home of the Sparrow, Inc	IL	724,428
Hope Haven of DeKalb County, Inc	IL	193,645
Hope of East Central IL	IL	76,434
Housing Authority of the County of Cook	IL	474,612
Housing Opportunities for Women, Inc	IL	198,368
Housing Options for the Mentally Ill in Evanston, Inc	IL	220,860
Hoyleton Youth and Family Services	IL	82,723
Hull House Association	IL	389,026
Human Resources Development Institute, Inc. (HRDI)	IL	469,909
Inspiration Corporation	IL	646,931
Interdependent Living Solutions Center, Inc	IL	156,332
Interfaith Council for the Homeless	IL	312,241
Interfaith House, Inc	IL	400,593
Interfaith Housing Development Corporation of Chicago	IL	85,890
Iroquois-Kankakee Regional Office of Education #32	IL	64,017
Jewish Federation of Metropolitan Chicago	IL	163,104
Kane County, Illinois	IL	169,853
Lake County	IL	735,054
Lakefront Supportive Housing	IL	1,020,980
Lakeview Shelter, Inc	IL	192,658
Land of Lincoln Legal Assistance	IL	47,584
Lazarus House	IL	117,090
M.E.R.C.Y. Communities, Inc	IL	167,923
Madison County Government	IL	437,820
Matthew House Inc	IL	137,592
McDermott Center dba/Haymarket Center	IL	64,471
McHenry County PADS, Inc	IL	105,000
Mental Health Center of Champaign County Inc	IL	43,043
NCO Youth & Family Services	IL	200,124
New Moms, Inc	IL	253,698
New Phoenix Assistance Center	IL	837,789
Northwestern Memorial Hospital	IL	721,248
PADS Crisis Services	IL	449,295
PADS to HOPE	IL	183,665
Peoria Housing Authority	IL	126,000
Pioneer Center of McHenry County	IL	488,283
Pioneer Civic Services	IL	112,912
Prairie State Legal Services, Inc	IL	68,780
Project NOW, Inc. CAA	IL	383,534
Public Action to Deliver Shelter, Inc	IL	234,302
Renaissance Social Services, Inc	IL	143,388
Residents for Effective Shelter Transitions (REST)	IL	464,962
Saint Clair County	IL	514,209
Sarah's Circle	IL	68,250
Single Room Housing Assistance Corporation	IL	908,537
South Side Office of Concern	IL	22,442
South Surburban Family Shelter	IL	281,957
Southern Illinois Coalition for the Homeless	IL	58,975
Southwest Women Working Together	IL	1,984,140
St. Leonard's Ministries	IL	47,250
Stopping Women Abuse Now	IL	70,000
Teen Living Programs, Inc	IL	194,377
The Center of Concern	IL	127,434
The Community & Economic Dev. Association of Cook Cty	IL	260,883
The Employment Project	IL	123,537
The Inner Voice, Inc	IL	1,032,367
The Larkin Center	IL	297,425
The Night Ministry	IL	74,260
The Renaissance Collaborative, Inc	IL	184,451
The Salvation Army	IL	219,854
Thresholds	IL	1,609,080
Together We Cope	IL	624,185
Trinity Services, Inc	IL	250,000
Unity Parenting & Counseling	IL	949,290
West Englewood United Organization	IL	210,118
Western Illinois Regional Council—Community Action Agency	IL	54,907

APPENDIX A—Continued

Recipient	State	Amount
WilPower, Inc	IL	205,206
WINGS Program, Inc	IL	134,568
World Relief DuPage	IL	128,780
YMCA of Metropolitan Chicago	IL	456,805
Young Women's Christian Association	IL	464,713
Your Family Resource Connection	IL	139,640
Youth Service Bureau	IL	91,899
Youth Services Network	IL	250,569
YWCA of Peoria, IL	IL	484,265
Amethyst House Inc	IN	174,109
Blue River Services, Inc	IN	220,500
Bridges Community Services, Inc	IN	514,957
City of Anderson Indiana	IN	306,951
City of Evansville	IN	549,587
City of Gary d/b/a Edgewater Systems	IN	357,068
City of Gary d/b/a Gary Commission for Women	IN	276,133
City of Indianapolis	IN	4,180,354
City of South Bend	IN	142,632
CMHC, Inc	IN	671,388
Evansville Goodwill Industries, Inc	IN	220,133
Family & Children's Center Counseling and Development Services, Inc	IN	31,688
Fort Wayne Women's Bureau, Inc	IN	179,550
Genesis Outreach, Inc	IN	126,000
Hope House, Inc	IN	133,679
Housing Opportunities, Inc	IN	1,181,050
Indiana Coalition on Housing and Homeless Issues	IN	1,092,000
Indiana Housing Finance Authority	IN	1,640,340
Lafayette Transitional Housing Center, Inc	IN	312,559
LifeSpring, Inc	IN	706,712
Margret Alexander C.H.I.L.D. Center, Inc	IN	52,499
Martha's House, Inc	IN	267,586
Middle Way House, Inc	IN	513,280
St. Elizabeth's Regional Maternity Center	IN	561,695
State of Indiana	IN	308,808
The Center for the Homeless, Inc	IN	176,195
The Center for Women and Families, Inc	IN	446,290
Young Women's Christian Association of St. Joseph County	IN	67,199
City of Topeka	KS	1,189,632
City of Wichita Housing Authority	KS	718,488
COMCARE of Sedgwick County	KS	552,082
Cowley County Safe Homes, Inc	KS	395,743
Inter-Faith Ministries Wichita, Inc	KS	251,038
Kansas Legal Services	KS	190,608
Plumb Place Inc	KS	263,564
SAFEHOME, Inc	KS	113,003
The Salina Housing Authority	KS	370,800
The Salvation Army	KS	546,284
Unified Government of Wyandotte Co./KCKS	KS	344,890
United Methodist Urban Ministry of Wichita, Inc	KS	298,790
USD 500 Kansas City Kansas Public Schools	KS	45,320
Wichita Children's Home	KS	101,219
Bellewood Presbyterian Home for Children	KY	420,830
Choices, Inc	KY	70,602
Chrysalis House, Inc	KY	302,489
Commonwealth of Kentucky	KY	5,681,687
Community Action Council for Lexington-Fayette, Bourbon, Harrison & Nicholas	KY	64,409
Home of the Innocents	KY	173,847
Hope Center, Inc	KY	269,334
House of Ruth, Inc	KY	275,388
Independent Living Options, Inc	KY	250,102
Lexington-Fayette Urban County Housing Authority	KY	184,272
Louisville/Jefferson County Metro Government	KY	66,012
Louisville-Jefferson County Metro Government	KY	1,224,226
New Beginnings, Bluegrass, Inc	KY	53,492
Schizophrenia Foundation, KY, Inc. dba Wellspring	KY	479,407
Seven Counties Services, Inc	KY	163,060
Society of St. Vincent de Paul, Council of Louisville, Inc	KY	275,877
The Salvation Army, a Georgia Corporation	KY	119,999
Transitions, Incorporated	KY	481,820
Volunteers of America of KY, Inc	KY	535,657
Wayside Christian Mission	KY	158,630
Welcome House of Northern Kentucky, Inc	KY	469,110

APPENDIX A—Continued

Recipient	State	Amount
Acadiana Outreach Center, Inc	LA	56,025
Caddo Parish School Board	LA	89,237
Catholic Charities Archdiocese of New Orleans, Inc	LA	314,497
City of Baton Rouge & Parish of East Baton Rouge	LA	1,661,410
City of New Orleans	LA	429,492
Community Directions, Inc	LA	341,839
Community Support Programs, Inc	LA	642,186
Council On Alcoholism and Drug Abuse of NW Louisiana	LA	250,000
Covenant House New Orleans	LA	266,791
Eastern Louisiana Mental Health System	LA	157,791
Faith House, Inc	LA	135,996
Grace House of New Orleans, Inc	LA	191,362
Gulf Coast Teaching Family Services	LA	140,985
Gulf Coast Teaching Family Services, Inc	LA	305,073
Hope House of Central Louisiana	LA	193,784
Housing Authority, City of Bossier City, LA	LA	208,680
Housing Authority, City of Sulphur, LA	LA	117,312
Jefferson Parish Department of Community Development	LA	267,216
Jefferson Parish Human Services Authority	LA	277,473
Lafayette Catholic Service Center, Inc	LA	351,377
Louisiana Association for the Education of Homeless Children/Youth	LA	62,093
Louisiana Department of Health and Hospitals	LA	869,520
Metropolitan Battered Women's Program, Inc	LA	113,344
Monroe Area Guidance Center	LA	80,210
NAMI New Orleans	LA	153,421
Northlake Community Development Corporation	LA	178,000
Our House, Inc	LA	56,583
Philadelphia Center	LA	176,400
Providence House	LA	247,091
Region VI Office of Mental Health	LA	205,758
Responsibility House, Inc	LA	338,051
Saint Tammany Parish Government	LA	92,461
Shreveport SRO, Inc	LA	435,768
Southeast Louisiana Hospital	LA	311,823
Southeast Spouse Abuse Program	LA	231,272
Southeastern Louisiana University	LA	148,109
Southwestern Louisiana Homeless Coalition, Inc	LA	178,508
St. Francis Foundation, Inc	LA	21,000
St. Mary Community Action Agency, Inc	LA	136,158
START Corporation	LA	385,774
State of Louisiana, Department of Health and Hospitals	LA	99,584
The Church of the Holy Cross—Episcopal	LA	35,641
The Church United For Community Development	LA	154,744
The Wellspring Alliance for Families, Inc	LA	277,730
Unity for the Homeless, Inc	LA	7,634,885
Vernon Community Action Council, Inc	LA	70,092
Volunteer Center Southwest Louisiana	LA	116,484
Volunteers of America of Greater New Orleans	LA	995,234
Volunteers of America of Greater New Orleans, Inc	LA	632,166
Volunteers of America of North Louisiana	LA	582,661
Volunteers of America, Greater Baton Rouge	LA	135,184
Volunteers of America, Greater Baton Rouge, Inc	LA	412,703
Women Outreaching Women, Inc	LA	84,714
YWCA of Northwest Louisiana, Inc	LA	96,394
Action Inc	MA	276,331
Advocates, Inc	MA	313,464
Barnstable Housing Authority	MA	396,084
Berkshire Community Action Council, Inc	MA	180,480
Brockton Housing Authority	MA	536,130
Brookline Community Mental Health Center	MA	191,463
Cambridge Housing Authority	MA	363,096
CASPAR, Inc	MA	231,524
Catholic Social Services of Fall River, Inc	MA	165,909
Central Massachusetts Housing Alliance, Inc	MA	2,312,112
Citizens for Affordable Housing in Newton Development Organization, Inc	MA	12,616
City of Boston	MA	18,855,665
City of Cambridge, Massachusetts	MA	2,375,036
City of Fall River	MA	429,264
City of Haverhill	MA	250,690
City of Lawrence	MA	91,286
City of Lowell, Massachusetts	MA	819,921
City of New Bedford	MA	993,645

APPENDIX A—Continued

Recipient	State	Amount
City of Northampton	MA	1,167,738
City of Quincy	MA	754,090
City of Springfield	MA	1,489,514
City of Worcester, MA	MA	1,886,750
Commonwealth of Massachusetts	MA	8,121,839
Community Counseling of Bristol County	MA	228,863
Community Healthlink, Inc	MA	610,909
Construct, Inc	MA	41,200
Domus Incorporated	MA	171,360
Emmaus Inc	MA	169,642
Family Life Support Center, Inc	MA	136,492
Housing Assistance Corporation	MA	267,496
Housing For All Corporation	MA	44,200
Legal Services for Cape, Plymouth & Islands, Inc	MA	24,937
Lynn Housing Authority & Neighborhood Dev	MA	1,213,465
Lynn Shelter Association	MA	207,283
Mainstream Housing/Turning Point Inc	MA	280,745
Massachusetts Department of Mental Health	MA	186,480
North Shore Community Action Programs, Inc	MA	142,311
Quincy Housing Authority	MA	813,024
Shelter, Inc	MA	837,325
Somerville Homeless Coalition, Inc	MA	615,989
South Middlesex Legal Services, Inc	MA	48,507
South Middlesex Opportunity Council (SMOC)	MA	79,128
South Shore Housing Development Corporation	MA	125,125
Steppingstone, Inc	MA	329,091
The Psychological Center, Inc	MA	138,734
The Second Step, Inc	MA	502,870
Transition House	MA	14,073
Tri-City Community Action Program, Inc	MA	183,961
Tri-City Family Housing, Inc	MA	109,060
Twin Cities Community Development Corporation	MA	91,018
Veteran Hospice Homestead, Inc	MA	30,218
Veteran's Northeast Outreach Center, Inc	MA	135,828
Wayside Youth & Family Supportive Network, Inc	MA	233,872
Advocate for Homeless Families, Inc	MD	24,008
Allegany County HRDC, Inc	MD	127,057
Anne Arundel County, Maryland	MD	869,743
Associated Catholic Charities	MD	375,074
Baltimore City	MD	13,253,072
Baltimore County	MD	204,375
Baltimore County, Maryland	MD	776,360
Baltimore Mental Health Systems, Inc	MD	1,989,701
Board of County Commissioners of Calvert County, Maryland	MD	18,252
Catholic Charities of the Archdiocese of Washington	MD	235,903
Catholic Charities of Washington, DC	MD	110,638
City of Frederick	MD	201,433
City of Gaithersburg	MD	128,247
Community Assistance Network, Inc. (CAN)	MD	509,488
Crossroads Community, Inc	MD	140,737
Friends for Neighborhood Progress, Inc	MD	21,570
Garrett County Community Action Committee, Inc	MD	211,822
Harford County, Maryland	MD	396,180
Heartly House, Inc	MD	35,074
Housing Opportunities Commission	MD	2,862,760
Howard County Mental Health Authority	MD	82,968
Howard County, Maryland	MD	426,829
Human Services Developmental Corporation, Inc	MD	73,310
Human Svcs. Programs of Carroll County, Inc	MD	193,320
JHP, Inc	MD	88,161
Laurel Advocacy & Referral Services, Inc	MD	229,004
Maryland Department of Health and Mental Hygiene	MD	2,052,060
Maryland Dept. of Health and Mental Hygiene	MD	625,548
Mid Shore Mental Health Systems, Inc	MD	60,591
Montgomery Avenue Women's Center	MD	138,853
Montgomery County Coalition for the Homeless	MD	1,944,991
National Center for Children and Families (NCCF)	MD	623,191
Nehemiah House, Inc	MD	57,295
Prince Georges County Governement	MD	1,378,907
Rehabilitation Systems, Incorporated	MD	489,016
Somerset County Health Department	MD	659,269
St. Mary's County Housing Authority	MD	397,435

APPENDIX A—Continued

Recipient	State	Amount
United Communities Against Poverty Inc. (UCAP)	MD	502,677
Volunteers of America Chesapeake, Inc	MD	225,114
Washington County Comm. Action Council, Inc	MD	191,192
Washington County Dept. of Social Services	MD	45,839
YMCA of Cumberland, MD	MD	345,018
YWCA of the Greater Baltimore Area	MD	173,250
Avesta Housing Development Corporation	ME	304,266
Battered Women's Project	ME	27,252
Bread of Life Ministries	ME	462,000
City of Bangor, Maine	ME	679,239
City of Portland	ME	271,557
Community Concepts, Incorporated	ME	41,289
Community Housing of Maine, Inc	ME	39,270
Ingraham-Randall Place	ME	82,357
Kennebec Valley Mental Health Center	ME	32,839
Maine State Housing Authority	ME	121,640
MAPS/My Choice	ME	71,355
New Beginnings, Inc	ME	167,117
OHHI	ME	32,550
Portland West, Inc	ME	70,652
State of Maine	ME	5,002,388
York County Shelters Program, Inc	ME	493,630
YWCA of Greater Portland	ME	130,179
Allegan County Resource Development Committee, Inc	MI	84,800
American National Red Cross	MI	59,039
Ann Arbor Housing Commission	MI	751,008
Avalon Housing, Inc. (Avalon Nonprofit Housing Corporation)	MI	169,868
Bay Area Women's Center	MI	106,488
Branch County Coalition Aganist Domestic Violence	MI	35,122
Capital Area Community Services, Inc	MI	200,600
CareGivers	MI	756,140
Cass Community Social Services, Inc	MI	108,743
Center for Women in Transition	MI	233,288
Charter County of Wayne	MI	1,419,318
City of Detriot	MI	4,715,436
City of Lansing	MI	369,973
City of Melvindale	MI	749,400
Coalition on Temporary Shelter	MI	927,056
Community Action Agency	MI	340,484
Community Housing Network, Inc	MI	551,142
Community Housing Network, Inc	MI	1,158,168
Community Mental Health Authority of Clinton, Eaton, and Ingham Counties	MI	49,875
Community Mental Health Services of Muskegon County	MI	40,640
Community Rebuilders	MI	1,111,725
County of Kent, Michigan	MI	1,221,960
County of Ottawa	MI	211,036
Creative Housing Resources, Inc	MI	335,548
Detroit Central City CMH, Inc	MI	990,567
Detroit Rescue Mission Ministries	MI	2,456,912
Dwelling Place of Grand Rapids, Inc	MI	228,650
EightCAP, Inc	MI	56,687
Florence Crittenten Services	MI	54,750
Freedom House	MI	287,891
Genesis Non-Profit Housing Corporation	MI	58,800
Good Samaritan Ministries	MI	394,110
Goodwill Industries of Northern Michigan, Inc	MI	32,000
Grand Rapids Housing Commission	MI	462,919
Haven of Rest Ministries Inc	MI	345,328
Heartside Nonprofit Housing Corporation	MI	63,000
Heritage H.O.M.E.'s, Inc	MI	22,333
Housing Resources, Inc. (HRI)	MI	309,260
Housing Services for Eaton County	MI	197,007
Human Development Commission	MI	239,014
Inner City Christian Federation	MI	38,810
Kalamazoo Community Mental Health and Substance Abuse Services	MI	550,826
Lansing Housing Commission	MI	229,824
Lenawee Emergency & Affordable Housing Corporation	MI	89,511
Lighthouse of Oakland County, Inc	MI	294,509
Lutheran Social Services of Michigan	MI	38,600
Lutheran Social Services of Wisconsin & Upper Michigan, Inc	MI	192,097
Mariners Inn	MI	532,589
Metro Housing Partnership Inc	MI	2,364,439

APPENDIX A—Continued

Recipient	State	Amount
Michigan Ability Partners	MI	442,868
Michigan Department of Community Health	MI	4,846,644
Michigan Department of Human Services	MI	2,820,277
Neighborhood Legal Services Michigan	MI	853,435
Peckham, Inc	MI	146,877
POWER Inc	MI	165,991
Sacred Heart Rehabilitation Center, Inc	MI	194,214
Saginaw Housing Comission	MI	1,012,888
SIREN/Eaton Shelter, Inc	MI	276,400
SOS Community Services	MI	2,259,083
Southwest Michigan Community Action Agency	MI	62,464
State of Michigan	MI	1,265,970
Summit Pointe	MI	71,333
The Salvation Army	MI	831,749
The Salvation Army—Eastern Michigan Division	MI	518,125
Training and Treatment Innovations, Inc	MI	315,554
Travelers Aid Society of Metropolitan Detroit	MI	2,290,707
United Community Housing Coalition	MI	632,613
Wayne Metropolitan Community Action Agency	MI	1,569,683
West Michigan Therapy, Inc	MI	296,169
Women Empowering Women	MI	177,880
Word Foundation Agape House	MI	105,000
YWCA of Grand Rapids	MI	386,578
Alliance Housing Incorporated	MN	206,557
American Indian Community Development Corporation	MN	162,222
American Indian Community Housing Organization	MN	40,954
Amherst H. Wilder Foundation	MN	1,160,504
Arrowhead Economic Opportunity Agency	MN	51,143
Arrowhead Economic Opportunity Agency, Inc	MN	46,284
Bemidji Housing and Redevelopment Authority	MN	126,780
Bi-County Community Action Programs, Inc	MN	12,917
Breaking Free, Inc	MN	90,000
Catholic Charities of the Archdiocese of St. Paul and Minneapolis	MN	514,133
Central Community Housing Trust	MN	313,808
Churches United for the Homeless	MN	92,610
Dakota County	MN	395,767
Dakota County Community Development Agency	MN	116,868
Elim Transitional Housing, Inc	MN	87,488
Emma Norton Services	MN	207,463
Face to Face Health and Counseling Services, Inc	MN	103,671
Freeport West, Inc	MN	726,827
Grant County	MN	46,980
Hennepin County	MN	1,644,977
Housing & Redevelopment Authority of St. Cloud	MN	194,976
Housing & Redevelopment Authority In & For the City of Wilmar, MN	MN	78,900
Housing & Redevelopment Authority of Duluth, MN	MN	132,132
Housing and Redevelopment Authority of Koochiching County	MN	25,020
Housing and Redevelopment Authority of the City of St. Paul	MN	361,920
Housing Authority of St. Louis Park	MN	781,260
Housing Coalition of the St. Cloud Area	MN	440,578
Human Development Center	MN	232,732
Human Services Inc., in Washington County	MN	41,874
KOOTASCA Community Action	MN	31,971
Lakes & Pines Community Action Council, Inc	MN	21,000
Life House, Inc	MN	49,668
Listening Ear Crisis Center Project, Inc	MN	56,961
Lutheran Social Service of Minnesota	MN	119,465
Lutheran Social Services of MN	MN	32,272
Mental Health Resources, Inc	MN	520,640
Metropolitan Council	MN	1,797,444
Minnesota Assistance Council for Veterans	MN	57,929
Minnesota Assistance Council for Veterans (MACV)	MN	28,003
Model Cities of St. Paul	MN	141,383
Motivation Education & Training, Inc	MN	330,517
New Foundations, Inc	MN	298,090
New Pathways, Inc	MN	105,265
Northwestern Mental Health Center, Inc	MN	60,000
Olmstead County (MN) Housing and Redevelopment Authority	MN	124,800
Olmsted County	MN	132,300
Our Savior's Lutheran Church	MN	139,811
People Incorporated	MN	264,576
Perspectives, Inc	MN	342,673

APPENDIX A—Continued

Recipient	State	Amount
Pillsbury United Communities	MN	561,263
Plymouth Church Neighborhood Foundation	MN	267,946
Project for Pride in Living, Inc	MN	184,920
Range Mental Health Center, Inc	MN	79,350
Range Transitional Housing, Inc	MN	583,026
RESOURCE, Inc	MN	571,623
RS Eden	MN	45,486
Scott County	MN	88,884
Scott-Carver—Dakota CAP Agency	MN	109,856
Simpson Housing Services, Inc	MN	88,722
Southern Minnesota Regional Legal Services, Inc	MN	79,168
Southwestern Minnesota Opportunity Council, Inc	MN	190,176
St. Paul Urban League	MN	26,137
Steele County Transitional Housing, Inc	MN	22,942
The Bridge for Runaway Youth, Inc	MN	241,406
The Family Place	MN	53,209
The Salvation Army	MN	477,206
The Salvation Army, Illinois Corporartion	MN	177,503
The Salvation Army, Illinois Corporation	MN	353,095
The Salvation Army, Illinois Corporation (Booth Brown House)	MN	401,040
Theresa Living Center	MN	139,562
Three Rivers Community Action, Inc	MN	333,642
Violence Intervention Project, Inc	MN	24,147
Virginia Housing & Redevelopment Authority	MN	406,392
WEDCH, Inc. LLC	MN	35,006
Women's Advocates, Inc	MN	72,030
Women's Transitional Housing Coalition, Inc	MN	129,783
Young Women's Christian Association of St. Paul, MN	MN	80,585
YWCA of Duluth	MN	16,800
Zion Originated Outreach Ministry	MN	86,704
Benilde Hall	MO	100,380
Budget and Financial Management Assistance	MO	121,666
Catholic Charitites of Kansas City—St. Joseph, Inc	MO	90,835
City of Kansas City Missouri	MO	535,004
City of St. Joseph	MO	47,170
City of St. Louis	MO	6,924,584
Community LINC	MO	110,058
Community Services League	MO	56,497
Economic Security Corporation of Southwest Area	MO	171,129
Family Self-Help Center	MO	29,804
Housing Authority of Kansas City, Missouri	MO	532,440
Housing Authority of Springfield	MO	101,292
Housing Authority of the City of Columbia, Missouri	MO	286,860
Mental Health Association of the Heartland	MO	64,099
Mid America Assistance Coalition	MO	43,358
Missouri Association for Social Welfare	MO	133,980
Missouri Department of Mental Health	MO	4,300,884
Ozarks Area Community Action Corporation	MO	26,655
Phoenix Programs, Inc	MO	71,122
reStart Inc	MO	226,333
Rose Brooks Center, Inc	MO	203,610
SAVE, Inc	MO	493,624
Sheffield Place	MO	163,079
St. Louis County	MO	1,101,078
Swope Health Services	MO	205,110
The Kansas City Metropolitan Lutheran Ministry	MO	213,515
The Kitchen, Inc	MO	422,750
The Salvation Army	MO	264,549
The Salvation Army an Illinois Corporation	MO	232,321
Truman Medical Center, Inc	MO	513,246
Back Bay Mission, Inc	MS	271,681
Bolivar County Community Action Agency, Inc	MS	469,832
Catholic Charities, Inc	MS	169,048
City of Natchez	MS	328,177
Gulf Coast Women's Center for Nonviolence, Inc	MS	100,520
Hinds County Human Resource Agency	MS	118,650
Mental Health Association of South Mississippi	MS	267,985
Multi-County Community Service Agency, Inc. (MCCSA)	MS	350,000
New Dimensions Development Foundation	MS	159,238
New Life for Women, Inc	MS	200,000
Recovery House, Inc	MS	108,728
Stewpot Community Services	MS	49,392

APPENDIX A—Continued

Recipient	State	Amount
The University of Southern Mississippi	MS	336,000
District 7 Human Resources Development Council (HRDC)	MT	63,000
District IV Human Resources Development Council	MT	16,800
God's Love Inc	MT	150,470
Helena Housing Authority	MT	153,552
Human Resource Council, District XII	MT	90,958
Missoula County	MT	162,580
Missoula Housing Authority	MT	445,320
Montana Department of Commerce, Housing Division	MT	478,200
Mountain Home Montana, Inc,	MT	76,798
Northwest Montana Human Resources, Inc	MT	35,769
Proverllo Center, Inc	MT	37,467
Public Housing Authority of Butte	MT	83,844
Sanders County Coalition For Families	MT	56,964
State of Montana	MT	66,980
Supporters of Abuse Free Environments (S.A.F.E), Inc	MT	35,700
The Samaritan House, Inc	MT	63,000
Affordable Housing Coalition of Asheville Buncombe County	NC	260,360
Alcohol and Drug Services of Guilford, Inc	NC	46,048
Allied Churches of Alamance County, Inc	NC	96,000
Brunswick Family Assistance Agency, Inc	NC	42,080
CenterPoint Human Services	NC	311,102
Christians United Outreach Center	NC	114,022
Chrysalis Foundation for Mental Health, Inc	NC	56,088
City of Winston-Salem	NC	764,872
Cleveland County Abuse Prevention Council, Inc	NC	153,248
Coastal Horizons Center, Inc	NC	79,017
Community Alternatives for Supportive Abodes (CASA)	NC	796,496
Community Link, Programs of Travelers Aid	NC	238,912
Community Link, Programs of Travelers Aid	NC	459,666
Cumberland County, NC	NC	231,922
Cumberland Interfaith Hospitality Network	NC	257,628
Familiy Service of the Piedmont	NC	47,293
First Fruit Ministries	NC	120,716
Gaston County Interfaith Hospitality Network, Inc	NC	38,850
Good Shepherd Ministries	NC	56,073
Greensboro Housing Authority	NC	226,584
Greensboro Urban Ministry, Inc	NC	78,750
Hope Haven, Inc	NC	499,367
Hospitality House of Asheville, Inc	NC	182,886
Hospitality House of the Boone Area, Inc	NC	31,928
Housing Authority of the City of Wilmington	NC	114,288
Housing for New Hope, Inc	NC	154,039
Inter-Faith council for Social Service	NC	19,032
Life on Life's Terms, Inc	NC	43,890
Love Center for Community Enhancement	NC	132,500
Mary's House, Inc	NC	135,982
Mecklenburg County Area MH, DD, & SA Authority	NC	1,037,483
Mecklenburg County Health Department	NC	145,136
Mountain Youth Resources, Inc	NC	209,351
Neuse Center for MH/DD/SAS	NC	221,148
Next Step Ministries, Inc	NC	37,800
North Carolina Housing Coalition Inc	NC	30,287
North Carolina Housing Coalition, Inc	NC	89,817
OPC Mental Health, Developmental Disabilities and Substance Abuse	NC	195,636
Open Door Ministries of High Point, Inc	NC	54,062
Opposing Abuse with Service, Information and Shelter	NC	91,350
Passage Home, Inc	NC	220,616
Pathways Services, Inc	NC	175,440
Piedmont Behavioral Healthcare	NC	271,200
S.L.I.D.E.S., Inc	NC	17,414
Saint Peter's Homes, Inc	NC	33,333
Sandhills Community Action Program, Inc	NC	268,452
Sanford Housing Authority	NC	295,920
The Christian Counseling and Wellness Group, Inc	NC	588,007
The New Reidsville Housing Authority	NC	213,300
The Salvation Army, A Georgia Corporation	NC	343,527
The Servant Center, Inc	NC	59,481
Tideland Mental Health Center MH/DD/SAS	NC	174,024
United Community Ministries	NC	88,200
V J Ministerial Transitional Homes	NC	167,244
VGFW Area Mental Health Authority	NC	413,904

APPENDIX A—Continued

Recipient	State	Amount
Volunteers of America of the Carolinas, Inc	NC	86,997
W.A.W.Y. Community Action, Inc	NC	106,703
Wake County Human Services	NC	1,292,538
Western Highlands A Local Management Entitiy	NC	221,856
With Friends, Inc	NC	199,374
Community Violence Intervention Center	ND	94,772
Fargo Housing & Redevelopment Authority	ND	568,836
North Dakota Department of Commerce	ND	162,216
Society of St. Vincent de Paul	ND	15,277
Women's Alliance, Inc	ND	37,600
YWCA Cass Clay	ND	213,519
Blue Valley Community Action, Inc	NE	24,677
Care Corps, Inc	NE	238,935
Catholic Charities of the Archdiocese of Omaha, Inc	NE	213,234
Catholic Social Services	NE	93,683
CEDARS Youth Services	NE	130,707
CenterPointe, Inc	NE	630,885
Central Nebraska Community Services, Inc	NE	320,949
Cirrus House, Inc	NE	91,688
City of Omaha	NE	745,882
Community Action Partnership of Mid-Nebraska	NE	116,361
Community Alliance Rehabilitation Services	NE	196,430
Goldenrod Hills Community Action Council, Inc	NE	27,171
Heartland Family Service	NE	619,295
Iowa Institute for Community Alliances	NE	243,075
Lincoln Action Program	NE	449,539
Panhandle Partnership for Health and Human Services	NE	31,896
St. Monica's	NE	140,456
Stephen Center, Inc	NE	52,238
The Salvation Army	NE	343,607
Behavorial Health & Developmental Serv. of Strafford County, Inc	NH	229,681
Families in Transition	NH	132,001
Greater Nashua Council on Alcoholism, Inc	NH	60,083
Harbor Homes, Inc	NH	1,243,547
Helping Hands Outreach Ministries, Inc	NH	135,660
Marguerite's Place, Inc	NH	58,481
My Friend's Place	NH	54,240
Northern New Hampshire Mental Health and Developmental Services	NH	132,011
Southern New Hampshire Services, Inc	NH	140,392
State of New Hampshire	NH	2,138,999
The Way Home	NH	281,635
West Central Services, Inc	NH	66,038
AAH of Bergen County Inc	NJ	189,841
Advance Housing, Inc	NJ	1,050,530
AIDS Coalition of Southern NJ	NJ	57,331
Alternatives, Inc	NJ	352,723
Babyland Family Services, Inc	NJ	117,600
Burlington County Action Program	NJ	14,172
Camden County Council on Economic Opportunity, Inc	NJ	745,955
Career Opportunity Development, Inc	NJ	336,000
Caring For Kids Exchange Club Family Center	NJ	42,423
Catholic Charities Diocese of Trenton	NJ	136,584
Catholic Charities of the Archdiocese of Newark	NJ	160,000
Catholic Charities of the Archiocese of Newark	NJ	165,497
Catholic Charities, Diocese of Camden	NJ	29,500
Catholic Charities, Diocese of Metuchen	NJ	247,661
Catholic Charities, Diocese of Trenton	NJ	63,497
Center for Family Services	NJ	97,800
City of East Orange	NJ	1,029,384
City of Trenton	NJ	1,762,580
Collaborative Support Program of New Jersey PHA NJ880	NJ	318,240
Collaborative Support Programs of New Jersey PHA NJ880	NJ	120,360
Collaborative Support Programs of NJ PHA NJ880	NJ	308,700
Collaborative Supportive Programs of New Jersey PHA NJ880	NJ	421,260
Community Housing in Partnership, Inc. (CHIP)	NJ	1,225,440
Counseling and Referral Services of Ocean, Inc	NJ	472,830
County of Cumberland	NJ	202,800
County of Monmouth	NJ	509,724
County of Union	NJ	3,726,466
Dooley House Inc	NJ	250,000
Easter Seals New Jersey	NJ	450,975
Easter Seals of New Jersey, Inc	NJ	63,473

APPENDIX A—Continued

Recipient	State	Amount
Easter Seals Society of New Jersey, Inc	NJ	36,368
Essex Business Training Institute	NJ	388,500
Family Service	NJ	42,000
Hispanic Multi-Purpose Service Center	NJ	83,804
Homeless Soulutions Inc	NJ	680,663
Interfaith Homeless Outreach Council	NJ	27,148
Isaiah House, Inc	NJ	674,005
Jersey Battered Women's Services, Inc	NJ	198,137
LADACIN Network, Inc	NJ	28,348
Mental Health Association of Morris County	NJ	60,060
Middlesex Interfaith Partners with the Homeless MIPH	NJ	174,110
Mother/Child Residential Services, Inc	NJ	35,438
New Jersey Department of Community Affairs	NJ	517,772
New Jersey Department of Military and Veterans Affairs	NJ	354,313
New Jersey Housing and Mortage Finance Agency	NJ	37,000
New Jersey Housing and Mortgage Finance Agency	NJ	79,457
Newark Emergency Services for Families Inc	NJ	165,306
NJ Home, Inc	NJ	249,200
North Hudson Community Action Corporation	NJ	424,888
O.C.E.A.N., Inc	NJ	789,044
Ocean's Harbor House, Inc	NJ	52,500
Our Lady of Lourdes Health Foundation	NJ	256,069
Passaic County Department of Human Services	NJ	924,982
Paterson Coaliton for Housing, Inc	NJ	358,740
Positive Health Care, Incorporated	NJ	978,850
Project Live, Inc	NJ	805,923
Respond, Inc	NJ	64,459
Saint Joseph's Home	NJ	558,534
Salem County Inter-Agency Council of Human Services	NJ	137,550
Shelter Our Sisters	NJ	42,022
South Jersey Behav. Health Resources, Inc	NJ	99,178
St. Philip's Ministry of the UMC	NJ	90,825
Strengthen Our Sisters	NJ	233,334
The Apostles' House	NJ	295,989
The Doe Fund, Inc	NJ	1,239,270
The House of Faith, Inc	NJ	293,475
The Lester A. Drenk Behavioral Health Center	NJ	89,520
The Salvation Army	NJ	279,000
The United Way of Hudson County	NJ	1,179,019
Transitional Housing Services, Inc	NJ	66,183
Triple C Housing, Inc	NJ	109,916
Urban Renewal Corporation	NJ	80,770
Urban Youth Development Corporation	NJ	1,062,588
Vantage Health System, Inc	NJ	347,189
Vetgroup, Inc	NJ	55,999
Volunteers of America Delaware Valley, Inc	NJ	1,019,016
WomenRising, Inc	NJ	644,269
Albuquerque Health Care for the Homeless, Inc	NM	135,267
Albuquerque Mental Health Housing Coalition, Inc	NM	165,141
Barrett Foundation, Inc	NM	121,227
Cas Milagro	NM	246,750
Catholic Charities	NM	636,890
City of Albuquerque	NM	2,172,163
City of Santa Fe	NM	1,028,664
Dream Tree Project, Inc	NM	234,410
El Refugio Inc	NM	198,450
Hacienda del Sol	NM	367,602
Human Rights Advocacy, Inc	NM	405,961
Saint Elizabeth Shelter	NM	189,598
Socorro County Housing Authority	NM	295,980
South Western Advocates 4 Kids	NM	317,414
St. Martin's Hospitality Center	NM	115,500
Transitional Living Services, Inc	NM	381,300
Women's Community Association	NM	42,097
Carson City Human Services	NV	101,580
Center for Independent Living	NV	609,062
Churchill County Social Services	NV	83,615
Douglas County	NV	120,000
EOB Community Action Partnership	NV	313,668
HELP Las Vegas Housing Corporation II	NV	887,342
Northern Nevada Adult Mental Health Services	NV	421,272
Northern Nevada Community Housing Resource Board	NV	51,955

APPENDIX A—Continued

Recipient	State	Amount
ReStart Inc	NV	612,036
ReStart, Inc	NV	69,400
Rural Clinics Community Mental Health Centers	NV	216,804
St. Vincent HELP Inc	NV	265,279
State of Nevada	NV	1,396,416
The Salvation Army, A California Corporation	NV	1,289,849
United States Veterans Initiative	NV	623,618
Washoe County	NV	286,080
163rd Street Improvement Council, Inc	NY	297,675
Adirondack Vets House, Inc	NY	75,417
Albany Housing Authority	NY	433,044
Albany Housing Coalition, Inc	NY	349,944
Anchor House, Inc	NY	240,648
Argus Community, Inc	NY	1,171,701
Auburn Housing Authority	NY	141,600
B.A.S.I.C.S. Inc	NY	353,208
Bailey House, Inc	NY	1,258,600
Bethesda House of Schenectady, Inc	NY	276,948
Binghamton Housing Authority	NY	398,400
Bowery Residents' Committee, Inc	NY	2,377,296
Brooklyn Bureau of Community Service	NY	724,598
Catholic Charities Diocese of Rockville Centre	NY	708,880
Catholic Charities of the Roman	NY	464,752
Cattaraugus Community Action, Inc	NY	94,315
Cayuga/Seneca Community Action Agenct, Inc	NY	105,867
Cazenovia Recovery Systems, Inc	NY	625,618
CDCLI Housing Development Fund Corporation, Inc	NY	57,007
Center for Urban Community Service, Inc	NY	1,809,176
Church Avenue Merchants Block Association, Inc. (CAMBA)	NY	166,666
Circulo de la Hispanidad, Inc	NY	495,527
City Mission Society, Inc	NY	664,830
City of Mount Vernon Dept. of Planning & Community Development	NY	689,684
City of Schenectady	NY	145,800
Coalition for the Homeless, Inc	NY	367,554
Columbia Opportunities	NY	29,094
Common Ground Community IV HDFC	NY	141,382
Community Access, Inc	NY	809,950
Community Housing Innovations, Inc	NY	477,911
Community Living Associates Program, Inc	NY	287,115
Corporation for AIDS Research, Education and Services, Inc	NY	29,400
Corporation for AIDS Research, Education and Services, Inc. (CARES, Inc.)	NY	84,667
Council on Alcoholism & Drug Abuse of Sullivan County, Inc	NY	223,287
Covenant House New York/Under 21, Inc	NY	2,748,085
Crystal Run Village, Inc	NY	1,094,756
Damon House New York, Inc	NY	262,479
Durham Memorial AME Zion Church/OPERATION H.O.P.E	NY	138,390
Dutchess County	NY	645,263
El Regreso Foundation	NY	253,855
Equinox, Inc	NY	161,335
Erie County Department of Mental Health	NY	6,672,139
Family Nurturing Center of Central New York, Inc	NY	209,700
Family of Woodstock, Inc	NY	91,667
Family Service League of Suffolk County, Inc	NY	184,684
Federation Employment and Guidance Service, Inc	NY	3,567,540
Federation Employment and Guidance Service, Inc	NY	494,795
Federation of Organizations	NY	281,447
Fountain House Inc	NY	144,712
Gerard Place Housing Development Fund Company, Inc	NY	283,357
Glens Falls Housing Authority	NY	436,320
Goddard Riverside Community Center	NY	433,034
Greyston Health Services	NY	251,112
HELP Social Service Corporation	NY	1,338,679
HELP Suffok, Inc	NY	127,897
HELP-Equity Homes, Inc	NY	497,744
Helping Hands Unlimited, Inc	NY	160,454
Heritage Health and Housing, Inc	NY	845,382
Homeless Action Committee, Inc	NY	79,747
Homeless and Travelers Aid Society of the Capital District, Inc	NY	246,273
Homespace Corporation	NY	266,626
Housing and Solutions, Inc	NY	695,029
Housing Council in the Monroe County Area, Inc	NY	61,677
Housing Options Made Easy, Inc	NY	105,475

APPENDIX A—Continued

Recipient	State	Amount
Institute for Community Living, Inc	NY	2,432,353
Jefferson County Department of Social Services	NY	588,060
Jewish Board of Family and Children's Services, Inc	NY	830,789
Joseph's House & Shelter, Inc	NY	116,984
Kenmore Housing Development Funding Corporation	NY	781,153
Legal Aid Society of Northeastern New York	NY	63,772
Legal Services of the Hudson Valley	NY	52,753
Lenox Hill Neighborhood House, Inc	NY	283,845
Liberty Resources, Inc	NY	190,065
Lower Eastside Service Center, Inc	NY	493,334
Lutheran Social Services of Metropolitan New York	NY	1,005,900
Mental Health Association of Nassau	NY	410,955
Mental Health Association of NYC, Inc	NY	869,154
Metropolitan Council on Jewish Poverty	NY	99,942
Minority Task Force on AIDS	NY	518,078
Mohawk Opportunities, Inc	NY	244,392
MTI Residential Services, Inc. (formerly known as Multi Talents)	NY	556,933
Nassau County Coalition Against Domestic Violence	NY	448,437
Nassau/Suffolk Law Services Committee, Inc	NY	302,852
Neighborhood Coalition for Shelter, Inc	NY	240,287
Neighborhood Legal Services, Inc	NY	443,989
New State Office of Mental Health	NY	133,320
New York State Office Mental Health	NY	166,656
New York State Office of Mental Health	NY	5,622,091
NYC Department of Housing Preservation and Development	NY	16,425,120
NYS Office of Alcoholism & Substance Abuse Services	NY	439,584
NYS Office of Alcoholism and Substance Abuse Services	NY	717,828
NYS Office of Alcoholism and Substance Abuse Services (OASAS)	NY	4,892,448
Oneida County Department of Mental Health	NY	474,965
Oneida County Workforce Development	NY	79,800
Options for Community Living, Inc	NY	985,662
Palladia, Inc	NY	2,956,091
Paradise Opportunities, Inc	NY	149,058
Pathways to Housing, Inc	NY	1,675,127
Phase: Piggy Back, Inc	NY	443,065
Pibly Residential Programs, Inc	NY	463,234
Plattsburgh Housing Authority	NY	152,700
Postgraduate Center for Mental Health	NY	945,354
Praxis Housing Iniatives, Inc	NY	795,229
Project for Psychiatric Outreach to the Homeless, Inc. (PPOH)	NY	438,140
Project Hospitality, Inc	NY	370,558
Project Renewal, Inc	NY	1,798,031
Putnam County Department of Social Services	NY	151,082
Regional Economic Community Action Program, Inc	NY	65,810
Rehabilitation Support Services	NY	266,455
Rochester Housing Authority	NY	2,241,696
Rockland County Dept. of Community Development	NY	707,157
Rural Opportunities, Inc	NY	65,450
Safe Inc., of Schenectady	NY	48,267
Safe Space NYC, Inc	NY	225,610
Samaritan Village, Inc	NY	526,459
Saratoga County Rural Preservation Company	NY	43,997
Schenectady Community Action Program, Inc	NY	497,715
Services for the Underserved Mental Health Services, Inc	NY	2,392,573
Society of Saint Vincent de Paul, Diocesan Council of Rockville Centre	NY	150,084
Spiritus Christi Prison Outreach Inc., Men's Residency Program	NY	52,500
State of New York	NY	1,731,120
Steuben Churchpeople Against Poverty, Inc	NY	199,284
Steuben County	NY	330,216
Suburban Housing Development and Research, Inc	NY	1,080,790
Syracuse Brick House, Inc	NY	1,187,860
Syracuse Housing Authority	NY	1,954,140
The Bridge Inc	NY	1,257,740
The Doe Fund, Inc	NY	3,013,781
The Lantern Group, Inc	NY	630,000
The Mental Health Association of Columbia-Greene Counties, Inc	NY	197,387
The Municipal Housing Authority for the City of Yonkers	NY	1,444,015
The Salvation Army	NY	1,336,144
The Spanish Action League of Onodaga County, Inc	NY	99,740
The YMCA of Greater New York	NY	570,505
Tompkins Community Action	NY	143,459
Troy Housing Authority	NY	548,232

APPENDIX A—Continued

Recipient	State	Amount
Ulster County Department of Social Services	NY	69,195
United Bronx Parents, Inc	NY	419,529
United Cerebral Palsy and Handicapped Persons Association of the Utica Area, Inc	NY	562,442
Unity House of Cayuga County, Inc	NY	67,500
Unity House of Troy, Inc	NY	483,531
Urban Justice Center	NY	252,398
Urban Pathways	NY	174,675
Urban Resource Institute	NY	250,295
Veritas Therapeutic Community, Inc	NY	372,258
Vocational Instruction Project Community Services	NY	278,855
Wayne County Action Program, Inc	NY	22,258
Westchester County Department of Community Mental Health	NY	6,343,620
Westchester County Department of Social Services	NY	758,910
WestHELP, Inc	NY	240,000
Weston United Community Renewal	NY	224,910
Women in Need, Inc	NY	1,272,280
YWCA of Binhamton/Broome County	NY	517,373
YWCA of Syracuse & Onondaga County	NY	492,767
YWCA of the Tonawandos and Niagara Frontier, Inc	NY	120,348
YWCA of Troy-Cohoes	NY	75,000
ACCESS, Inc	OH	355,270
AIDS Taskforce of Greater Cleveland	OH	75,654
AIDS Volunteers of Cincinnati	OH	56,700
Akron Metropolitan Housing Authority	OH	920,412
Allen Metropolitan Housing Authority	OH	633,000
Alliance for Children & Families	OH	378,924
Athens Metropolitan Housing Authority	OH	769,620
Battered Women's Shelter	OH	612,686
Caracole, Inc	OH	479,999
Catholic Charities Diocese of Toledo	OH	268,192
Center for Independent Living Options, Inc	OH	167,187
City of Cincinnati, Dept. of Community Development & Planning	OH	4,039,476
City of Springfield	OH	92,172
Cleveland Housing Network, Inc	OH	38,678
Coleman Professional Services	OH	184,024
Colombiana Metropolitan Housing Authority	OH	514,800
Columbus Metropolitan Housing Authority	OH	3,200,304
Community Housing Network, Inc	OH	717,155
Community Legal Aid Services, Inc	OH	52,793
Community Services of Stark County, Inc	OH	266,665
Community Shelter Board	OH	42,772
Continue Life Inc	OH	212,973
Crisis Intervention Center of Stark County, Inc	OH	150,500
Cuyahoga County Dept. of Health & Human Services	OH	12,678,636
Cuyahoga Metropolitan Housing Authority (CMHA)	OH	949,418
Daybreak, Inc	OH	188,769
East Side Catholic Center and Shelter, Inc	OH	187,749
Emerald Development & Economic Network (EDEN), Inc	OH	2,445,877
Family & Community Services, Inc	OH	115,392
Family Outreach Community United Services, Inc. (FOCUS)	OH	1,121,287
First Step Home, Inc	OH	161,067
FreeStore/FoodBank, Inc	OH	349,345
Friends of the Homeless, Inc	OH	260,680
Geauga Community Board of Mental Health Drug & Alcohol Services	OH	89,232
Greene Metropolitan Housing Authority	OH	127,140
H.M. Life Opportunity Services	OH	204,200
Hamilton County Department of Job and Family Services	OH	244,418
Harbor House/300 Beds, Inc	OH	278,490
Hitchcock Center for Women, Inc	OH	512,244
Hocking Metropolitan Housing Authority	OH	442,560
Humility of Mary Housing Development Corporation	OH	229,871
ICAN, Inc	OH	269,580
Info Line, Inc	OH	479,390
Ironton-Lawrence County Area Community Action	OH	101,333
Jefferson County Community Action Council, Inc	OH	138,432
Joseph House, Inc	OH	215,320
Joseph's Home Inc	OH	273,056
Know Metropolitan Housing Authority	OH	433,980
Lakewood Christian Service Center	OH	82,796
Legacy III, Inc	OH	133,012
Lighthouse Youth Services, Inc	OH	353,172
Lorain Metropolitan Housing Authority	OH	519,444

APPENDIX A—Continued

Recipient	State	Amount
Lucas County T.A.S.C., Inc	OH	117,606
Lutheran Metropolitan Ministry	OH	50,157
M.R.M.T.O.A.P., Inc	OH	32,555
Maryhaven	OH	105,000
Medina Metropolitan Housing Authority	OH	897,000
Mental Health Services for Homeless Persons, Inc. (MHS)	OH	2,215,428
Mental Heath & Recovery Board of Union County	OH	220,083
Mercy Manor, Inc	OH	320,539
Meridian Services, Inc	OH	113,302
Miami Valley Housing Opportunities, Inc	OH	351,865
Multi-Development Services of Stark County	OH	289,610
National Church Residences	OH	250,092
Neighborhood Properties, Incorporated	OH	1,360,418
New Housing Opportunities, Inc	OH	733,866
New Life Community	OH	111,287
North Coast Community Homes	OH	544,986
Ohio Valley Goodwill Industries Rehabilitation Center, Inc	OH	564,523
Over-the-Rhine Housing Network	OH	112,074
PLACES, Inc	OH	1,377,727
Potential Development Program, Inc	OH	44,275
Shelterhouse Volunteer Group, Inc	OH	985,671
St. Vincent Hotel, Inc	OH	393,820
Stark Metropolitan Housing Authority	OH	175,572
State of Ohio Department of Development	OH	199,404
Tender Mercies, Inc	OH	898,473
The City of Dayton Dept. of Planning & Community Development	OH	2,103,564
The Mental Health, Drug and Alcohol Services Board	OH	40,348
The Other Place	OH	596,052
The Salvation Army	OH	1,230,739
Tom Geiger Guest House, Inc	OH	256,760
Turning Point Counseling Services	OH	90,941
Tuscarawas Metropolitan Housing Authority	OH	262,440
United Way of the Greater Dayton Area	OH	137,899
Volunteers of America of Northeast and North Central Ohio, Inc	OH	326,122
WSOS Community Action Commission, Inc	OH	1,609,352
YMCA of Greater Cleveland	OH	342,158
Young Women's Christian Association of Youngstown, Ohio	OH	289,564
Young Women's Christian Association, Inc	OH	41,570
YWCA of Dayton	OH	405,799
Central Oklahoma Community Action	OK	209,098
City of Oklahoma City	OK	887,222
Community Service Council of Greater Tulsa	OK	129,113
Eagle Ridge Institute, Inc. dba/Eagle Ridge Family Treatment Center	OK	183,539
Food & Shelter for Friends	OK	52,706
Great Plains Improvement Foundation, Inc	OK	62,015
KI BOIS Community Action Foundation, Inc	OK	119,402
Legal Aid Services of Oklahoma, Inc	OK	111,920
Mental Health Association in Tulsa, Inc	OK	206,573
Norman Housing Authority	OK	66,264
Northeast Oklahoma Community Action Agency, Inc	OK	32,819
Oklahoma Mental Health Council d/b/a Red Rock Behavioral Health	OK	162,175
State of Oklahoma	OK	146,796
The Salvation Army, A Georgia Corporation	OK	110,431
The Salvation Army, A Georgia Corporation for The Salvation Army	OK	98,201
United Way of Ponca City, Inc	OK	109,584
Volunteers of America of Oklahoma, Inc	OK	206,269
Bradley-Angle House	OR	71,273
Cascadia Behavioral HealthCare, Inc	OR	823,947
Central City Concern	OR	723,602
Central Oregon Community Action Agency Network	OR	296,759
City of Portland	OR	881,278
Clackamas County Social Services	OR	228,400
Community Action Organization	OR	165,219
Community Works, Inc	OR	119,700
Housing Authority of Portland	OR	409,104
Lane County, Oregon	OR	1,565,295
Mid-Willamette Valley Community Action Agency, Inc	OR	414,778
Multnomah County	OR	2,039,642
Neighborhood House, Inc	OR	276,771
Northwest Human Services	OR	235,026
Oregon Housing and Community Services	OR	1,414,832
Portland Impact, Inc	OR	115,737

APPENDIX A—Continued

Recipient	State	Amount
Rogue Valley Council of Governments	OR	133,665
Shangri-La Corporation	OR	37,800
Southwestern Oregon Community Action Committee, Inc	OR	47,085
St. Vincent de Paul Society of Lane County, Inc	OR	471,956
The Inn—Home for Boys	OR	241,295
The Salvation Army	OR	39,375
The Salvation Army, A California Corporation	OR	125,769
Transition Projects, Inc	OR	243,041
Washington County Department of Housing Services	OR	487,975
1260 Housing Development Corporation	PA	579,121
Access-York, Inc	PA	444,150
AchieveAbility	PA	239,400
Adams County Housing Authority	PA	119,237
Allegheny County Department of Human Services	PA	2,767,913
Allied Services Foundation	PA	169,872
American Red Cross Lower Bucks County Chapter	PA	80,905
American Rescue Workers, Inc. Hollidaysburg Corps	PA	350,381
Armstrong County Community Action Agency	PA	354,925
Asociacion De Puertorriquenos En Marcha, Inc. (APM)	PA	199,616
Bell Socialization Services, Inc	PA	104,473
Berks County Women in Crisis	PA	84,000
Bethesda Project	PA	513,511
Borough of State College	PA	32,760
Bucks County	PA	108,797
Bucks County Housing Group, Inc	PA	160,407
Bucks County Office of Employment and Training, Inc	PA	110,158
Butler County Community Action & Development	PA	161,013
Butler County Drug and Alcohol Program	PA	163,364
Calcutta House, Inc	PA	201,213
Carson Valley School	PA	784,411
Catherine McAuley Center	PA	227,400
Catholic Social Services Diocese of Scranton, Inc	PA	141,825
Catholic Social Services of Delaware County/Archdiocese of Philadelphia	PA	200,011
Centre County Youth Service Bureau	PA	158,610
Citizens Against Physical, Sexual and Emotional Abuse, Inc	PA	275,078
City Mission—Living Stones, Inc	PA	491,875
City of Philadelphia	PA	6,694,770
Comhar, Inc	PA	1,662,362
Commission on Economic Opportunity	PA	1,076,422
Committee for Dignity & Fairness for the Homeless Housing Dev. Inc	PA	788,975
Community Action Agency of Delaware County, Inc	PA	817,200
Community Action Committee of the Lehigh Valley	PA	25,348
Community Action Partnership of Mercer County (CAPMC)	PA	154,494
Community Action Southwest	PA	36,228
Community Alliance and Reinvestment Endeavor, Inc. (C.A.R.E.)	PA	117,377
Community Basics, Inc	PA	349,333
Community Housing Services	PA	385,139
Community Intervention Center	PA	275,993
Connect, Inc	PA	119,669
Council on Chemical Abuse	PA	320,476
County of Chester	PA	206,687
County of Delaware	PA	362,520
County of Erie DHS MH/MR	PA	1,560,487
County of Franklin	PA	279,803
County of Greene	PA	306,497
County of Indiana	PA	45,289
County of Washington	PA	1,086,960
County of York	PA	122,064
Crisis Shelter of Lawrence County	PA	249,362
Delaware County Housing Authority	PA	878,520
DELTA Housing, Inc	PA	84,067
Domestic Abuse Project of Delaware County, Inc	PA	146,907
Drueding Center/Project Rainbow	PA	2,529,232
DuBois Housing Authority	PA	139,428
Easy Does It, Inc	PA	144,529
Family and Community Services of Delaware County	PA	112,445
Family Planning Council	PA	245,952
Family Services of Montgomery County	PA	181,692
Fayette County Community Action Agency, Inc	PA	273,108
Hedwig House, Inc	PA	181,201
Home Nursing Agency Community Services	PA	669,318
Horizon House, Inc	PA	3,600,853

APPENDIX A—Continued

Recipient	State	Amount
Housing Authority of Centre County	PA	57,504
Housing Authority of the City of Lancaster	PA	114,816
Housing Authority of the County of Beaver	PA	55,693
Housing Authority of the County of Butler	PA	467,091
Housing Authority of the County of Cumberland	PA	312,480
Housing Development Corporation of NEPA	PA	499,882
Impact Services Corporation	PA	1,007,681
Indian Valley Housing Corporation	PA	334,809
Indian Valley Opportunity Center	PA	32,000
Indiana County Community Action Program, Inc	PA	80,802
Laurel House	PA	84,000
Lehigh County Conference of Churches	PA	336,472
Mental Health Association of Southeastern Pennsylvania	PA	510,687
Montgomery County Community Action Development Commission	PA	59,216
Montgomery County, PA-Office MH/MR/DA/BH	PA	410,040
Neighborhood Services	PA	218,640
Opportunity House	PA	587,309
Overington House, Inc	PA	254,142
Partners in Neighborhood Rev. Inc	PA	110,449
Penn Foundation, Inc	PA	72,888
Penndel Mental Health Center, Inc	PA	71,671
People's Emergency Center	PA	1,849,764
Philadelphia Housing Authority	PA	271,392
Prince of Peace Center	PA	304,141
Resource for Human Development, Inc	PA	639,291
Resources for Human Development, Inc	PA	1,261,382
The Cielo Group, Inc	PA	782,390
The Lighthouse Foundation	PA	39,274
The Salvation Army	PA	301,702
The Salvation Army, a New York Corp. Eastern PA & DE Div	PA	181,125
The Salvation Army, a New York Corporation	PA	822,329
Travelers Aid Society of Philadelphia	PA	384,074
Turning Point Interfaith Mission	PA	600,112
United Neighborhood Centers	PA	617,036
Valley Youth House Committee, Inc	PA	1,462,469
Victim Outreach Intervention Center	PA	87,178
Volunteers of America	PA	1,003,143
Volunteers of America Delaware Valley, Inc	PA	405,953
Warren-Forest Counties Economic Opportunity Council	PA	318,113
Westmoreland Human Opportunities, Inc	PA	458,000
Women Against Abuse, Inc	PA	409,042
Women's Resource Center, Inc	PA	133,679
YMCA of Reading and Berks County	PA	295,708
YMCA of York and York County	PA	266,964
YWCA of Greater Harrisburg	PA	96,200
Administration for Families and Children, Department of the Family	PR	436,911
Amigos Padre Damian Foundation/Coalition of the Continued Support of Guay	PR	600,071
Casa del Peregrno Aguadilla, Inc	PR	74,761
Coalicion Criolla De Cuidado Continuo A Personas Sin Hogar	PR	37,706
Corp. La Fondita de Jesus	PR	938,708
Corporacion de Servicios de Salud y Mediana Avanzada (COSSMA)	PR	491,268
Estancia Corazon, Inc	PR	286,739
Funacion Chana & Samuel Levis, Inc	PR	258,761
Fundacion Chana & Samuel Levis, Inc	PR	1,969,701
Fundacion de Desarrollo Communal de P.R. Inc. (FUNDESCO)	PR	1,177,989
Fundacion De Desarrollo Comunal De P.R., Inc	PR	290,289
Hogar Del buen Pastor	PR	237,609
La Perla De Grand Percio	PR	356,213
La Tierra Prometida, Inc	PR	454,704
Lucha Contra El Sida, Inc	PR	77,086
Municipality of Cayey	PR	455,370
Municipality of San Juan	PR	929,153
Municipality of Vega Baja	PR	460,251
Puerto Rico Commonwealth Dept of Housing	PR	2,178,000
Rhode Island Housing Mortage & Finance Corp	RI	2,821,399
The Providence Center	RI	41,134
Any Length Recovery, Inc	SC	57,204
Charleston County Human Services Commission	SC	208,108
Charleston Orphan House Inc. d/b/a Carolina Youth Development Center	SC	237,589
Crisis Ministries	SC	460,371
Florence Crittenton Programs of South Carolina	SC	201,768
Greenville Area Interfaith Hospitality Network (GAIHN)	SC	21,776

APPENDIX A—Continued

Recipient	State	Amount
Home Alliance, Inc	SC	325,460
Homes of Hope, Inc	SC	55,866
Lighthouse Ministries	SC	60,294
MEG's House Shelter for Abused Women and Children	SC	109,334
Myrtle Beach Housing Authority	SC	188,280
North Charleston Community Interfaith Shelter d/b/a Good Neighbor Center	SC	106,890
Pee Dee Community Action Agency	SC	179,098
Pee Dee Community Action Partnership	SC	49,002
Project Care	SC	166,667
Rosewood House of Recovery, Inc	SC	235,573
SC Department of Mental Health	SC	1,149,144
Spartanburg County	SC	160,165
Sunbelt Human Advancement Resources, Inc.—SHARE	SC	643,990
The Samaritan House Inc	SC	203,627
The Women's Shelter	SC	249,215
Trinity Housing Corporation	SC	479,567
United Way of Kershaw County	SC	166,200
Upstate Homeless Coalition of South Carolina	SC	1,161,441
Wateree Community Actions, Inc	SC	121,150
Williamsburg Enterprise Community Commission, Inc. (WECC)	SC	127,190
Cornerstone Rescue Mission	SD	641,114
Development for the Disabled, Inc	SD	300,308
Sioux Falls Housing & Redevelopment Commission	SD	110,808
Wall Street Mission d/b/a Goodwill Industries	SD	53,432
AGAPE Child & Family Services, Inc	TN	193,040
Alpha Omega Veterans Services, Inc	TN	709,952
Associated Catholic Charities, Inc	TN	1,377,271
Behavioral Health Initiatives, Inc	TN	78,750
Buffalo Valley, Inc	TN	1,612,914
Campus For Human Development	TN	31,348
Carey Counseling Services, Inc	TN	195,588
Catholic Charities of East Tennessee	TN	63,840
Catholic Charities of East Tennessee, Inc	TN	165,204
Chattanooga Church Ministries, Inc	TN	185,701
Chattanooga Housing Authority	TN	480,360
Child & Family Tennessee	TN	88,899
City of Chattanooga	TN	164,220
Cocaine & Alcohol Awareness Program	TN	168,749
Council for Alcohol & Drug Abuse Services, Inc	TN	252,893
Damascus Road, Inc	TN	158,537
Fairview Housing Management Corporation	TN	121,197
Fayette Cares, Inc	TN	76,739
Fentress County	TN	130,440
Fortwood Center, Inc	TN	138,649
Frontier Health, Inc	TN	228,924
Genesis House, Inc	TN	62,649
J.W. Willams Community Center dba Women's Oasis of Memphis	TN	239,117
Jackson Area Council on Alcoholism and Drug Dependency	TN	145,300
Jackson Housing Authority	TN	60,149
Kingsport Housing & Redevelopment Authority	TN	195,480
Knoxville-Knox County Action Committee	TN	243,630
Legal Aid of East Tennessee, Inc	TN	33,826
Marshall County	TN	62,760
Memphis Family Shelter, Inc	TN	197,886
Metropolitan Development & Housing Agency	TN	1,739,108
Metropolitan Inter-Faith Association, Inc	TN	651,289
Murfreesboro Housing Authority	TN	278,748
Nashville CARES	TN	58,165
Operation Stand Down Nashville, Inc	TN	50,000
Park Center	TN	124,080
Partners for the Homeless	TN	37,572
Professional Care Services of West TN, Inc	TN	18,959
QUINCO Community Mental Health Center, Inc	TN	98,595
Renewal House, Inc	TN	29,307
S.A.V.E. (Survivors Against Violent Environments)	TN	107,466
Shelby County Government	TN	285,818
Street Works	TN	89,418
Synergy Treatment Centers, Inc	TN	44,722
The Salvation Army, a Georgia Corporation	TN	592,840
The University of Tennessee	TN	138,895
The University of Tennessee Health Science Center	TN	105,738
Town of Crossville Housing Authority	TN	236,880

APPENDIX A—Continued

Recipient	State	Amount
Urban Housing Solutions	TN	684,122
Welcome Home Ministries	TN	188,966
Whitehaven Southwest Mental Health Center	TN	120,712
Women's Resource and Rape Assistance Program	TN	85,973
YWCA of Nashville and Middle Tennessee	TN	46,566
ABC Behavioral Health, L.L.C	TX	431,662
Abilene Hope Haven, Inc	TX	371,154
AIDS Foundation Houston, Inc. (AFH)	TX	1,097,342
AIDS Services of North Texas, Inc	TX	237,734
All Church Home for Children	TX	113,922
Arlington Life Shelter	TX	108,755
Austin Texas County Mental Health Mental Retardation Center	TX	348,007
Austin Travis County MHMR Center	TX	78,533
Bay Area Turning Point, Inc	TX	268,305
Brighter Tomorrows, Inc	TX	176,360
Buckner Children and Family Services, Inc	TX	35,016
Career and Recovery Resources, Inc	TX	117,113
Caritas of Austin	TX	706,910
Catholic Charities of the Archdiocese of Galveston-Houston	TX	56,466
Central Dallas Food Pantry d/b/a Central Dallas Ministries	TX	982,458
Central Texas Council of Governments	TX	345,248
City of Amarillo	TX	754,000
City of Dallas	TX	2,544,287
City of El Paso, Texas	TX	53,545
City of Longview	TX	231,924
City of San Antonio	TX	5,477,622
City of Texarkana, Texas	TX	18,769
Coalition for the Homeless Houston/Harris County	TX	185,491
Coastal Bend Alcohol & Drug Rehabilitation Center dba Charlie's Place	TX	142,569
Collin County Mental Health Mental Retardation Center d/b/a LifePath System	TX	334,944
Community Council of Greater Dallas	TX	63,611
Community Enrichment Center, Inc	TX	236,543
Compassion Ministries of Waco, Inc	TX	161,276
Corpus Christi Metro Ministries, Inc	TX	160,255
Covenant House Texas	TX	394,932
Dallas Jewish Coalition, Inc. dba Vogel Alcove Childcare Center for the Homeless	TX	166,441
Dallas Metrocare Services	TX	1,808,760
Day Nursery of Abilene, Inc	TX	136,028
Dental Health for Arlington, Inc	TX	29,370
Dental Health Programs, Inc. dba Community Dental Care	TX	146,633
Denton County Mental Health Mental Retardation Center	TX	264,318
DePelchin Children's Center	TX	509,589
El Paso Coalition for the Homeless	TX	107,902
El Paso MHMR	TX	203,982
Families Under Urban and Social Attack, Inc	TX	120,750
Family Gateway, Inc	TX	589,175
Family Services of Southeast Texas, Inc	TX	150,977
Fort Bend County Women's Center	TX	651,092
Goodwill Industries of South Texas, Inc	TX	176,099
Harmony House, Inc	TX	492,043
Harris County	TX	3,102,876
HELP Development Corporation	TX	439,457
Hope's Door	TX	137,010
Housing Authority—City of Fort Worth	TX	2,914,164
Housing Authority of the City of El Paso (HACEP)	TX	425,700
Housing Crisis Center	TX	473,453
Houston Area Women's Center	TX	687,514
La Posada Home, Inc	TX	89,027
Lazarus House Initiative, Inc	TX	86,223
Legal Aid of Northwest Texas	TX	167,612
LifeNet Community Behavioral Healthcare	TX	903,118
Longview Wellness Center, Inc	TX	372,677
Mental Health Mental Retardation Authority of Harris County	TX	592,418
Mental Health Mental Retardation of Nueces County	TX	150,577
Mental Health Retardation of Tarrant County	TX	87,635
Montgomery County Homeless Coalition	TX	292,623
Montrose Counseling Center, Inc	TX	132,611
New Beginning Center, Inc	TX	188,949
Northwest Assistance Ministries	TX	491,562
Opportunity Center for the Homeless	TX	124,908
Perpetual Help Home	TX	308,982
Port Cities Rescue Mission Ministries	TX	46,601

APPENDIX A—Continued

Recipient	State	Amount
Presbysterian Night Shelter	TX	1,081,801
Promise House, Inc	TX	219,538
Push-Up Foundations, Inc	TX	104,559
PWA Coalition of Dallas, Inc. d/b/a AIDS Services of Dallas	TX	574,390
Rainbow Days, Inc	TX	257,237
Randy Sams Outreach Shelter	TX	89,568
Riverside General Hospital	TX	409,568
Sabine Valley Center	TX	28,865
SEARCH, Inc	TX	1,689,424
Shared Housing Center	TX	90,510
Some Other Place, Inc	TX	111,888
South East Texas Regional Planning Commission	TX	23,008
Star of Hope Mission	TX	1,487,794
Tarrant County	TX	3,098,902
Tarrant County ACCESS for the Homeless	TX	149,806
Texas Inmate Services, Inc	TX	109,469
The Bridge Over Troubled Waters, Inc	TX	919,894
The Family Place	TX	976,567
The Gulf Coast Center	TX	314,061
The Housing Authority of the City of Arlington, Texas	TX	439,087
The Housing Authority of the City of Austin	TX	295,632
The Housing Authority of Travis County	TX	375,408
The Salvation Army, a Georgia Corporation	TX	1,086,467
The Salvation Army, A Georgia Corporation—Dallas	TX	146,466
The Salvation Army, A Georgia Corporation—Houston	TX	349,188
The Women's Home	TX	126,717
Travis County Domestic Violence & Sexual Assault Survival Center dba SafePlace	TX	826,440
Triangle AIDS Network	TX	90,852
Twin City Mission, Inc	TX	510,226
United States Veterans Initiative	TX	149,951
United Way of South Texas	TX	102,375
Volunteers of America Texas, Inc	TX	212,069
Wellsprings, Inc	TX	180,974
Wesley Community Center	TX	134,971
Youth and Family Alliance, Inc. DBA LifeWorks	TX	363,828
Bear River Association of Governments	UT	48,383
Community Action Services	UT	228,653
Davis Family Support Center Inc. DBA Family Connection Center	UT	247,700
DCCAV-Safe Harbor Shelter and Crisis Center	UT	74,808
Family Support Center	UT	201,208
Four Corners Community Behavioral Health, Inc	UT	156,499
Friends of the Coalition	UT	55,125
Homeless Veterans Fellowship	UT	138,288
Housing Assistance Management Enterprise	UT	587,382
Housing Authority of Salt Lake City	UT	429,694
Housing Authority of the County of Salt Lake	UT	1,095,300
Housing Authority of Utah County	UT	66,960
Iron County Care and Share	UT	105,221
Mountainlands Community Housing Trust	UT	72,000
Provo City Housing Authority	UT	120,528
Salt Lake Community Action Program	UT	237,418
The Erin Kimball Memorial Foundation, Inc	UT	107,157
The Road Home	UT	222,417
Uintah Basin Association of Governments	UT	58,760
Utah Department of Community and Economic Development	UT	149,445
Utah Department of Community and Economic Development (DCED)	UT	34,608
Utah Nonprofit Housing Corporation	UT	313,797
Valley Mental Health, Inc	UT	442,442
Volunteers of America	UT	237,391
Accomack-Northampton Planning District Commission	VA	21,391
Alexandria Community Services Board	VA	259,607
Arlington County Government	VA	149,452
Arlington Street People's Assistance Network	VA	194,986
Arlington-Alexandria Coalition for the Homeless	VA	139,440
Avalon: A Center for Women and Children	VA	64,454
Barrett Haven, Inc	VA	144,913
CANDII, Inc	VA	776,843
Christian Relief Services Charities, Inc	VA	413,285
Christian Relief Services of Virginia, Inc	VA	508,570
City of Portsmouth	VA	396,145
City of Richmond, Dept. of Social Services	VA	891,960
City of Roanoke, VA	VA	274,385

APPENDIX A—Continued

Recipient	State	Amount
City of Suffolk, Virginia	VA	18,703
Commonwealth of Virginia	VA	60,855
Community Alternatives Management Group, Inc	VA	557,020
Community Housing Partners Corporation	VA	347,627
Community Residences, Inc	VA	244,468
Council of Community Services	VA	72,938
County of Loudoun	VA	168,339
Danville Redevelopment & Housing Authority	VA	107,850
Eastern Shore Community Services Board	VA	46,683
Emergency Shelter, Inc	VA	783,317
Fairfax County Department of Family Services	VA	1,108,688
Fairfax County Department of Housing and Community Development	VA	984,180
Fairfax-Falls Church Community Services Board	VA	253,332
ForKids, Inc	VA	516,248
Hampton-Newport News Community Services Board	VA	312,028
Harrisonburg Redevelopment & Housing Authority	VA	42,000
Hilliard House	VA	262,917
Homestretch, Inc	VA	146,700
Homeward	VA	26,745
Kurdish Human Rights Watch, Inc	VA	426,357
LINK of Hampton Roads, Inc	VA	314,709
Lutheran Social Services NCA, NOVACO	VA	111,492
Lynchburg Community Action Group, Inc	VA	137,241
Mountain Shelter, Inc	VA	251,458
New Hope Housing, Inc	VA	277,894
Norfolk Community Services Board	VA	71,531
Northwestern Community Services	VA	256,563
Oasis Commission on Social Ministry of Portsmouth/Chesapeake	VA	250,069
Pathway Homes, Inc	VA	157,788
People Incorporated of Southwest Virginia	VA	284,257
Portsmouth Area Resources Coalition, Inc	VA	276,283
Portsmouth Volunteers for the Homeless, Inc	VA	55,650
Prince William County Department of Social Services	VA	600,683
PRS, Inc	VA	168,450
Rappahannock Refuge, Inc	VA	57,918
Region Ten Community Services Board	VA	143,946
Rush Lifetime Homes	VA	63,000
Saint Columba Ecumenical Ministries	VA	130,179
Samaritan House, Inc	VA	152,321
Sheltered Homes of Alexandria	VA	167,036
South River Development Corporation	VA	107,513
St. Joseph's Villa	VA	427,750
The Daily Planet	VA	586,351
The Planning Council	VA	104,623
The Salvation Army, A Georgia Corporation	VA	110,414
The Salvation Army, A Georgia Corporation for Petersburg	VA	106,213
The Urban League of Greater Richmond	VA	70,350
Thomas Jefferson Planning District Commission	VA	71,070
Transitions Family Violence Services	VA	137,854
TRUST, Roanoke Valley Trouble Center Inc	VA	53,859
United Community Ministries	VA	134,732
United Way Greater Richmond & Petersburg	VA	32,424
Virginia Beach Community Dev. Corporation	VA	448,412
Virginia Supportive Housing	VA	1,136,400
Volunteers of America Chesapeake, Inc	VA	54,075
YWCA of South Hampton Roads	VA	38,516
Methodist Tranining & Outreach Center, Inc	VI	187,110
Addison County Community Action Group	VT	145,046
Burlington Housing Authority	VT	78,120
Champlain Valley Office of Economic Opportunity	VT	222,440
Northwestern Counseling & Support Services	VT	122,136
The Howard Center for Human Services	VT	381,219
Vermont Department of Health—Division of Mental Health	VT	30,000
Vermont State Housing Authority VT901	VT	924,814
AIDS Housing of Washington	WA	387,192
Archdiocesan Housing Authority	WA	504,738
Auburn Youth Resources—Severson House	WA	123,287
Bellingham/Whatcom County Housing Authorities	WA	916,956
Benton Franklin Community Action Committee	WA	123,116
Blue Mountain Action Council	WA	139,322
Catholic Community Services	WA	140,086
Child Care Resources	WA	529,095

APPENDIX A—Continued

Recipient	State	Amount
Children's Home Society of Washington	WA	56,642
City of Bremerton	WA	166,908
City of Seattle	WA	6,924,274
City of Spokane	WA	2,077,647
Columbia River Mental Health Services	WA	148,505
Community Action Center	WA	19,152
Community Psychiatric Clinic	WA	423,329
Compass Health	WA	230,991
Council for the Homeless	WA	24,938
CYS	WA	149,624
Development Association of the Goodwill Baptist Chruch	WA	28,597
El Centro de la Raza	WA	17,603
Family Support Center	WA	54,810
Fremont Public Association	WA	158,620
Friends of Youth	WA	123,062
HopeSource	WA	45,400
Housing Authority for the City of Bremerton	WA	132,450
Housing Authority of Snohomish County	WA	1,987,380
Housing Authority of the City of Seattle	WA	9,896
Housing Authority of the City of Vancouver	WA	114,585
Housing Authority of Thurston County	WA	133,921
Housing Hope	WA	167,402
Joint City of Republic-Ferry County Housing Authority	WA	36,316
Kent Youth and Family Services	WA	38,135
King County	WA	6,840,559
Klickitat Skamania Development Council	WA	108,095
Lewis County	WA	106,775
Low Income Housing Institute	WA	522,030
Mary Witt/The Compass Center	WA	26,285
Mental Health Northwest	WA	89,396
Multi-Service Center	WA	26,725
Next Step Housing (formerly Clean House Association)	WA	46,835
Northwest Youth Services	WA	377,338
Olympic Community Action Programs	WA	135,599
Opportunity Council	WA	224,998
Pierce County	WA	2,499,562
Seattle Vietnam Veterans Leadership Program	WA	23,580
Serenity House of Clallam County	WA	638,683
Share	WA	61,267
Skagit County Community Action Agency	WA	50,054
Snohomish County	WA	942,045
Spokane County	WA	28,860
Spokane Neighborhood Action Programs	WA	264,796
Sun Community Service	WA	35,466
The Curch Council of Greater Seattle	WA	57,278
The Salvation Army	WA	69,191
The Salvation Army, A California Corporation	WA	331,828
Triumph Treatment Services	WA	158,792
United Indians of All Tribes Foundation	WA	343,565
Wa. State Department of Community, Trade and Economic Development	WA	280,062
Yakima County Board of County Commissioners	WA	81,747
Yakima County for the Homeless	WA	106,399
YouthCare	WA	257,459
YW Housing	WA	256,467
YWCA of Seattle-King County-Snohomish County	WA	634,250
ADVPCAP, Inc	WI	465,010
CAP Services, Inc	WI	105,025
Catherine Marian Housing, Inc	WI	55,053
Center for Veterans Issues, Inc	WI	415,911
Center for Veterans Issues, Ltd	WI	132,805
Central Wisconsin Community Action Council, Inc	WI	256,902
City of Appleton	WI	176,577
City of Madison	WI	111,374
City of Waukesha Housing Authority	WI	112,555
Community Action, Inc. of Rock and Walworth Counties	WI	64,722
Community Action, Inc. of Rock and Walworth Counties	WI	137,839
Community Advocates, Inc	WI	84,000
Community Relations—Social Development Commission	WI	260,169
Couleecap, Inc	WI	609,042
Dane County Human Services	WI	405,588
Family Service of Racine	WI	84,671
Family Services of Northeast Wisconsin, Inc	WI	156,988

APPENDIX A—Continued

Recipient	State	Amount
Forward Service Corporation	WI	393,741
Greater Milwaukee Chapter, American Red Cross	WI	163,901
Guest House of Milwaukee, Inc	WI	180,454
Health Care for the Homeless of Milwaukee	WI	49,000
Hebron House of Hospitality, Inc	WI	116,535
Homeward Bound/Homeless Assistance Leadership Organization, Inc	WI	241,717
Housing Initiatives Inc	WI	121,042
InterFaith Hospitality Network of the Madison Area	WI	54,996
Kenosha Human Development Services, Inc	WI	261,711
Lakeshore CAP, Inc	WI	117,663
Legal Action of Wisconsin, Inc	WI	191,836
Matt Talbot Recovery Center, Incorporated	WI	235,625
Meta House, Inc	WI	36,114
Milwaukee County Behavorial Health Division	WI	2,316,636
Milwaukee County Department of Health and Human Services	WI	573,627
My Home, Your Home, Inc	WI	183,547
North Central Community Action Program, Inc	WI	114,988
Northwest Wisconsin Community Services Agency, Inc	WI	52,605
Porchlight, Inc	WI	505,771
Racine Vocational Ministry, Inc	WI	30,388
Sojurner Truth House, Inc	WI	40,923
St. Catherine Residence	WI	144,380
Starting Points, Inc	WI	499,864
State of Wisconsin	WI	522,911
Tellurian UCAN, Inc	WI	1,056,175
The Salvation Army	WI	80,693
Transitional Living Services, Inc	WI	144,672
Walker's Point Youth and Family Center	WI	20,273
West Central Wisconsin Community Action Agency, Inc	WI	427,009
Western Dairyland Economic: Opportunity Council, Inc	WI	264,926
YWCA of Greater Milwaukee	WI	82,970
YWCA of La Crossee, Wisconsin, d/b/a YWCA of the Coulee Region	WI	72,643
Cabell-Huntington Coalition for the Homeless	WV	331,938
Caritas House, Inc	WV	470,990
City of Charleston	WV	567,800
Clarksburg Housing Authority	WV	437,100
Community Networks, Inc	WV	230,268
Greater Wheeling Coalition for the Homeless, Inc	WV	135,797
Southwestern Community Action Council, Inc	WV	424,913
Telamon Corporation	WV	28,071
The Huntington West Virginia Housing Authority	WV	490,018
Westbrook Health Services, Inc	WV	65,256
Worthington Mental Health Services	WV	301,920
Young Women's Christian Association of Charleston, WV Inc	WV	446,396
Council of Community Services, Inc	WY	61,016
Total		1,181,911,241

Fiscal Year 2006 Funding Awards for the Continuum of Care Program

Alaskan AIDS Assistance Association	AK	103,425
Anchorage Community Mental Health Services, Inc	AK	850,029
Anchorage Housing Initiatives, Inc	AK	81,886
Covenant House Alaska	AK	245,629
Interior Alaska Center for Non-Violent Living	AK	32,824
Municipality of Anchorage	AK	296,714
Rural Alaska Community Action Program	AK	498,642
St. Vincent de Paul Society Diocesan Council Southwest Alaska	AK	52,700
State of Alaska	AK	428,884
The LeeShore Center	AK	73,791
Valley Residential Services, Inc	AK	175,303
Yukon-Kuskokwim Health Corporation	AK	50,966
AIDS Alabama, Inc	AL	594,766
Alabama Coalition Against Domestic Violence	AL	128,638
Aletheia House	AL	423,563
Birmingham Health Care, Inc	AL	626,320
Birmingham Independent Living Center	AL	26,460
City of Gadsden	AL	29,297
Crisis Service of North Alabama	AL	56,393
Faith Crusade Ministries, Inc	AL	126,871
First Light, Inc	AL	250,115
Homeless Coalition of the Gulf Coast, Inc	AL	2,221,175

APPENDIX A—Continued

Recipient	State	Amount
Interfaith Mission Service, Inc	AL	105,017
Jefferson County Housing Authority	AL	3,158,124
Jefferson-Blount-St. Clair Mental Health/Mental Retardation Authority	AL	234,751
Lighthouse Counseling Center, Inc	AL	659,320
Montgomery Area Family Violence Program, Inc	AL	303,258
Montgomery Area Mental Health Authority, Inc	AL	694,024
Pathways	AL	128,182
Safeplace, Inc	AL	520,531
State of Alabama	AL	217,440
The Cooperative Downtown Ministries	AL	266,925
The Housing Authority of the City of Huntsville, Alabama	AL	258,504
The Salvation Army	AL	159,973
The Salvation Army, A Gerogia Corporation	AL	78,800
The Tuscaloosa Housing Authority	AL	141,300
University of Alabama at Birmingham	AL	488,516
Volunteer & Information Center, Inc	AL	70,327
YWCA Central Alabama	AL	535,900
Arkansas Supportive Housing Network, Inc	AR	991,325
Bethlehem House, Inc	AR	21,600
Black Community Developers, Inc	AR	110,125
Committee Against Spouse Abuse	AR	34,643
Counseling Associates, Inc	AR	200,000
Department of Health and Human Services (Arkansas)	AR	828,456
Health Resources of Arkansas	AR	188,026
Little Rock Community Mental Health Center	AR	81,529
Our House, Inc	AR	162,568
Second Genesis, Inc	AR	173,035
Women and Children First: The Center Against Family Violence	AR	90,390
Area Agency on Aging, Region One	AZ	250,374
Arizona Behavioral Health Corporation	AZ	7,291,736
Arizona Department of Housing	AZ	8,476,575
Catholic Charities Community Services	AZ	24,039
Chicanos Por La Causa, Inc	AZ	101,735
Chrysalis Shelter for Victims of Domestic Violence, Inc	AZ	24,269
City of Tucson	AZ	1,634,937
CODAC Behavioral Health Services, Inc	AZ	166,510
Community Bridges, Inc	AZ	344,610
Community Information & Referral, Inc	AZ	577,673
COPE Behavioral Services, Inc	AZ	431,676
HomeBase Youth Services	AZ	333,370
Homeward Bound	AZ	340,011
Information & Referral Services, Inc	AZ	181,089
La Frontera Center, Inc	AZ	422,709
Labor's Community Service Agency	AZ	279,594
Mesa Community Action Network, Inc	AZ	58,878
META Services, Inc	AZ	971,973
Native American Connections	AZ	289,221
Old Pueblo Community Foundation	AZ	218,022
Phoenix Shanti Group, Inc	AZ	34,600
Pima County	AZ	1,908,524
PREHAB of Arizona, Inc	AZ	510,688
Save the Family Foundation of Arizona	AZ	623,138
Sojourner Center	AZ	417,763
Southern Arizona AIDS Foundation	AZ	171,106
Southwest Behavioral Health Services	AZ	205,977
The EXCEL Group	AZ	133,488
The Primavera Foundation, Inc	AZ	103,306
The Salvation Army	AZ	120,960
Travelers Aid Society of Tucson, Inc	AZ	112,486
Tumbleweed Center for Youth Development	AZ	970,856
UMOM New Day Centers, Inc	AZ	267,710
United States Veterans Initiative	AZ	496,557
Women in New Recovery	AZ	46,862
YWCA of Maricopa County	AZ	201,671
1736 Family Crisis Center	CA	521,823
A Community of Friends	CA	440,253
Affordable Housing Associates	CA	36,665
Alliance Against Family Violence and Sexual Assault	CA	57,881
Alpha Project for the Homeless	CA	1,150,037
Alternative Services	CA	150,000
American Family Housing	CA	260,600
Anaheim Supportive Housing for Senior Adults, Inc	CA	278,040

APPENDIX A—Continued

Recipient	State	Amount
Antelope Valley Domestic Violence Council	CA	143,911
Beacon Housing, Inc	CA	76,192
Berkeley Food and Housing Project	CA	633,235
Bethany Services dba Bakersfield Homeless Center	CA	446,289
Beyond Shelter	CA	141,911
Bill Wilson Center	CA	847,121
Bonita House, Inc	CA	33,080
Bridge Focus, Inc	CA	99,225
Buckelew Programs	CA	669,905
Building Opportunities for Self-Sufficiency	CA	2,099,720
California Council for Veterans Affairs, Inc	CA	136,216
Catholic Charities CYO of the Archdiocese of San Francisco	CA	250,891
Catholic Charities of Santa Clara County	CA	938,272
Catholic Charities of Los Angeles, Inc	CA	246,325
Catholic Charities of the Diocese of Santa Rosa	CA	79,999
Center for Human Rights & Constitutional Law, Inc	CA	134,943
Center Point, Incorporated	CA	516,457
Central City Lutheran Mission	CA	76,794
Central Community Development Center, Incorporated	CA	1,491,084
Children's Services International	CA	165,886
Church of Glad Tidings	CA	30,300
City and County of San Francisco	CA	16,638,278
City of Berkeley	CA	2,098,644
City of Davis	CA	106,752
City of Fremont	CA	269,790
City of Long Beach	CA	4,549,913
City of Oxnard	CA	187,464
City of Pomona	CA	924,538
City of Santa Monica	CA	1,737,504
City of Woodland	CA	175,151
Clinica Sierra Vista, Inc	CA	319,590
Colette's Children's Home, Inc	CA	313,469
Committee on the Shelterless	CA	197,411
Community Action Agency of Butte County, Inc	CA	53,947
Community Action Partnership of Kern	CA	233,624
Community Action Partnership of Sonoma County	CA	147,624
Community Awareness & Treatment Services, Inc	CA	348,153
Community Development Commission of Mendocino County	CA	1,129,392
Community Housing and Shelter Services of Stanislaus County	CA	299,999
Community Housing Partnership	CA	157,490
Community Support Network	CA	96,217
Community Technology Alliance	CA	303,716
Compass Community Service	CA	295,006
Contra Costa Health Services	CA	673,266
CORA (Community Overcoming Relationship Abuse)	CA	225,375
Council of Orange County Society of St. Vincent de Paul	CA	839,325
County of Alameda	CA	7,868,644
County of Los Angeles Dept. of Children and Family Services	CA	934,615
County of Napa	CA	143,389
County of Riverside	CA	5,511,122
County of Sacramento	CA	12,104,368
County of San Diego	CA	2,859,605
County of San Diego, Dept. of Housing and Community Development	CA	108,913
County of Santa Cruz	CA	232,576
County of Ventura Human Services Agency	CA	266,361
County of Ventura, Human Services Agency	CA	195,009
Covenant House California	CA	128,499
Cupertino Community Services	CA	82,533
Domestic Violence Solution for Santa Barbara County	CA	76,219
Emergency Housing Consortium of Santa Clara County	CA	2,049,832
Episcopal Community Services	CA	995,703
Fairfield-Suisun Community Action Council, Incorporated	CA	183,750
Families in Transition of Santa Cruz County, Inc	CA	366,344
Family Supportive Housing, Inc	CA	197,077
Filipino American Service Group, Inc	CA	190,449
Foothill Family Shelter, Incorporated	CA	34,125
Frazee Community Center	CA	26,250
Fred Finch Children's Home	CA	649,863
Fresno County Economic Opportunities Commission	CA	1,111,792
Fullerton Interfaith Emergency Service, Inc	CA	252,000
Goodwill Industries of the Greater Eastbay	CA	859,669
Gramercy Housing Group	CA	210,961

APPENDIX A—Continued

Recipient	State	Amount
Greater Bakersfield Legal Assistance, Inc. (GBLA)	CA	120,080
Greater Richmond Interfaith Program (GRIP)	CA	105,306
Harbor Interfaith Services, Inc	CA	127,673
Homes for Life Foundation	CA	409,657
Homeward Bound of Marin	CA	560,737
Housing Authority of Contra Costa County	CA	3,008,220
Housing Authority of the City of Fresno	CA	132,612
Housing Authority of the City of Los Angeles	CA	10,902,396
Housing Authority of the City of Napa	CA	152,676
Housing Authority of the City of Santa Barbara	CA	590,184
Housing Authority of the County of Los Angeles	CA	4,542,888
Housing Authority of the County of Marin	CA	778,488
Housing Authority of the County of Monterey	CA	367,867
Housing Authority of the County of San Mateo	CA	3,129,293
Housing Authority of the County of Santa Clara	CA	2,733,784
Housing Authority of the County of Santa Cruz	CA	118,520
Housing Authority of the County of Stanislaus	CA	1,228,534
Housing for Independent People, Inc	CA	133,333
Humboldt Bay Housing Development Corporation	CA	119,700
Humboldt County Health and Human Services	CA	82,353
Inland Behavioral and Health Services, Incorporated	CA	367,063
Inland Temporary Homes, Incorporated	CA	128,173
InnVision the Way Home	CA	1,512,186
InterFaith Shelter Network, Incorporated	CA	84,894
Interim, Incorporated	CA	139,291
Jewish Family Service of Los Angeles	CA	180,498
JWCH Institute, Inc	CA	308,999
Kings United Way	CA	103,624
L. A. Family Housing Corporation	CA	719,323
LifeLong Medical Care	CA	539,398
Lompoc Housing & Community Development Corporation	CA	86,440
Los Angeles Homeless Services Authority	CA	19,924,784
Los Angeles Youth Network	CA	40,529
Lutheran Social Services of Northern California	CA	53,747
Madera County Community Action Agency	CA	525,322
Many Mansions	CA	222,461
Marin Abused Women's Services	CA	120,182
Marjaree Mason Center, Inc	CA	196,446
Mary Lind Foundation	CA	442,317
Mendocino County	CA	328,129
Mental Health Association of San Mateo County	CA	112,801
Mercy House Transitional Living Centers, Inc	CA	188,000
New Directions, Inc	CA	574,640
New Economics for Women	CA	155,254
New Hope Village, Incorporated	CA	66,675
Next Door Solutions to Domestic Violence	CA	157,500
North Coast Substance Abuse Council	CA	219,454
North County Interfaith Council, Inc	CA	893,990
Northern Valley Catholic Social Services, Inc	CA	273,288
Ocean Park Community Center	CA	305,938
Orange County Housing Authority	CA	5,727,996
Pacific Clinics	CA	952,750
Pajaro Valley Shelter Services	CA	13,623
Pasadena Community Development Commission	CA	1,516,554
PATH (People Assisting the Homeless)	CA	423,966
Penny Lane Centers	CA	174,970
Phoenix Programs Incorporated	CA	152,935
Phoenix Programs, Inc	CA	484,411
Placer County Health and Human Services—Adult System of Care	CA	293,282
Placer Women's Center dba PEACE for Families	CA	212,298
Poverello House	CA	708,338
Project Understanding	CA	53,642
Rainbow Services, Ltd	CA	255,012
Regional Task Force on the Homeless Inc	CA	342,979
Resources for Community Development	CA	918,024
Resources for Independent Living, Inc	CA	97,876
Restoration Village Treatment Center	CA	199,999
Rubicon Programs, Inc	CA	2,189,553
Saddleback Community Outreach	CA	245,364
Samaritan House	CA	105,000
San Diego Housing Commission	CA	1,160,628
San Diego Youth & Community Services	CA	87,571

APPENDIX A—Continued

Recipient	State	Amount
San Francisco Network Ministries Housing Corporation	CA	70,749
San Joaquin County	CA	4,128,266
San Jose Cathedral Foundation	CA	141,600
San Luis Obispo County	CA	848,221
Santa Barbara Community Housing Corporation	CA	99,444
Santa Barbara County	CA	396,562
Santa Clara Unified School District	CA	200,534
Santa Cruz Community Counseling Center, Inc	CA	41,540
Serra Ancillary Care Corporation dba The Serra Project	CA	614,213
Service League of San Mateo County	CA	44,996
Serving People In Need, Inc	CA	209,600
Shelter Network of San Mateo County	CA	1,408,154
Shelter Outreach Plus	CA	115,999
SHELTER, Inc. of Contra Costa County	CA	1,500,001
SHIELDS for Families, Inc	CA	90,395
Single Room Occupancy (SRO) Housing Corporation	CA	741,721
Solano County Health and Social Services	CA	512,948
Sonoma County Community Development Commission	CA	721,601
South Central Health & Rehabilitation Programs	CA	224,760
Southern California Alcohol & Drug Programs, Inc	CA	736,288
Spirit of Woman of California, Inc	CA	385,562
St. Joseph Center	CA	47,246
St. Vincent de Paul Society of San Francisco	CA	132,544
St. Vincent de Paul Village, Incorporated	CA	4,124,014
STAND! Against Domestic Violence	CA	242,544
Stanislaus Community Assistance Project	CA	658,575
Step Up On Second, Inc	CA	125,856
Stop Homelessness in the Rio Hondo Area, Inc	CA	165,207
Su Casa Domestic Abuse Network	CA	52,463
Swords To Plowshares—A Veterans Rights Organization	CA	486,958
Tarzana Treatment Centers, Inc	CA	188,132
Testimonial Community Love Center	CA	136,888
The Ark of Refuge, Inc	CA	208,502
The Association for Community Housing Solutions (TACHS)	CA	73,500
The City of Glendale, CA/Glendale Housing Authority	CA	1,560,829
The City of Oakland	CA	3,026,166
The Eli Home, Inc	CA	522,576
The Los Angeles Gay and Lesbian Community Service Center	CA	377,255
The Salvation Army, A California Corporation	CA	3,056,133
The SalvationArmy, A California Corporation	CA	102,008
The Unity Care Group	CA	121,840
Thomas House Temporary Shelter	CA	88,784
Toby's House Maternity Home	CA	254,352
Transition House	CA	116,915
Transitional Living and Community Support, Inc	CA	947,250
Turning Point Foundation	CA	276,073
Turning Point of Central California, Inc	CA	496,332
United Christian Centers of the Greater Sacramento Area	CA	46,527
United Friends of the Children	CA	294,355
United States Veterans Initiative	CA	289,795
United States Veterans Initiative Incorporated	CA	224,075
United Way of Ventura County	CA	86,961
Upward Bound House	CA	281,424
Vallejo Lord's Felloship A/G	CA	41,832
Venice Community Housing Corporation	CA	81,170
Venice Family Clinic	CA	284,842
Ventura County	CA	153,360
Veterans First	CA	823,330
Veterans Transition Center	CA	194,525
Vietnam Veterans of California	CA	434,995
Vietnam Veterans of California, Incorporated	CA	83,107
Vietnam Veterans of San Diego (VVSD)	CA	202,850
Volunteers of America	CA	301,164
Weingart Center Association	CA	485,238
Whiteside Manor, Incorporated	CA	876,006
WISEPlace	CA	201,187
WomanHaven, Inc	CA	169,865
Women's Center—High Desert, Inc	CA	113,132
Women's Daytime Drop-In-Center	CA	68,975
Women's Transitional Living Center, Inc. (WTLC)	CA	121,890
YMCA of Metropolitan Los Angeles	CA	177,487
YMCA of San Diego County	CA	178,739

APPENDIX A—Continued

Recipient	State	Amount
Yolo Community Care Continuum	CA	83,333
Young Women's Christian Association of San Diego County	CA	553,475
YWCA of Sonoma County	CA	52,500
Aurora Comprehensive Community Mental Health Center	CO	111,300
Catholic Charities and Community Services of the Archdiocese of Denver	CO	186,690
City of Colorado Springs	CO	158,760
Colorado Coalition for the Homeless	CO	4,339,180
Colorado Department of Human Services	CO	2,615,575
Community Housing Services, Inc	CO	943,077
Denver Department of Human Services	CO	1,997,077
Family Tree, Inc	CO	80,085
Grand Valley Catholic Outreach	CO	298,435
Greccio Housing Unlimited	CO	200,000
Housing Authority of the City of Boulder, bda Boulder Housing Partners	CO	852,684
North Range Behavioral Health	CO	109,543
Partners In Housing, Inc	CO	487,432
Pikes Peak United Way	CO	110,000
Posada, Inc	CO	249,900
The Salvation Army	CO	178,000
Third Way Center, Inc	CO	116,538
Volunteers of America Colorado Branch	CO	162,398
Alliance for Living	CT	138,851
American Red Cross Middlesex Central CT Chapter	CT	133,000
Applied Behavioral Rehabilitation Institute, Inc. (ABRI)	CT	103,615
Association of Religious Communities	CT	23,045
Bethsaida Community, Inc	CT	174,512
Catholic Charities of Fairfield City	CT	372,973
Christian Community Action, Inc	CT	210,026
City of Bridgeport	CT	468,508
Community Health Resources	CT	107,184
Community Renewal Team, Inc	CT	1,297,541
Connecticut Coalition to End Homelessness	CT	50,000
Connecticut Women's Consortium, Inc	CT	171,113
Emerge, Inc	CT	44,890
Family and Children's Agency	CT	146,176
Friendship Service Center of New Britain, Inc	CT	434,924
Hal-Brooks Behavioral Health Services	CT	680,736
Hall-Brooke Behaviorial Health Services	CT	309,029
Harbor Health Services, Inc	CT	86,165
Housing Authority City of Norwalk	CT	152,880
Housing Authority of the City of Waterbury	CT	1,268,556
Housing Authority, City of Danbury	CT	107,040
Immaculate Conception Shelter & Housing Corporation	CT	491,859
Inter Community Health Group Inc	CT	220,137
Interfaith Housing Association of Westport/Weston, Inc	CT	49,017
Laurel House, Inc	CT	39,019
Liberation Programs, Inc	CT	179,626
Liberty Community Services, Inc	CT	1,341,963
Mercy Housing and Shelter Corporation	CT	241,190
Micah Housing, Inc	CT	150,561
Mid Fairfield AIDS Project, Inc	CT	120,000
Mutual Housing Association of Southwestern Connecticut, Inc	CT	165,900
My Sister's Place	CT	250,000
New Opportunities, Inc	CT	39,285
Norwalk Emergency Shelter, Inc	CT	47,830
Prudence Crandall Center, Inc	CT	294,576
Putnam Housing Authority	CT	234,000
Shelter for the Homeless	CT	84,051
South Park Inn, Inc	CT	284,288
St. Luke's Community Services, Inc	CT	398,716
St. Vincent DePaul Society of Bristol, Inc	CT	348,849
State of Connecticut	CT	8,572,568
State of Connecticut Department of Mental Health & Addiction Services	CT	395,424
Thames River Community Service Inc	CT	195,983
The Salvation Army	CT	73,150
The Thames Valley Council for Community Action, Inc	CT	655,247
Torrington Community Housing Corporation	CT	95,737
United Way of Norwalk and Wilton	CT	114,306
United Way of Eastern Fairfield County	CT	39,999
United Way of Stamford	CT	50,000
Windham Regional Community Council	CT	274,077
Women's Center of Southeastern Connecticut, Inc	CT	50,584

APPENDIX A—Continued

Recipient	State	Amount
Youth Continuum	CT	301,568
YWCA of the Hartford Region, Inc	CT	166,667
Catholic Charities of the Archdiocese of Washington	DC	168,641
Coalition for the Homeless	DC	171,453
Community Connections	DC	205,039
Community Family Life Services, Incorporated	DC	253,447
D. C. Department of Health	DC	506,136
D.C. Office of Revenue Analysis	DC	3,418,476
Families Forward, Inc	DC	430,270
Hannah House, Inc	DC	148,115
House of Ruth	DC	1,072,606
Sasha Bruce Youthwork, Inc	DC	386,279
SOME (So Others Might Eat)	DC	938,946
The Community Partnership for the Prevention of Homelessness	DC	8,504,516
Transitional Housing Corporation	DC	127,385
Connections Community Support Programs, Inc. (CSP)	DE	566,073
Gateway House, Inc. (formerly :SBM Housing, Inc.)	DE	67,334
State of Delaware	DE	1,562,557
The Ministry of Caring, Inc	DE	1,966,662
West End Neighborhood House, Inc	DE	249,833
YWCA Delaware Inc	DE	323,967
2–1–1 Brevard, Inc	FL	76,751
2–1–1 Tampa Bay Cares, Inc	FL	172,454
Adopt-A-Family of the Palm Beaches, Inc	FL	207,812
Agency for Community Treatment Services, Inc	FL	701,253
Aid to Victims of Domestic Abuse, Inc	FL	106,540
AIDS Coalition of Volusia/Flagler, Inc	FL	227,743
Alachua County Housing Authority	FL	80,569
ALPHA A Beginning, Inc	FL	69,888
Alpha House of Tampa, Inc	FL	229,051
Big Bend Homeless Coalition, Inc	FL	76,231
Boley Centers, Inc. f/k/a Boley Centers for Behavioral Health Care, Inc	FL	547,624
Brideway Center, Inc	FL	577,107
Brookwood Florida-Central, Inc	FL	98,430
Broward County Board of County Commissioners	FL	5,427,224
Broward County Housing Authority	FL	1,060,776
Carrfour Supportive Housing	FL	409,479
CASA (Community Action Stops Abuse) Inc	FL	241,031
Catholic Charities Diocese of St. Petersburg, Inc	FL	253,303
Catholic Charities of the Archdiocese of Miami, Inc	FL	179,917
Children's Home Society of Florida, Inc	FL	127,620
City of Gainesville	FL	205,312
Clara White Mission, Inc	FL	132,039
Coalition for the Hungry and Homeless of Brevard County, Inc	FL	674,570
Collier County Board of County Commissioners	FL	35,816
Community Connections of Jacksonville, Inc	FL	907,557
Covenant House Florida	FL	183,729
Crosswinds Youth Services, Inc	FL	87,536
Directions for Mental Health, Inc	FL	356,438
Domestic Abuse Council, Inc	FL	256,260
Emergency Services and Homeless Coalition of St. Johns County, Inc	FL	152,400
Escarosa Coalition on the Homeless	FL	113,686
Family Renew Community, Inc	FL	72,025
Florida Housing Corporation	FL	593,143
Florida Keys Outreach Coalition, Inc	FL	175,879
Gateway Community Services	FL	116,432
Goodwill of North Florida	FL	324,055
Gulfstream Goodwill Industries, Inc	FL	774,955
Homeless and Hunger Coalition of Northwest Florida	FL	47,482
Homeless Coalition of Hillsborough County, Inc	FL	65,510
Homeless Coalition of Polk County, Inc	FL	116,531
Homeless Emergency Project, Inc	FL	168,502
Homeless Services Network of Central Florida, Inc	FL	1,215,792
Housing Partnership, Inc	FL	57,223
I.M. Sulzbacher Center for the Homeless, Inc	FL	233,188
Indian River County Board of County Commissioners	FL	279,081
Lake County Board of County Commissioners	FL	372,420
Lakeview Center, Inc	FL	570,094
Lee County Board of County Commissioners	FL	1,936,114
LifePath Solutions, Inc	FL	132,107
Loaves and Fishes Soup Kitchen, Inc	FL	248,672
Mental Health Care, Inc	FL	199,500

APPENDIX A—Continued

Recipient	State	Amount
Mental Health Resource Center, Inc	FL	251,638
Miami-Dade County	FL	22,735,951
Mid-Florida Homeless Coalition, Inc	FL	78,143
Monroe Association for Retarded Citizens, Inc	FL	102,268
New Life Outreach Ministry, Inc	FL	143,586
Oakwood Center of the Palm Beaches, Inc	FL	381,304
Operation Hope, Inc	FL	207,068
Operation PAR, Inc	FL	100,452
Palm Beach County Board of County Commissioners	FL	438,254
Peace River Center for Personal Development, Inc	FL	182,749
Peaceful Paths Domestic Abuse Network, Inc	FL	123,280
Plant City Housing Authority	FL	1,571,880
Project Return, Inc	FL	153,956
Punta Gorda Housing Authority	FL	93,900
Religious Community Services, Inc	FL	110,054
River Region Human Services, Inc	FL	557,531
Serenity House of Volusia, Inc	FL	301,193
St. Lucie County Board of County Commissioners	FL	312,660
Suncoast Partnership to End Homelessness, Inc	FL	37,698
Talbot House Ministries of Lakeland, Inc	FL	303,299
The Center for Information & Crisis Services	FL	134,441
The Emergency Services and Homeless Coalition of Jacksonville, Inc	FL	511,449
The Lord's Place, Inc	FL	466,007
The Salvation Army, A Georgia Corporation	FL	1,830,505
The Spring of Tampa Bay, Inc	FL	177,557
The YWCA of Palm Beach County	FL	225,195
Tri-Country Human Services, Inc	FL	149,709
United Way of Marion County	FL	62,160
Volunteers of America of Florida, Inc	FL	2,347,181
Volusia/Flagler County Coalition for the Homeless, Inc	FL	54,566
WestCare GulfCoast, Florida, Inc	FL	273,000
YWCA of Tampa Bay	FL	176,237
Achor Center, Inc	GA	373,585
Action Ministries, Inc	GA	551,632
Advantage Behavioral Health Systems	GA	166,590
Alternate Life Paths Program, Inc	GA	48,572
Asian American Resource Center	GA	157,408
Atlanta Enterprise Center, Inc	GA	249,325
Board of Commissioners of Fulton County, Georgia	GA	1,060,438
Buckhead Christian Ministry	GA	80,000
Calvary Refuge, Inc	GA	203,326
Chatham-Savannah Authority for the Homeless	GA	402,725
Citizens Against Violence, Inc	GA	265,464
City of Augusta	GA	181,027
City of Savannah	GA	253,836
Cobb Community Collaborative, Inc	GA	30,000
Community Advanced Practice Nurses, Inc	GA	103,979
CSRA Economic Opportunity Authority, Inc	GA	119,081
Economic Opportunity for Savannah-Chatham County Area, Inc	GA	220,500
Families First, Inc	GA	172,493
First Monumental Faith Community Outreach Center, Inc	GA	117,302
Fulfilling God's Assignments Ministries c/o The Light Homeless Shelter	GA	150,000
Furniture Bank of Metro Atlanta	GA	70,010
Genesis Shelter, Inc	GA	136,500
Georgia Coalition Against Domestic Violence	GA	342,584
Georgia Housing and Finance Authority	GA	8,597,328
Georgia Law Center on Homelessness & Poverty Inc	GA	294,000
Goodwill Industries of Middle Georgia, Inc	GA	348,039
Greenbriar Children's Center, Inc	GA	398,424
Gwinnett Housing Resource Partnership	GA	588,199
HODAC, Inc	GA	42,891
Hope House, Inc	GA	58,842
House of Grace, Inc	GA	129,529
House of T.I.M.E., Inc	GA	212,736
Housing Authority of Savannah	GA	940,200
Housing Initiative of North Fulton	GA	23,646
Initiative for Affordable Housing, Inc	GA	320,938
Jerusalem House, Inc	GA	193,704
Jewish Family & Career Services, Inc	GA	157,729
Loaves and Fishes Ministry of Macon, Inc	GA	97,429
Lowndes Associated Ministries to People, Inc	GA	286,488
Macon-Bibb Economic Opportunity Council, Inc	GA	194,250

APPENDIX A—Continued

Recipient	State	Amount
Maranatha Outreach, Inc	GA	60,178
Marietta Housing Authority	GA	202,548
Mary Hall Freedom House, Inc	GA	285,341
Metro Atlanta Task Force for the Homeless	GA	338,100
New Horizons Community Service Board	GA	45,122
Nicholas House, Inc	GA	36,141
Open Door Community House, Inc	GA	267,745
Our Common Welfare, Inc	GA	158,033
Our House, Inc	GA	47,235
Progressive Redevelopment, Inc	GA	607,336
S.H.A.R.E. House, Inc	GA	126,526
Saint Joseph's Mercy Care Services, Inc	GA	36,823
Samaritan House of Atlanta, Inc	GA	73,255
St. Jude's Recovery Center, Inc	GA	1,064,098
Stewart Community Home, Inc	GA	66,123
The Center for Family Resources	GA	814,233
The Extension, Inc	GA	104,654
The Young Adult Guidance Center, Inc	GA	154,396
Travelers Aid of Metropolitan Atlanta, Inc	GA	628,230
Trinity Community Ministries, Inc	GA	108,917
Unified Government of Athens-Clark County	GA	317,311
Union Mission, Inc	GA	385,311
Zion Keepers, Inc	GA	38,970
Guam Housing & Urban Renewal Authority	GU	372,182
Child and Family Service	HI	84,488
City and County of Honolulu	HI	2,211,680
Gregory House Programs	HI	358,400
Hale Kipa, Inc	HI	136,000
Legal Aid Society of Hawai	HI	64,669
Maui Economic Concerns of the Community, Incorporated	HI	137,962
Mental Health Kokua	HI	870,273
State of Hawaii	HI	875,436
Steadfast Housing Development Corporation	HI	162,164
The Salvation Army ATS	HI	287,906
United States Veterans Initiative	HI	341,263
Area Substance Abuse Council dba New Directions	IA	104,223
Cedar Valley Friends of the Family	IA	254,249
Center For Siouxland	IA	208,230
City of Des Moines	IA	2,271,166
City of Dubuque	IA	536,520
City of Sioux City	IA	113,452
Community Action Agency of Siouxland	IA	137,239
Community Housing Initiatives, Inc	IA	511,198
Critttenton Center	IA	184,527
Family Resources, Inc	IA	77,150
Hawkeye Area Community Action Program, Inc	IA	680,001
Hillcrest Family Services	IA	71,540
Humility of Mary Housing, Inc	IA	37,549
John Lewis Coffee Shop, Inc	IA	867,000
Opening Doors	IA	42,221
Operation Empower	IA	157,657
Project Concern, Inc	IA	31,570
Shelter House Community Shelter and Transitional Services	IA	448,318
The Salvation Army	IA	148,666
Youth and Shelter Services, Inc	IA	318,127
YWCA Clinton	IA	49,232
Ada County Housing Authority	ID	598,116
Boise City Housing Authority	ID	90,869
Idaho Housing and Finance Association	ID	2,260,689
Women's and Children's Alliance	ID	119,123
Abundant Faith Ministry	IL	13,892
AIDS Foundation of Chicago	IL	1,028,951
Alliance to End Homelessness in Suburban Cook County	IL	255,976
Anna Bixby Women's Center	IL	141,445
Apna Ghar, Inc. (Our Home)	IL	124,785
B.C.M.W. Community Services	IL	19,597
Beacon Therapeutic School Inc., d/b/a Beacon Therapeutic Diagnostic/Treatment	IL	1,083,562
Bethany Place	IL	149,641
Bethel New Life, Inc	IL	569,709
Brand New Beginnings, Inc	IL	223,125
Bridge Communities, Inc	IL	107,289
C.E.F.S Economic Opportunity Corporation	IL	333,025

APPENDIX A—Continued

Recipient	State	Amount
Carver Community Action Agency	IL	104,141
Casa Central Social Services Corporation	IL	846,265
Cathedral Shelter of Chicago	IL	57,930
Catholic Charities of the Archdiocese of Chicago	IL	2,878,948
Catholic Charities of the Archdiocese of Chicago, Lake County Services	IL	260,857
Catholic Charities, Diocese of Joliet	IL	2,200,048
CDBG Operations Corporation	IL	110,000
CEDA Bloom-Rich Community Development Association	IL	231,678
CEDA Northwest Self-Help Center, Inc	IL	314,267
Champaign County Regional Planning Commission	IL	318,717
Chesnut Health Systems, Inc	IL	851,912
Chestnut Health Systems	IL	265,564
Chicago Abused Women Coalition	IL	26,328
Chicago Department of Human Services	IL	11,272,505
Chicago House and Social Service Agency	IL	45,122
Circle Urban Ministries	IL	396,874
City of Bloomington	IL	524,445
City of Chicago	IL	1,656,070
City of Rockford	IL	1,309,211
City of Urbana	IL	206,454
Community & Economic Development Association of Cook County, Inc	IL	260,883
Community Care Options	IL	477,060
Community Crisis Center	IL	95,116
Community Mental Health Council, Inc	IL	426,086
Community Supportive Living Systems	IL	203,150
Comprehensive Mental Health Center	IL	100,000
Connections for the Homeless, Inc	IL	359,134
Cornerstone Community Outreach	IL	211,241
Cornerstone Services, Inc	IL	1,724,340
Deborah's Place	IL	1,083,251
Decatur Housing Authority	IL	114,204
Dove, Inc	IL	548,840
DuPage County Community Services	IL	237,217
DuPage County Health Department	IL	567,717
DuPage P.A.D.S., Inc	IL	319,934
Ecker Center for Mental Health	IL	163,030
Embarras River Basin Agency, Inc	IL	404,567
Family Counseling Center, Incorporated	IL	172,329
Family Rescue, Inc	IL	611,859
Featherfist	IL	1,670,019
Fellowship Housing Corporation	IL	100,120
Fifth Street Renaissance	IL	59,083
Goldie's Place	IL	67,735
Good Samaritan House of Granite City, Inc	IL	151,557
Good Samaritan Ministries, A Project of Carbondale Interchurch Council	IL	74,397
Goodwill Industries of Central Illinois, Inc	IL	167,696
Healthcare Alternative Systems, Inc	IL	214,748
Heartland Hearth Outreach, Inc	IL	2,570,114
Heartland Human Care Services, Inc	IL	2,721,462
Helping Hands of Springfield, Inc	IL	115,332
Home of the Sparrow, Inc	IL	124,252
Hope Haven of DeKalb County, Inc	IL	193,643
HOPE of East Central IL	IL	76,434
Housing Authority of the County of Cook	IL	550,512
Housing Authority of the County of DeKalb	IL	359,964
Housing Opportunities for Women, Inc	IL	198,368
Hull House Association	IL	389,026
Human Service Center	IL	131,597
Illinois Valley Economic Development Corporation	IL	103,084
Inspiration Corporation	IL	770,466
Interdependent Living Solutions Center, Inc	IL	156,332
Interfaith Council for the Homeless	IL	312,241
Interfaith House, Inc	IL	400,593
Interfaith Housing Development Corporation of Chicago	IL	85,890
I-Plus	IL	44,139
Iroquois-Kankakee Regional Office of Education #32	IL	64,017
Jewish Federation of Metropolitan Chicago	IL	163,103
Kane County Development and Resource Management Department	IL	109,853
LaGrange Area Transitional Housing Corp	IL	30,187
Lake County	IL	458,871
Lakeview Shelter, Inc	IL	192,657
Land of Lincoln Legal Assistance Foundation, Incorporated	IL	47,544

APPENDIX A—Continued

Recipient	State	Amount
Lazarus House	IL	54,331
M.E.R.C.Y. Communities, Inc	IL	167,923
Madison County Government	IL	303,660
Matthew House, Inc	IL	137,592
McDermott Center	IL	64,474
McHenry County PADS, Inc	IL	105,000
MCS Community Services	IL	101,250
Mental Health Center of Campaign County, Inc	IL	43,043
Mercy Housing Lakefront	IL	854,564
Ministers United Against Human Suffering	IL	100,000
NCO Youth & Family Services	IL	200,124
Near West Side Community Development Corp	IL	195,562
New Moms	IL	253,696
New Phoenix Assistance Center	IL	837,789
Northwestern Memorial Hospital	IL	721,248
PADS to HOPE, Inc	IL	183,665
Peoria Housing Authority	IL	128,880
Pioneer Center of McHenry County	IL	488,284
Pioneer Civic Services, Inc	IL	112,911
Prairie State Legal Services	IL	68,780
Project NOW, Incorporated	IL	383,533
Public Action to Deliver Shelter, Inc	IL	357,802
Renaissance Social Services, Inc	IL	143,388
Residents of Effective Shelter Transitions	IL	464,962
Roseland Christian Health Ministries	IL	4,255,800
Sarah's Circle	IL	68,250
Shields Township	IL	449,280
Single Room Housing Assistance Corporation	IL	908,537
South Side Office of Concern	IL	14,962
South Suburban Family Shelter	IL	281,957
South Suburban PADS	IL	279,475
Southern Illinois Coalition F/T Homeless	IL	141,732
St. Clair County	IL	753,488
St. Leonard's Ministries	IL	47,250
Stopping Woman Abuse Now	IL	70,000
Teen Living Program, Inc	IL	194,376
The Center for Prevention of Abuse	IL	172,759
The Center of Concern	IL	127,434
The Inner Voice, Inc	IL	1,032,366
The Larkin Center	IL	297,425
The Night Ministry	IL	74,260
The Renaissance Collaborative, Inc	IL	184,451
The Thresholds	IL	797,945
The Women's Center, Incorporated	IL	50,170
Thresholds	IL	1,499,432
Transitional Living Services	IL	47,245
Trinity Services, Inc	IL	250,000
Unity Parenting and Counseling, Inc	IL	949,288
West Englewood United Organization	IL	210,118
Western Egyptian Economic Opportunity Council, Incorporated	IL	49,826
Western Illinois Regional Council—Community Action Agency	IL	54,907
WilPower, Inc	IL	453,170
WINGS Program, Inc	IL	300,081
World Relief DuPage	IL	128,780
YMCA of Metropolitan Chicago	IL	979,973
Young Women's Christian Association	IL	464,713
Your Family Resource Connection	IL	135,489
Youth Service Bureau	IL	91,899
Youth Services Network	IL	250,566
YWCA Evanston/North Shore	IL	70,652
YWCA Peoria, IL	IL	484,264
AIDS Ministries AIDS Assist of North Indiana Inc	IN	103,140
City of Evansville, Indiana	IN	576,275
City of Indianapolis	IN	4,280,947
City of South Bend	IN	167,052
Community Mental Health Center	IN	213,820
Council on Domestic Abuse, Inc	IN	87,743
CRWorks, Inc	IN	140,836
Evansville Goodwill Industries, Inc	IN	220,133
Family & Children's Center Counseling and Development Services	IN	31,687
Family Crisis Shelter, Inc	IN	60,558
Hope House, Inc	IN	198,568

APPENDIX A—Continued

Recipient	State	Amount
Kosciusko County Shelter for Abuse, Inc	IN	39,435
Lafayette Transitional Housing Center, Inc	IN	73,893
LifeSpring, Inc	IN	51,135
Madison Center, Inc	IN	54,950
Muncie Community Schools	IN	63,000
Open Door Community Services, Inc	IN	102,137
Salvation Army	IN	158,247
South Central Community Mental Health Centers, Inc	IN	253,931
State of Indiana	IN	281,676
The Center for the Homeless, Inc	IN	165,694
The Stepping Stone Shelter for Women, Incorporated	IN	183,456
Vincent House, Inc	IN	52,944
Young Women's Christian Association of Fort Wayne, Inc	IN	165,817
YWCA of St. Joseph Co	IN	120,130
Archdiocese of Kansas City in Kansas—Catholic Charities	KS	59,048
Area Mental Health Center	KS	232,528
City of Topeka, Kansas	KS	1,225,596
City of Wichita Housing Authority	KS	832,152
Community Action, Inc	KS	343,101
County of Johnson	KS	149,280
Faith House, Inc	KS	157,395
Housing & Credit Counseling, Inc	KS	129,150
Hutchison Housing Authority	KS	394,980
Inter-Faith Ministries Wichita, Inc	KS	138,197
Kansas Legal Services	KS	190,608
Marshall County Community Resource and Education Center	KS	118,233
Mental Health Association of the Heartland	KS	286,761
South Central Mental Health Counseling Center	KS	74,503
The City of Leavenworth	KS	746,400
The Salvation Army	KS	715,543
TLC for Children and Families, Inc	KS	97,274
United Methodist Urban Ministry of Wichita, Inc	KS	140,615
Wichita Children's Home	KS	101,218
Bellewood Presbyterian Home for Children	KY	264,981
Bluegrass Regional Mental Health—Mental Retardation Board, Inc	KY	165,213
Chrysalis House, Inc	KY	302,488
Coalition for the Homeless, Inc	KY	122,311
Community Action Council for Lexington-Fayette, Bourbon, Harrison	KY	64,409
Daniel Pitino Shelter, Inc	KY	266,039
Family Health Centers, Inc	KY	255,147
Father Maloney's Boys' Haven, Inc	KY	333,334
Hope Center, Inc	KY	436,001
Interlink Counseling Services, Inc	KY	83,102
Jefferson Street Baptist Center, Inc	KY	150,632
Kentucky Housing Corporation	KY	5,942,954
Lexington-Fayette Urban County Housing Authority	KY	191,928
Louisville/Jefferson County Metro Government	KY	208,522
Louisville-Jefferson County Metro Government	KY	1,331,277
New Beginnings, Bluegrass, Inc	KY	53,492
New Directions Housing Corporation	KY	174,738
Schizophrenia Foundation, KY, Inc. (dba Wellspring)	KY	42,000
Seven Counties Services, Inc	KY	163,059
The Center for Women and Families, Inc	KY	99,750
The Salvation Army, A Georgia Corporation	KY	119,999
Transitions, Inc	KY	481,818
Volunteers of America of Kentucky, Inc	KY	1,148,121
Wayside Christian Mission	KY	370,542
Welcome House of Northern Kentucky, Inc	KY	469,109
Acadiana C.A.R.E.S	LA	372,575
Acadiana Outreach Center, Inc	LA	266,809
Caddo Parish School Board	LA	89,237
Calcasieu Parish Housing Department	LA	191,501
Catholic Charities Archdiocese of New Orleans	LA	314,496
Central Louisiana Coalition to Prevent Homelessness	LA	58,246
City of Baton Rouge & Parish of East Baton Rouge	LA	1,383,068
City of New Orleans—Neighborhood 1	LA	604,536
Community Support Programs, Inc	LA	642,185
Council on Alcoholism and Drug Abuse of Northwest Louisiana	LA	250,000
Covenant House New Orleans	LA	222,448
Elisha Ministries dba Supportive Housing of Northeast Louisiana	LA	83,469
Grace House of New Orleans	LA	191,362
Gulf Coast Teaching Family Service Inc	LA	405,226

APPENDIX A—Continued

Recipient	State	Amount
Gulf Coast Teaching Family Services	LA	140,985
Hammond Housing Authority	LA	178,000
Hope House of Central Louisiana, Inc	LA	135,538
Jefferson Parish	LA	375,480
Jefferson Parish Human Services Authority	LA	277,473
LAEHCY—Louisiana Association for the Education of Homeless Children/Youth	LA	62,092
Lafayette Catholic Service Centers, Inc	LA	320,500
Louisiana Department of Health and Hospitals	LA	1,221,876
Metropolitan Battered Women's Program, Inc	LA	113,344
Monroe Area Guidance Center	LA	80,209
NAMI New Orleans	LA	153,421
Our Father's Arms	LA	149,738
Our House, Inc	LA	56,583
Philadelphia Center	LA	176,400
Providence House	LA	247,090
Responsibillity House, Inc	LA	338,051
Shreveport SRO, Inc. dba Centerpoint	LA	435,766
Southeast Louisiana Hospital	LA	478,320
Southeast Spouse Abuse Program	LA	231,272
Southeastern Louisiana University	LA	148,109
Southwestern LA Homeless Coalition, Inc	LA	170,951
St. Francis Foundation, Inc	LA	21,000
St. Mary Association of Community Action, Inc	LA	136,158
St. Tammany Parish Government	LA	92,460
Start Corporation	LA	497,221
State of Louisiana, Department of Health and Hospitals	LA	99,584
The Church of the Holy Cross—Episcopal	LA	35,641
The Wellspring Alliance for Families, Inc	LA	487,834
UNITY for Greater New Orleans, Inc	LA	7,441,308
Vernon Community Action Council, Inc	LA	70,092
Volunteer Center Southwest Louisiana	LA	116,483
Volunteers of America of Greater New Orleans	LA	676,508
Volunteers of America of Greater New Orleans, Inc	LA	995,234
Volunteers of America of North LA	LA	359,304
Volunteers of America of North Louisiana	LA	345,614
Volunteers of America, Greater Baton Rouge	LA	135,184
Volunteers of America, Greater Baton Rouge Inc	LA	173,105
Women Outreaching Women	LA	85,711
YWCA of Northwest Louisiana, Inc	LA	96,394
Action Inc	MA	120,120
Advocates, Inc	MA	645,731
Barnstable Housing Authority	MA	368,184
Berkshire Community Action Council, Inc	MA	232,680
Brockton Coalition for the Homeless, Inc	MA	542,676
Brookline Community Mental Health Center	MA	191,463
Brookline Housing Authority	MA	197,520
Cambridge Housing Authority	MA	410,616
CASPAR, Inc	MA	385,112
Catholic Charities Bureau of the Archdiocese of Boston	MA	50,972
Catholic Social Services of Fall River, Inc	MA	177,521
Central Massachusetts Housing Alliance, Inc	MA	2,425,123
Citizens for Affordable Housing in Newton Development Organization, Inc	MA	12,616
City of Boston	MA	18,283,216
City of Cambridge	MA	2,340,792
City of Fall River	MA	890,342
City of Haverhill	MA	250,725
City of Lawrence	MA	93,081
City of Lowell	MA	819,919
City of New Bedford	MA	1,078,797
City of Northampton	MA	1,322,763
City of Quincy, Massachusetts	MA	926,735
City of Springfield	MA	1,606,918
City of Taunton	MA	91,649
City of Worcester	MA	1,896,468
Commonwealth of Massachusetts	MA	8,438,333
Community Counseling of Bristol County, Inc	MA	320,483
Community Healthlink Inc	MA	610,909
Construct, Inc	MA	41,200
Emmaus Inc	MA	169,642
Family Life Support Center	MA	136,482
Housing Assistance Corporation	MA	267,742
Housing Families Inc	MA	70,140

APPENDIX A—Continued

Recipient	State	Amount
Housing For All Corporation	MA	44,200
Lynn Housing Authority & Neighborhood Development	MA	1,435,337
Lynn Shelter Association	MA	207,284
Mainstream Housing Department/Turning Point Inc	MA	280,745
Massachusetts Dept. of Mental Health	MA	191,280
North Shore Community Action Programs Inc	MA	142,410
Pine Street Inn, Inc	MA	28,000
Quincy Housing Authority	MA	958,356
Residential Care Consortium, Inc	MA	163,497
Shelter, Inc	MA	841,726
Somerville Homeless Coalition, Inc	MA	392,877
Somerville Housing Authority	MA	121,428
South Coastal Counties Legal Services, Inc	MA	24,937
South Middlesex Legal Services, Inc	MA	48,507
South Middlesex Opportunity Council, Inc	MA	195,278
South Shore Housing Development Corporation	MA	125,125
Steppingstone, Inc	MA	329,091
The Psychological Center, Inc	MA	138,734
The Second Step, Inc	MA	376,179
The Somerville Community Corporation, Inc	MA	194,633
Transition House	MA	14,073
Tri-City Community Action Program, Inc	MA	183,961
Twin Cites Community Development Corporation	MA	91,018
Veterans Northeast Outreach Center, Inc	MA	135,488
Vinfen Corporation	MA	36,955
Wayside Youth & Family Support Network	MA	233,871
YWCA of Greater Lawrence	MA	187,950
Advocates for Homeless Families, Inc	MD	24,008
AIDS Interfaith Residential Services, Inc	MD	38,800
Allegany Co. Human Resources Development Commission Inc	MD	167,264
Anne Arundel County, Maryland	MD	1,413,518
Associated Catholic Charities	MD	375,073
Baltimore City	MD	14,347,608
Baltimore County Department of Health	MD	849,386
Baltimore County, Maryland	MD	95,888
Baltimore Mental Health Systems, Inc	MD	1,989,699
Board of County Commissioners of Calvert County, Maryland	MD	18,252
Catholic Charities Archdiocese of Washington	MD	110,637
Catholic Charities of the Archdiocese of Washington	MD	235,903
City of Frederick	MD	201,432
City of Gaithersburg	MD	128,247
Crossroads Community, Inc	MD	140,970
Friends for Neighborhood Progress, Inc	MD	21,751
Garrett County Community Action Committee, Inc. (GCCAC)	MD	211,822
Harford County, Maryland	MD	398,269
Heartly House, Inc	MD	35,074
Housing Opportunities Commission	MD	2,891,699
Howard County, Maryland	MD	562,164
Human Services Developmental Corporation, Inc	MD	74,241
Human Services Programs of Carroll County, Inc	MD	193,468
JHP, Inc	MD	361,875
Laurel Advocacy and Referral Services, Inc	MD	229,003
Maryland Department of Health and Mental Hygiene	MD	3,000,900
Mid-Shore Mental Health Systems, Inc	MD	210,254
Montgomery Avenue Women's Center, Inc	MD	138,183
Montgomery County Coalition for the Homeless, Inc	MD	1,946,567
National Center for Children and Families (NCCF)	MD	623,191
Nehemiah House, Inc	MD	57,295
Prince George's County Government	MD	1,752,234
Rehabilitaion Systems Incorporated	MD	489,015
Somerset County Health Department	MD	658,848
St. Mary's County Housing Authority	MD	468,044
United Communities Against Poverty, Inc. (UCAP)	MD	507,246
Washington County Community Action Council	MD	247,559
Washington County Department of Social Services	MD	45,839
YMCA of Cumberland (MD)	MD	375,794
YWCA of the Greater Baltimore Area, Inc	MD	173,250
Avesta Housing Development Corporation	ME	412,376
Battered Women's Project	ME	27,252
City of Bangor, Maine	ME	968,636
City of Portland	ME	271,555
Community Housing of Maine	ME	280,557

APPENDIX A—Continued

Recipient	State	Amount
Counseling Services, Incorporated	ME	64,410
Ingraham, Inc.—Randall Place	ME	82,356
Kennebec Valley Mental Health Center	ME	32,839
Maine State Housing Authority	ME	221,390
MAPS/My Choice	ME	71,355
New Beginnings, Incorporated	ME	167,117
OHI	ME	32,550
Portland West, Inc	ME	70,652
State of Maine	ME	5,065,375
Volunteers of America Northern New England	ME	375,557
York County Shelter Programs, Incorporated	ME	210,303
YWCA of Greater Portland	ME	126,936
Allegan County Community Mental Health Services	MI	84,800
American Red Cross, East Shoreline Chapter	MI	59,039
Ann Arbor Housing Commission	MI	752,664
Avalon Nonprofit Housing Corporation	MI	169,868
Bay Area Women's Center	MI	106,488
Branch County Coalition Against Domestic Violence	MI	35,122
Capital Area Community Services, Inc	MI	200,600
CareGivers	MI	756,138
Cass Community Social Services, Inc	MI	865,997
Center for Women in Transition	MI	226,745
Charter County of Wayne	MI	1,386,510
City of Lansing	MI	1,140,153
Coalition on Temporary Shelter	MI	927,053
Common Ground Sanctuary	MI	83,164
Community Action Agency	MI	449,983
Community Housing Network, Inc	MI	1,478,923
Community Mental Health Authority of Clinton, Eaton and Ingham Counties	MI	49,875
Community Rebuilders	MI	1,111,725
County of Kent, Michigan	MI	1,210,440
County of Ottawa	MI	245,170
County of Wayne, Divison of Senior Citizen Services/Veteran's Affairs	MI	175,145
Covenant House Michigan	MI	400,233
Detroit Central City CMH, Inc	MI	990,577
Detroit Rescue Mission Ministries	MI	4,077,588
Dwelling Place of Grand Rapids, Inc	MI	228,649
Eastern Upper Peninsula Veterans Foundation	MI	115,166
EightCAP, Inc	MI	56,687
First Step: Western Wayne County Project on Domestic Assault	MI	43,850
Florence Crittenton Services	MI	118,144
Foundation for Mental Health—Grand Traverse/Leelanau	MI	106,449
Freedom House	MI	379,819
Genesis Non-Profit Housing Corporation	MI	58,800
Genesse County Community Action Resource Department	MI	177,492
Good Samaritan Ministries	MI	394,100
Goodwill Industries of Northern Michigan, Inc	MI	32,000
Grand Rapids Housing Commission	MI	467,071
Haven of Rest Ministries, Inc	MI	345,328
Heartside Nonprofit Housing Corporation	MI	63,000
Homeless Action Network of Detroit	MI	190,273
Housing Plus, Inc	MI	198,937
Housing Resources, Inc. (HRI)	MI	456,488
Housing Services for Eaton County	MI	197,007
Human Development Commission	MI	239,014
Inner City Christian Federation	MI	26,651
Jewish Vocational Service	MI	907,155
Kalamazoo Community Mental Health and Substance Abuse Services	MI	402,863
Lansing Housing Commission	MI	252,720
Lenawee Emergency and Affordable Housing Corporation	MI	89,511
Lighthouse of Oakland County	MI	603,783
Lutheran Social Services of Michigan	MI	114,671
Lutheran Social Services of Wisconsin and Upper Michigan, Inc	MI	192,095
Macomb County Rotating Emergency Shelter Team	MI	602,159
Macomb Homeless Coalition	MI	28,890
Mariners Inn	MI	679,517
Metro Housing Partnership, Inc	MI	968,418
Michigan Ability Partners	MI	442,867
Michigan Department of Community Health	MI	3,206,760
Michigan Department of Human Services	MI	2,355,916
Michigan Veterans Foundation	MI	709,836
Monroe County Opportunity Program	MI	100,126

APPENDIX A—Continued

Recipient	State	Amount
Neighborhood Legal Services Michigan (NLSM)	MI	220,773
Oakland Livingston Human Services Agency (OLHSA)	MI	24,411
Ozone House, Inc	MI	109,931
Peckham, Inc	MI	146,877
Positive Images	MI	700,010
POWER, Inc	MI	165,991
Sacred Heart Rehabilitation Center, Inc	MI	194,214
Saginaw Housing Commission	MI	801,819
Simon House	MI	88,675
SIREN/Eaton Shelter, Inc	MI	276,400
SOS Community Services, Inc	MI	2,259,083
Southwest Nonprofit Housing Corporation	MI	355,071
Staircase Youth Services, Inc	MI	100,000
State of Michigan	MI	1,813,160
Summit Pointe	MI	71,332
The Salvation Army	MI	706,575
The Salvation Army Eastern Michigan Division	MI	518,125
Training and Treatment Innovations, Inc	MI	258,847
Travelers Aid Society of Metropolitan Detroit	MI	2,290,705
Underground Railroad, Inc	MI	557,284
United Community Housing Coalition	MI	632,613
Wayne County Neighborhood Legal Services dba NLSM	MI	853,434
Wayne Metropolitan Community Action Agency	MI	433,702
West Michigan Therapy, Inc	MI	296,169
Women's Resource Center for the Grand Traverse Area	MI	56,765
Word Foundation Agape House	MI	105,000
YWCA of Grand Rapids	MI	386,578
Alliance Housing, Inc	MN	206,557
American Indian Community Housing Organization	MN	62,514
Amherst H. Wilder Foundation	MN	1,760,557
Arrowhead Economic Opportunity Agency	MN	97,247
Bi-County Community Action Programs, Inc	MN	204,306
Breaking Free, Inc	MN	90,000
Cabrini House	MN	177,976
Catholic Charites of the Archdiocese of St. Paul and Minneapolis	MN	514,133
Central Community Housing Trust	MN	313,807
Christian Restoration Services	MN	227,595
Crookston HRA	MN	129,300
Dakota County	MN	395,767
Dakota County Community Development Agency	MN	113,916
Elim Transitional Housing, Incorporated	MN	147,226
Emma Norton Services	MN	207,463
Face to Face Health and Counseling Service, Inc	MN	103,670
Freeport West, Inc	MN	726,827
Hennepin County	MN	1,677,615
Housing Authority of St. Louis Park	MN	170,196
Housing Coalition of the St. Cloud Area	MN	315,362
HRA of Duluth	MN	45,900
HRA of Duluth, MN	MN	749,940
HRA of St. Cloud, Minnesota	MN	192,684
Human Development Center	MN	94,589
Human Services Inc., in Washington County, Minnesota	MN	41,874
Kootasca Community Action	MN	31,971
Lakeland Mental Health Center, Inc	MN	83,125
Life House	MN	69,679
Listening Ear Crisis Center Project, Inc	MN	56,961
LivingWorks Ventures	MN	55,999
Lutheran Social Service of MN	MN	32,272
Lutheran Social Society of Minnesota	MN	119,464
Mental Health Resources, Inc	MN	350,709
Mental Health Resources, Incorporated	MN	169,931
Metropolitan Council	MN	1,653,060
Minneapolis Public Housing Authority	MN	299,700
Minnesota Assistance Council for Veterans	MN	57,929
Minnesota Assistance Council for Veterans (MACV)	MN	28,003
Model Cities of Saint Paul, Inc	MN	141,382
Motivation Education & Training, Inc	MN	140,663
New Pathways, Incorporated	MN	105,265
New Foundation, Inc	MN	298,090
Northwestern Mental Health Center, Inc	MN	47,400
Olmsted County	MN	122,736
Partners for Affordable Housing, Inc	MN	12,098

APPENDIX A—Continued

Recipient	State	Amount
People Incorporated	MN	156,482
Perspectives, Inc	MN	342,672
Pillsbury United Communities	MN	561,263
Plymouth Church Neighborhood Foundation	MN	267,946
Project for Pride in Living, Inc	MN	128,625
Range Mental Health Center, Inc	MN	79,154
Range Transitional Housing, Inc	MN	321,794
Resource	MN	571,623
RS Eden	MN	194,586
Ruth's House of Hope, Inc	MN	204,988
Safe Haven Shelter for Youth	MN	133,777
Scott County HRA	MN	88,464
St. Paul Urban League	MN	26,136
Steele County Transitional Housing, Inc	MN	22,942
Supportive Housing and Managed Care Pilot	MN	404,964
Supportive Housing and Managed Care Pilot, aka Hearth Connection	MN	71,064
The Family Place	MN	53,208
The Salvation Army	MN	769,098
Theresa Living Center	MN	139,562
Three Rivers Community Action, Inc	MN	333,642
Tubman Family Alliance	MN	97,085
Violence Intervention Project	MN	42,809
Virginia HRA	MN	68,640
Women's Advocates, Inc	MN	72,030
Women's Transitional Housing Coalition, Inc	MN	189,686
Young Women's Christian Association of St. Paul, MN	MN	80,585
YWCA of Duluth	MN	16,800
Barry Lawrence Advocates Standing Together (BLAST)	MO	297,990
Benilde Hall	MO	100,380
Budget and Financial Management Assistance	MO	121,390
City of Kansas City, Missouri	MO	649,452
City of St. Joseph, MO	MO	47,170
City of St. Louis	MO	6,313,678
Community Caring Council	MO	361,872
Community LINC	MO	110,057
Community Services League	MO	56,497
Economic Security Corporation of Southwest Area	MO	171,473
Families Assisted in Transitional Housing, Inc	MO	87,295
Family Counseling Center, Inc	MO	240,005
Family Self-Help Center, Inc	MO	29,804
High Hope Employment Services, Inc	MO	235,830
Housing Authority of Kansas City, Missouri	MO	491,280
Housing Authority of the City of Columbia, Missouri	MO	295,488
Interfaith Community Services, Inc. (InterServ)	MO	694,551
Mental Health Association of the Heartland	MO	64,099
Mid America Assistance Coalition	MO	43,358
Missouri Association for Social Welfare	MO	221,588
Missouri Department of Mental Health	MO	7,440,636
New Hope Ministries and Resource Center	MO	315,817
North East Community Action Corporation	MO	212,234
Ozarks Area Community Action Corporation (OACAC)	MO	26,655
Phoenix Programs, Inc	MO	71,122
RAIN Regional Aids Interfaith Network—Central Missouri, Inc	MO	51,597
reStart, Inc	MO	226,306
Ripley County Family Resource Center	MO	160,711
Rose Brooks Center, Inc	MO	203,610
S.E.M.O. Christian Restoration Center	MO	212,268
SAVE Inc	MO	490,156
Sheffield Place	MO	163,079
St. Louis County	MO	196,488
Swope Health Services	MO	185,281
The Housing Authority of Springfield	MO	104,472
The Kansas City Metropolitan Lutheran Ministry	MO	213,515
The Kitchen, Inc	MO	472,750
The Salvation Army	MO	369,217
The Salvation Army an Ilinois Corporation	MO	232,321
Truman Medical Center, Inc	MO	513,246
Vision House of Cape Girardeau	MO	275,255
Bolivar County Community Action Agency, Inc	MS	644,832
Catholic Charities	MS	169,048
City of Natchez	MS	328,177
Forrest General Hospital Pine Grove Behavioral Health Division	MS	250,000

APPENDIX A—Continued

Recipient	State	Amount
Hinds County Human Resource Agency	MS	118,650
Multi-County Community Service Agency, Inc	MS	349,999
New Dimensions Development Foundation, Inc	MS	159,238
New Life for Women, Inc	MS	199,999
Open Doors Homeless Coalition	MS	45,648
Recovery House, Inc	MS	321,176
Sanctuary Hospice House, Inc	MS	262,500
Stewpot Community Services	MS	49,392
The University of Southern Mississippi	MS	144,618
God's Love, Inc	MT	150,470
Helena Housing Authority	MT	160,944
Housing Authority of Billings	MT	83,160
Human Resources Council, District XII	MT	90,958
Missoula County	MT	374,210
Missoula Housing Authority	MT	461,040
Mountain Home Montana, Inc	MT	76,798
Northwest Montana Human Resources, Inc	MT	71,538
Public Housing Authority of Butte	MT	72,696
Sanders County Coalition for Families	MT	56,964
State of Montana	MT	66,980
Supporters of Abuse Free Environments, Inc	MT	35,700
The Poverello Center, Inc	MT	74,934
The Samaritan House, Inc	MT	63,000
Affordable Housing Coalition	NC	260,360
Alamance-Caswell Area Mental Health/Dev.Disabilities/Substance Abuse	NC	97,308
Alcohol and Drug Services of Guilford, Inc	NC	36,838
Allied Churches of Alamance County, Inc	NC	466,400
Brunswick Family Assistance Agency, Inc	NC	42,633
Burke United Christian Ministries, Inc	NC	384,414
CenterPoint Human Services	NC	216,684
Chrysalis Foundation for Mental Health, Inc	NC	78,151
City of High Point	NC	265,440
City of Winston-Salem	NC	880,015
Coastal Horizons Center, Inc	NC	78,975
Community Alternatives for Supportive Abodes, Incorporated dba CASA	NC	563,706
Community Link, Programs of Travelers Aid	NC	459,665
Cumberland County, NC	NC	231,922
Cumberland Interfaith Hospitality Network	NC	378,216
Family Services of the Piedmont, Inc	NC	37,834
First Fruit Ministries	NC	120,716
Five County Mental Health Authority	NC	936,168
Gaston County Interfaith Hospitality Network, Inc	NC	38,850
Good Shepherd Ministries of Wilmington, Inc	NC	56,073
Greensboro Housing Authority	NC	121,776
Greensboro Urban Ministry, Inc	NC	63,000
Greenville Community Life Center	NC	72,177
Haven House Inc	NC	137,364
Hope Haven, Inc	NC	553,347
Hospitality House of Asheville, Inc	NC	182,886
Hospitality House of the Boone Area, Inc	NC	63,109
Housing Authority of the City of Wilmington	NC	102,432
Housing for New Hope, Inc	NC	772,877
Inter-Faith Council for Social Service	NC	11,000
Love Center for Community Enhancement	NC	73,176
Mary's House, Inc	NC	135,982
Mecklenburg County Area MH, DD, & SA Authority	NC	1,334,207
Mecklenburg County Health Department Homeless Support Services	NC	145,136
Neuse Center for MH/DD/SAS	NC	223,884
Next Step Ministries, Inc	NC	37,800
North Carolina Housing Coalition Inc	NC	540,204
North Carolina Housing Coalition, Inc	NC	30,000
Northwestern Housing Enterprises, Incorporated	NC	62,891
OPC Mental Health, Dev. Disabilities and Substance Abuse Authority	NC	186,948
Open Door Ministries for High Point, Inc	NC	48,919
Passage Home, Inc	NC	503,539
Pathways Services, Inc	NC	268,088
PLM Families Together, Incorporated	NC	82,334
Rokingham County Help for Homeless, Inc	NC	232,806
Sandhills Community Action Program, Inc	NC	240,792
Smoky Mountain Center	NC	1,018,800
St. Peter's Homes, Inc	NC	33,333
Surry Homeless and Affordable Housing Coalition	NC	180,274

APPENDIX A—Continued

Recipient	State	Amount
The Christian Couseling and Wellness Group, Inc	NC	500,000
The Salvation Army, A Georgia Corporation	NC	337,650
The Servant Center, Inc	NC	47,586
Tideland Mental Health Center MH/DD/SAS	NC	21,492
United Community Ministries	NC	88,200
Volunteers of America of the Carolinas, Inc	NC	86,997
Wake County Human Services	NC	1,086,361
Western Highlands, A Local Management Entity	NC	245,652
Abused Adult Resource Center	ND	78,682
Community Violence Intervention Center	ND	94,772
Fargo Housing and Redevelopment Authority	ND	338,460
North Dakota Department of Commerce	ND	124,248
Prairie Harvest Human Services Foundation	ND	84,999
Ruth Meiers Hospitality House, Inc	ND	119,998
Society of St. Vincent de Paul	ND	15,277
Women's Alliance, Inc	ND	37,600
YWCA Cass Clay	ND	441,364
Blue Valley Community Action, Inc	NE	220,019
Catholic Charities of the Archdiocese of Omaha, Inc	NE	213,234
Catholic Social Services	NE	207,028
CEDARS Youth Services	NE	130,707
CenterPointe, Inc	NE	630,885
Central Nebraska Community Services	NE	320,949
City of Lincoln	NE	89,760
Community Action of Partnership Mid-Nebraska	NE	116,361
Community Alliance Rehabilitation Services	NE	196,430
Goldenrod Hills Community Action	NE	27,171
Heartland Family Service	NE	338,477
Hope of Glory Ministries, Inc	NE	76,822
Lincoln Action Program	NE	449,539
Panhandle Partnership for Health and Human Services	NE	31,896
St. Monica's	NE	140,456
Stephen Center, Inc	NE	52,238
The Salvation Army	NE	343,611
Behavioral Health & Developmental Services of Strafford County, Inc	NH	229,680
Child & Family Services of NH	NH	334,587
Families in Transition	NH	245,294
Greater Nashua Council on Alcoholism, Inc	NH	60,083
Harbor Homes, Inc	NH	1,269,691
Marguerite's Place, Inc	NH	58,481
My Friend's Place	NH	54,239
New Hampshire Department of Health and Human Services	NH	1,584,307
New Hampshire Department of HHS	NH	260,902
Northern Human Services (Formerly No. NH Mental Health and Dev. Services)	NH	132,011
Southern New Hampshire Services, Inc	NH	32,192
The Prayer Hall, Inc. (d/b/a Welcome Home)	NH	90,050
Tri-County Community Action Program, Inc	NH	188,568
West Central Services, Inc	NH	66,037
180, Turning Lives Around, Inc	NJ	194,290
AAH of Bergen County, Inc	NJ	189,840
Advance Housing, Inc	NJ	954,373
AIDS Coalition of Southern New Jersey	NJ	22,042
AIDS Resource Foundation for Children	NJ	400,000
Alternatives, Inc	NJ	199,757
Bergen County Community Action Partnership, Inc	NJ	74,537
Burlington County Community Action Program	NJ	24,839
Camden County Council on Economic Opportunity, Inc	NJ	699,560
Caring for the Kids Exchange Club Family Center	NJ	42,423
Catholic Charities of the Archdiocese of Newark	NJ	421,752
Catholic Charities of the Diocese of Camden	NJ	27,257
Catholic Charities, Diocese of Metuchen	NJ	247,661
Catholic Charities, Diocese of Trenton	NJ	200,089
Center For Family Services	NJ	126,811
City of East Orange	NJ	464,664
City of Trenton	NJ	1,769,412
Collaborative Support Programs of New Jersey PHA NJ880	NJ	1,110,060
Convenant House New Jersey	NJ	1,346,676
Counseling and Referral Services of Ocean, Inc	NJ	472,830
County of Bergen	NJ	106,315
County of Monmouth	NJ	989,304
County of Union	NJ	1,305,964
Dooley House Inc	NJ	238,301

APPENDIX A—Continued

Recipient	State	Amount
Englewood Housing Authority	NJ	1,755,300
Family Service	NJ	42,000
HABcore, Inc	NJ	292,802
Hispanic Multi Purpose Service Center	NJ	83,804
Homeless Solutions, Inc	NJ	680,661
Housing Authority of the Township of Edison	NJ	640,800
Info Line of Middlesex County	NJ	15,114
Interfaith Homeless Outreach Council	NJ	25,133
Isaiah House, Inc	NJ	1,130,355
Jersey Battered Women's Service, Inc	NJ	198,137
Jersey City Episcopal Community Development Corporation	NJ	451,047
LADACIN Network, Inc	NJ	28,347
Mental Health Association of Morris County	NJ	60,060
Middlesex Interfaith Partners with the Homeless	NJ	244,109
New Community Harmony House Corporation	NJ	328,143
New Jersey Department of Community Affairs	NJ	188,881
New Jersey Department of Community Affairs	NJ	1,041,713
New Jersey Department of Milltary and Veterans Affairs	NJ	330,372
New Jersey Housing and Mortage Finance Agency	NJ	81,727
New Jersey Housing and Mortgage Finance Agency	NJ	593,331
NJ Home, Inc	NJ	389,353
North Hudson Community Action Corporation	NJ	424,888
O.C.E.A.N. Inc	NJ	113,001
Ocean's Harbor House, Inc	NJ	52,500
Our Lady of Lourdes Health Foundation, Inc	NJ	232,413
Passaic County Department of Human Services	NJ	854,794
Paterson Coalition for Housing	NJ	358,740
Positive Health Care Inc	NJ	315,000
Project Live, Inc	NJ	420,000
Saint Joseph's Home	NJ	558,534
Salem County Inter-Agency Council of Human Services, Inc	NJ	137,550
Shelter Our Sisters	NJ	42,021
South Jersey Behavioral Health Resources, Inc	NJ	91,137
Southern New Jersey Housing Corporation	NJ	33,597
St. Phillip's Ministry of the UMC	NJ	90,825
Strengthen Our Sisters	NJ	233,334
The DACKKS Group for Supportive Housing Development, Inc	NJ	369,936
The Doe Fund, Inc	NJ	1,239,269
The House of Faith, Inc	NJ	293,475
The Lester A. Drenk Behavioral Health Center, Inc	NJ	120,720
Township of Irvington	NJ	384,172
Transitional Housing Services, Inc	NJ	66,182
Vantage Health System, Inc	NJ	347,189
Vetgroup, Inc	NJ	55,999
Volunteers of America Delaware Valley, Inc	NJ	893,931
Women Rising, Inc	NJ	644,268
Albuquerque Health Care for the Homeless, Inc	NM	135,267
Albuquerque Mental Health Housing Coalition, Inc	NM	635,017
Barrett Foundation, Inc	NM	121,227
Catholic Charties	NM	707,143
City of Albuquerque	NM	2,210,095
City of Santa Fe	NM	528,492
Daybreak Center	NM	199,978
DreamTree Project Inc	NM	144,717
Eastern Plains Council of Governments	NM	235,660
Goodwill Industries of New Mexico	NM	222,931
Human Rights Advocacy, Inc	NM	186,900
La Casa, Inc	NM	221,655
Mesilla Valley Community of Hope	NM	586,050
New Mexico Coalition to End Homelessness	NM	87,150
S.A.F.E. House	NM	42,097
St. Martin's Hospitality Center	NM	115,500
Town of Taos	NM	450,000
Transitional Living Services, Inc	NM	381,300
Carson City Health & Human Services	NV	197,700
Churchill County	NV	44,999
Douglas County	NV	60,000
HELP Las Vegas Housing Corporation	NV	585,693
HELP of Southern Nevada	NV	1,016,230
Henderson Allied Community Advocates	NV	315,986
Nevada Partnership for Homeless Youth	NV	665,563
Northern Nevada Adult Mental Health Services	NV	436,080

APPENDIX A—Continued

Recipient	State	Amount
Northern Nevada Community Housing Resource Board	NV	51,955
ReStart	NV	681,436
Rural Clinics	NV	219,516
St. Vincent HELP, Incorporated	NV	101,508
State of Nevada	NV	905,556
Temporary Assistance for Domestic Crisis, Incorporated	NV	113,851
The Salvation Army, A California Corporation	NV	323,451
Washoe County	NV	284,160
Women's Development Center	NV	605,202
163rd Street Improvement Council, Inc	NY	297,675
Adirondack Vets House, Inc	NY	75,417
Albany Housing Authority	NY	548,832
Albany Housing Coalition, Inc	NY	29,970
Altamont Program, Inc	NY	62,300
Anchor House, Inc	NY	240,648
Argus Community, Inc	NY	1,171,701
ARISE Child and Family Service, Inc	NY	100,526
Association to Benefit Children	NY	115,706
B.A.S.I.C.S., Inc	NY	353,208
Banana Kelly Community Improvement Association, Inc	NY	376,756
Bethesda House of Schenectady, Inc	NY	320,197
Binghamton Housing Authority	NY	345,600
Bowery Residents' Committee, Inc	NY	2,456,973
Brooklyn Bureau of Community Service	NY	724,598
Catherine McAuley Housing, Inc./dba Mercy Residential Services	NY	200,180
Catholic Charities Diocese of Rockville Centre	NY	370,249
Catholic Charities Housing Office	NY	175,875
Catholic Charities of the Roman Catholic Diocese of Syracuse	NY	166,666
Catholic Charities of the Roman Catholic Diocese of Syracuse, NY	NY	478,088
Cattaraugus Community Action, Inc	NY	94,315
Cazenovia Recovery System, Inc	NY	241,125
Center for Urban Community Services, Inc	NY	1,828,075
Central New York Services, Inc	NY	992,975
Circulo de la Hispanidad, Inc	NY	1,210,102
Citizens Advice Bureau	NY	1,304,999
City of Mount Vernon (NY)	NY	866,502
City of Schenectady	NY	160,560
Coalition for the Homeless	NY	367,553
Columba Kavanagh House, Inc	NY	554,829
Common Ground Community IV HDFC	NY	141,382
Community Action for Human Services, Inc	NY	565,448
Community Counseling and Mediation Services	NY	238,951
Community Housing Innovations. Inc	NY	375,843
Comunilife, Inc. (formerly known as Health Industry Resources Enterprises, Inc.)	NY	1,298,844
Concern for Independent Living, Inc	NY	649,262
Corporation for AIDS Research Education and Services, Inc. (CARES, Inc.)	NY	25,000
Corporation for AIDS Research, Education and Services	NY	34,666
Corporation for AIDS Research, Education and Services, Inc	NY	33,333
Corporation for AIDS Research, Education and Services, Inc. (CARES, Inc.)	NY	16,666
Council on Alcoholism & Drug Abuse of Sullivan County, Inc	NY	197,129
Covenant House New York/Under 21, Inc	NY	2,239,707
Crystal Run Village, Inc	NY	1,019,689
Damon House New York, Inc	NY	262,479
DePaul Community Services	NY	64,439
Domestic Violence and Rape Crisis Services of Saratoga County	NY	294,127
Dutchess County	NY	359,437
East New York Urban Youth Corps	NY	96,756
El Regreso Foundation	NY	253,855
Equinox, Inc	NY	327,217
Erie County Department of Mental Health	NY	2,304,407
Fairview Recovery Services, Inc	NY	704,198
Family and Children's Association	NY	526,237
Family of Woodstock, Inc	NY	91,667
Family Residences & Essential Enterprises	NY	312,061
Family Residences & Essential Enterprises, Incorporated	NY	127,552
Federation Employment and Guidance Service, Inc	NY	1,796,924
Federation of Organizations for the NYS Mentally Disabled, Inc	NY	206,492
Fillmore-Leroy Area Residents, Inc	NY	67,417
Fountain House, Inc	NY	784,008
Gateway Community Industries, Inc	NY	91,069
Gerard Place Housing Development Fund Company, Inc	NY	177,910
Goddard Riverside Community Center	NY	696,909

APPENDIX A—Continued

Recipient	State	Amount
Good Shepherd Services	NY	414,000
Greystone Health Services, Incorporated	NY	317,585
H.O.M.E.E. CLINIC, INC	NY	131,936
Hands Across Long Island, Inc	NY	349,637
Harlem United Community AIDS Center	NY	354,616
Help Social Service Corporation	NY	1,338,679
HELP Suffolk, Inc	NY	127,897
Helping Hands Unlimited, Inc	NY	160,454
Heritage Health and Housing, Inc	NY	845,379
Homeless Action Committee, Inc	NY	79,747
Homeless and Travelers Aid Society of the Capital District, Inc	NY	498,138
Housing Options Made Easy, Inc	NY	161,486
Housing Works, Inc	NY	803,169
Hudson River Housing, Inc	NY	138,842
Institute for Community Living, Inc	NY	1,820,969
Interfaith Hospitality Network of Greater Buffalo	NY	22,875
Interfaith Nutrition Network (The INN)	NY	104,878
Jefferson County Department of Social Services	NY	597,660
John Heuss Corporation	NY	77,030
Joseph's House & Shelter, Inc	NY	186,984
Legal Aid Society of Northeastern New York, Inc	NY	65,715
Legal Services of the Hudson Valley	NY	52,753
Lenox Hill Neighborhood House, Inc	NY	557,192
Lower Eastside Service Center, Inc	NY	492,100
Lutheran Social Services of Metropolitan New York	NY	210,000
Mental Health Association in Ulster County, Inc	NY	139,060
Mental Health Association of NYC, Inc	NY	869,154
Metropolitan Council on Jewish Poverty	NY	99,942
Minority Task Force on Aids DBA Faces NY	NY	282,884
MTI Residential Services, Inc	NY	937,767
Nassau County Coalition Against Domestic Violence	NY	147,497
Nassau/Suffolk Law Services Committee, Inc	NY	139,232
Neighborhood Coalition for Shelter, Inc	NY	240,287
New York City Department of Homeless Services	NY	1,090,920
New York State Office of Alcoholism and Substance Abuse Services	NY	392,940
New York State Office of Alcoholism & Substance A/O Use Services	NY	6,112,824
New York State Office of Alcoholism and Substance Abuse Services	NY	2,577,168
New York State Office of Mental Health	NY	780,180
Newburgh Community Improvement Corporation	NY	75,067
Niagara County	NY	15,467
NYC Dept of Housing Preservation and Development	NY	16,307,928
NYS Office of Mental Health	NY	3,921,484
Options for Community Living, Inc	NY	358,778
Options for Independence, Inc	NY	221,882
Palladia, Inc	NY	4,008,720
Pathways to Housing, Inc	NY	1,100,688
PEOPLe, Inc	NY	164,304
Phase-Piggy Back, Inc	NY	443,065
Pibly Residential, Programs, Inc	NY	463,234
Planned Parenthood of Buffalo & Erie County, Inc	NY	66,832
Praxis Housing Intiatives, Inc	NY	795,229
Project for Psychiatric Outreach to the Homeless, Inc	NY	438,139
Project Hospitality, Inc	NY	370,557
Project Renewal	NY	2,015,963
Regional Economic Community Action Program Inc	NY	65,810
Rehabilitation Support Services	NY	188,010
Restoration Society, Inc	NY	274,708
Rochester Housing Authority	NY	2,707,272
Rural Opportunities, Inc	NY	82,137
Safe Inc. of Schenectady	NY	96,534
Safe Space NYC, Inc	NY	225,610
Samaritan Village, Inc	NY	526,459
Saratoga County Rural Preservation Company	NY	43,997
Services for the UnderServed Mental Health Services, Inc	NY	1,554,383
Society of St. Vincent de Paul, Diocesan Council of Rockville Centre	NY	300,168
South Shore Association for Independent Living, Inc	NY	730,330
Southern Tier Environments for Living, Inc	NY	55,392
Spiritus Christi Prison Outreach, Inc	NY	333,500
State of New York	NY	310,512
Steuben County	NY	346,908
Suburban Housing Development & Research, Inc	NY	199,353
Suicide Prevention and Crisis Services	NY	19,699

APPENDIX A—Continued

Recipient	State	Amount
Support Ministries, Inc	NY	111,321
Syracuse Brick House, Inc	NY	563,656
Syracuse Housing Authority	NY	2,190,828
Tempro Development Company, Inc	NY	678,251
The Bridge, Inc	NY	791,411
The Center for Youth Services, Inc	NY	33,251
The Doe Fund, Inc	NY	3,013,782
The Educational Alliance, Inc	NY	464,529
The Fortune Society, Inc	NY	448,157
The Jericho Project	NY	49,671
The Lantern Group	NY	630,000
The Municipal Housing Authority for the City of Yonkers	NY	1,478,043
The Nassau-Suffolk Coaliton for the Homeless	NY	457,800
The Rescue Mission Alliance of Syracuse, NY	NY	200,000
The Salvation Army	NY	758,887
The Salvation Army of Syracuse	NY	1,123,363
Tompkins Community Action	NY	101,793
Transitional Services Association, Inc	NY	34,721
Troy Housing Authority	NY	471,648
Ulster Department of Social Services	NY	61,320
United Bronx Parents, Inc	NY	911,516
United Veterans Beacon House, Inc	NY	267,576
Unity Health System	NY	640,600
Unity House of Troy, Inc	NY	936,935
University Consultation & Treatment Center for Mental Hygiene, Inc	NY	244,998
Urban Justice Center	NY	252,397
Urban Pathways, Inc	NY	680,235
Urban Resource Institue	NY	250,294
Veritas Therapeutic Community, Inc	NY	98,910
VIP Community Services, Inc	NY	596,537
Warren-Washington Association for Mental Health	NY	109,347
Wayne County Action Program, Inc	NY	22,257
West Side Federation for Senior and Supportive Housing, Inc	NY	628,117
Westchester County	NY	7,662,621
WestHELP, Incorporated	NY	41,779
Weston United Community Renewal, Inc	NY	224,900
Wilson Commencement Park	NY	417,075
Women in Need, Inc	NY	832,798
Y.W.C.A. of the Mohawk Valley	NY	485,510
YMCA of Greater New York	NY	570,504
YMCA of Rochester and Monroe County	NY	123,781
Young Women's Christian Association of Troy Cohoes	NY	75,000
YWCA of Binghamton/Broome County	NY	214,161
YWCA of Schenectady	NY	633,814
YWCA of Western New York	NY	79,610
Addiction Programs of Mahoning County, Incorporated	OH	242,630
AIDS Taskforce of Greater Cleveland	OH	373,969
Akron Metropolitan Housing Authority	OH	345,384
Amethyst, Inc	OH	161,171
Aurora Project, Inc	OH	103,773
Beatitude House	OH	71,250
Bethany House Services, Incorporated	OH	1,028,137
Catholic Charities Diocese of Toledo	OH	86,552
Catholic Charities Regional Agency	OH	25,624
Center for Respite Care, Incorporated	OH	485,760
City of Cincinnati	OH	3,283,440
City of Dayton, Ohio	OH	2,157,432
City of Springfield	OH	94,956
Cleveland Housing Network, Incorporated	OH	239,253
Coleman Professional Services	OH	160,389
Columbiana County Mental Health Clinic	OH	36,667
Columbus Metropolitan Housing Authority	OH	3,499,044
Community Action Partnership of the Greater Dayton Area	OH	55,566
Community AIDS Network	OH	131,599
Community Housing Network, Inc	OH	2,192,142
Community Legal Aid Services, Incorporated	OH	52,792
Community Shelter Board	OH	42,771
Community Support Services, Inc	OH	145,274
Continue Live, Incorporated	OH	212,973
Cuyahoga County	OH	12,077,123
Cuyahoga Metropolitan Housing Authority (CMHA)	OH	1,136,769
Daybreak, Inc	OH	188,769

APPENDIX A—Continued

Recipient	State	Amount
East Side Catholic Center and Shelter, Incorporated	OH	187,749
Emerald Development & Economic Network (EDEN), Incorporated	OH	2,014,614
Family & Community Services, Inc	OH	300,092
Family Abuse Shelter of Miami County, Inc	OH	60,900
Family Transitional Housing, Incorporated	OH	344,232
Family Violence Prevention Center of Greene County	OH	123,054
Freestore Foodbank, Incorporated	OH	505,397
Friends of the Homeless, Inc	OH	260,680
Geauga Community Board of Mental Health, Drug & Alcohol Services	OH	86,808
Greater Cincinnati Oral Health Council	OH	539,294
Greene Metropolitan Housing Authority	OH	131,208
H.M. Life Opportunity Services	OH	640,940
Health Foundation Fund	OH	857,103
Hitchcock Center for Women, Incorporated	OH	512,244
Huckleberry House, Inc	OH	229,539
ICAN, Inc	OH	655,280
Ironton-Lawrence County Area Community Action Organization, Inc	OH	101,333
Jefferson County Community Action Council, Inc	OH	138,432
Joseph's Home	OH	273,056
Justice Watch, Incorporated	OH	183,621
Legacy III, Inc	OH	544,295
Licking County Coalition for Housing	OH	582,448
Licking Metropolitan Housing Authority	OH	175,152
Lighthouse Youth Services Incorporated	OH	441,075
Lorain Metropolitan Housing Authority	OH	506,136
Lucas Co. TASC, Inc	OH	637,786
Lucas County Mental Health Board	OH	1,618,759
Lucas Metropolitan Housing Authority	OH	686,400
Lutheran Metropolitan Minstry	OH	100,314
M.R.M.T.O.A.P., Inc	OH	32,555
Mental Health & Recovery Board of Union County	OH	60,580
Mental Health Services for Homeless Persons, Incorporated	OH	2,545,214
Mercy Manor, Inc	OH	101,718
Meridian Services, Incorporated	OH	405,638
Miami Valley Housing Opportunities, Inc	OH	351,865
National Church Residences	OH	250,092
Neighborhood Health Association of Toledo, Inc	OH	158,939
New Sunrise Products, Inc	OH	44,316
North Coast Community Homes, Inc	OH	84,032
Northeast Ohio Coalition for the Homeless (NEOCH)	OH	105,000
Ohio Multi-County Development Corporation	OH	497,618
Ohio Valley Goodwill Industries Rehabilition Center, Incorporated	OH	873,926
Over-the-Rhine Community Housing, Incorporated	OH	612,880
Pickaway County Community Action Organization	OH	123,145
PLACES, Inc	OH	1,006,300
Preparation for Adult Living (P.A.L.) Mission	OH	200,000
Project Woman	OH	246,710
Shelterhouse Volunteer Group, Incorporated dba Drop Inn Center	OH	140,931
Springfield District Council of the St. Vincent de Paul Society	OH	30,856
St. Vincent Hotel, Inc	OH	180,000
Stark Metropolitan Housing Authority	OH	339,048
State of Ohio	OH	204,168
Tender Mercies Incorporated	OH	175,889
The Community Health Center	OH	857,982
The Greater Youngstown Point, Incorporated	OH	80,150
The Mental Health, Drug and Alcohol Services Board	OH	40,348
Transitional Housing, Incorporated	OH	245,057
United Way of the Greater Dayton Area	OH	137,898
Volunteers of America Northwest Ohio, Inc	OH	289,999
Volunteers of America of Northeast and North Central Ohio, Incorporated	OH	405,277
Western Stark Medical Clinic, Inc	OH	124,951
Wooster Interfaith Housing Corp	OH	263,000
WSOS Community Action Commission, Inc	OH	344,354
YMCA of Greater Cleveland	OH	342,158
Young Women's Chrisitian Association, Inc	OH	41,569
Young Women's Christian Association of Greater Cincinnati, Incorporated	OH	322,637
Young Women's Christian Association of Youngstown, Ohio	OH	802,850
Youngstown State University	OH	90,659
YWCA Columbus	OH	99,015
YWCA of Dayton	OH	1,265,549
YWCA of Elyria	OH	120,933
Zanesville Metropolitan Housing Authority	OH	41,376

APPENDIX A—Continued

Recipient	State	Amount
12 & 12, Inc	OK	122,458
City of Oklahoma City	OK	2,278,535
Community Action Resources & Development, Inc	OK	131,454
Community Service Council of Greater Tulsa	OK	129,113
Domestic Violence Intervention Services, Inc	OK	149,370
East Main Place, Inc	OK	45,779
Food and Shelter for Friends	OK	53,000
Freedom from Addiction Through Christ	OK	43,632
KI BOIS Community Action Foundation, Inc	OK	119,403
Legal Aid Services of Oklahoma, Inc	OK	111,920
Mental Health Association in Tulsa	OK	919,431
Norman Housing Authority	OK	67,872
Northeast Oklahoma Community Action Agency, Inc	OK	84,130
Oklahoma Mental Council d/b/a/ Red Rock Behavioral Health Services	OK	162,175
State of Oklahoma	OK	191,244
The Salvation Army, A Georgia Corporation	OK	522,080
Volunteers of America, Inc	OK	285,579
Waynoka Mental Health Authority	OK	224,440
ACCESS, Inc	OR	14,198
Bradley-Angle House	OR	71,273
Cascadia Behavioral Healthcare, Inc	OR	823,918
Central City Concern	OR	725,357
Central Oregon Community Action Agency Network (COCAAN)	OR	296,759
City of Portland	OR	367,924
Clackamas County Social Services	OR	75,864
Clackamas Women's Services	OR	79,371
Community Action Organization	OR	330,437
Community Services Consortium	OR	152,242
Community Works, Inc	OR	119,700
Eugene/Springfield/Lane County CoC	OR	1,188,593
Housing and Community Services Agency of Lane County	OR	334,656
Housing Authority of Clackamas County	OR	71,886
Housing Authority of Portland	OR	417,432
Human Solutions. Inc	OR	50,000
Mid-Willamette Valley Community Action Agency, Incorporated	OR	414,778
Multnomah County	OR	2,051,814
Neighborhood House, Inc	OR	276,781
Northwest Human Services, Incorporated	OR	235,025
Northwest Pilot Project, Inc	OR	118,371
Open Door Counseling Center	OR	76,190
Oregon Housing and Community Services	OR	1,284,288
Portland Impact, Inc	OR	115,737
Rouge Valley Council of Governments	OR	133,665
Shangri-La Corporation	OR	37,800
Southwest Oregon Community Action Committee, Incorporated	OR	37,143
St. Vincent dePaul Society of Lane County, Inc	OR	471,956
The Inn Home for Boys	OR	241,294
The Salvation Army	OR	39,375
The Salvation Army, A Califorinia Corporation	OR	125,769
Transition Projects, Inc	OR	781,578
Washington County Department of Housing Services	OR	1,145,841
1260 Housing Development Corporation	PA	883,589
Achieve Ability	PA	474,600
Allegheny County	PA	12,144,384
American Red Cross, Lower Bucks County Chapter	PA	80,905
Armstrong County Community Action Agency	PA	354,924
Associacion De Puertorriquenos En Marcha, Inc. (APM)	PA	372,654
Berks Counseling Center, Inc	PA	671,955
Bethesda Project	PA	160,901
Blair County Community Action Program	PA	540,667
Bucks County	PA	108,796
Bucks County Housing Group, Inc	PA	160,407
Bucks County Office of Employment & Training, Inc	PA	93,698
Butler County Community Action & Development	PA	161,013
Cameron & Elk Counties MH/MR Program	PA	130,911
Catherine McAuley Center	PA	272,997
Catholic Social Services Diocese of Scranton, Inc	PA	425,475
Catholic Social Services of Delaware County	PA	200,009
Chester County	PA	454,011
City Mission—Living Stones, Inc	PA	241,998
City of Philadelphia	PA	4,664,644
Co-County Wellness Services dba Berks AIDS Network	PA	93,600

APPENDIX A—Continued

Recipient	State	Amount
Commission on Economic Opportunity	PA	160,512
Committee for Dignity and Fairness for the Homeless Housing Development, Inc	PA	400,380
Commonwealth of Pennsylvania	PA	242,200
Community Action Agency of Delaware County, Inc	PA	816,600
Community Action Committee of the Lehigh Valley	PA	111,341
Community Action Partnership of Mercer County (CAPMC)	PA	120,515
Community Action Southwest	PA	36,228
Community Action, Inc	PA	302,407
Community Housing Services	PA	385,138
Community Services of Venango County, Inc	PA	140,035
Community Youth and Women's Alliance, Inc	PA	44,594
Connect, Inc	PA	638,362
Council of Chemical Abuse	PA	412,416
County of Delaware	PA	359,400
County of Franklin	PA	283,766
County of Montgomery, Pennsylvania	PA	136,639
County of Washington	PA	1,086,958
Crawford County Mental Health Awareness Program, Inc. (CHAPS)	PA	356,434
Dauplin County	PA	95,500
Delaware County Housing Authority	PA	986,375
DELTA Housing, Inc	PA	84,067
Domestic Abuse Project of Delaware County, Inc	PA	146,907
Domestic Violence Center of Chester County	PA	87,174
Domestic Violence Service Center, Inc	PA	57,015
DuBois Housing Authority	PA	148,032
Easy Does It, Inc	PA	68,599
Episcopal Ministries of the Diocese of Bethlehem d/b/a New Bethany Ministries	PA	237,277
Erie County Department of Human Services, MH/MR	PA	628,128
Family and Community Service of Delaware County	PA	112,440
Family Services of Montgomery County	PA	181,692
Fayette County Community Action Agency, Inc	PA	731,570
Gaudenzia Foundation, Inc	PA	504,521
Gaudenzia, Inc	PA	65,953
Habor Point Housing	PA	339,973
Hedwig House, Inc	PA	181,201
HELP Development Corporation	PA	650,162
Holcomb Behavioral Health Systems	PA	114,424
Horizon House	PA	697,019
Horizon House, Inc	PA	1,210,261
Housing Authority of Centre County	PA	451,920
Housing Authority of the County of Beaver	PA	55,597
Housing Authority of the County of Butler	PA	217,927
Housing Authority of the County of Cumberland	PA	609,720
Housing Authority, County of Dauplin	PA	219,108
Housing Development Corporation of NEPA	PA	1,209,562
Housing Transitions, Inc	PA	213,293
Human Services Center	PA	120,391
Impact Services Corporation	PA	1,007,681
Indian Valley Housing Corporation	PA	44,989
Indian Valley Opportunity Center	PA	32,000
Indiana County Community Action Program, Inc	PA	126,091
Lancaster City Housing Authority	PA	120,696
Laurel House	PA	84,000
Lawrence County Social Services, Inc	PA	309,378
Lehigh County Conference of Churches	PA	407,084
Maranatha	PA	531,704
Mechling Shkley Veteran's Center	PA	335,741
Mental Health Association of Southeastern Pennsylvania	PA	324,052
Mental Health Association of Southern Pennsylvania	PA	704,027
Montgomery County Community Action Development Commission (CADCOM)	PA	59,216
Northern Cambria Community Development Corp	PA	395,529
Northumberland County MH/MR Administrator	PA	234,393
Overington House, Inc	PA	254,142
Penn Foundation, Inc	PA	72,887
Penndel Mental Health Center, Inc	PA	153,628
People's Emergency Center	PA	46,422
Philadelphia Housing Authority	PA	316,368
Project H.O.M.E.	PA	952,453
Reading Housing Authority	PA	786,240
Redevelopment Authority of the County of Lancaster	PA	33,333
Resources for Human Development, Inc	PA	1,114,984
Schuylkill Women in Crisis	PA	99,984

APPENDIX A—Continued

Recipient	State	Amount
Scranton Primary Health Care Center, Inc	PA	165,375
The Lighthouse Foundation	PA	39,272
The Lodge, Inc. of Pennsylvania	PA	161,860
The Program for Women and Families, Inc	PA	110,408
The Salvation Army	PA	301,700
The Salvation Army, A New York Corporation	PA	860,438
The Salvation Army, A New York Corporation	PA	479,649
Travelers Aid Society of Philadelphia	PA	532,355
Turning Point Interfaith Mission	PA	422,757
Union-Snyder Community Action Agency	PA	340,519
United Christian Ministries, Inc	PA	266,324
United Neighborhood Centers of Lackawanna County, Inc	PA	467,418
United Way of Berks County	PA	252,000
Valley Housing Development Corporation	PA	695,470
Valley Youth House Committee, Inc	PA	454,418
Victim Outreach Intervention Center	PA	87,178
Wesley House Community Corporation, Inc	PA	26,199
Westmoreland Human Opportunities, Inc	PA	458,000
Women's Resource Center, Inc	PA	264,157
Wyoming Valley Catholic Youth Center	PA	318,101
Young Women's Christian Association	PA	681,735
YWCA of Greater Harrisburg	PA	690,115
Autonomous Municipal Government of Cidra	PR	160,272
Casa de la Bondad, Inc	PR	262,500
Casa del Peregrino Aguadilla, Inc	PR	73,968
Casa Protegida Julia de Burgos	PR	405,460
Casa Renuevo de Amor para ti Mujer, Incorporated	PR	352,065
Centro de Dreambulantes Cristo Probe, Incorporated	PR	564,564
Coalicion Criolla de Cuidado Continuo a Personas sin Hogar, Inc	PR	580,072
Coalicion Occidental Pro Bienestar del Deambulante, Inc	PR	52,605
Coalition of Continuous Support for the Homeless of Guaynabo	PR	219,200
Commonwealth of Puerto Rico Department of Housing	PR	1,459,080
CORDA de Puerto Rico, Inc	PR	618,786
Corp. La Fondita de Jesus	PR	1,120,040
Corporacion de Servicios de Salud y Medicina Avanzada, Inc. (COSSMA)	PR	444,411
Corporacion Milagros del Amor	PR	226,500
Estancia Corazon, Inc	PR	817,142
Fundacion Chana y Samuel Levis, Inc	PR	258,760
Fundacion de Desarrollo Comunal de P.R, Inc. (Fundesco)	PR	832,373
Hogar Del Buen Pastor, Inc	PR	237,609
Hogar Fotaleza del Caido, Inc	PR	103,908
Instituto Pre Vocacional e Industrial de Puerto Rico	PR	449,893
Lucha Contra El Sida, Inc	PR	258,049
Lucha Contral el SIDA, Incorporated	PR	1,761,385
Ministerio de Restauracion Cristo Mi Fortaleza, Incorporated	PR	288,956
Municipal Government of Carolina	PR	925,712
Municipality of Aguas Buenas	PR	123,958
Municipality of Hormigueros	PR	155,100
Municipality of Naranjito	PR	266,449
Municipality of San German	PR	298,140
Municipality of San Juan	PR	1,243,438
Municipality of Vega Alta	PR	273,829
Municipality of Vega Baja	PR	720,657
Municipio de Loiza	PR	352,800
Municipio de Naguabo	PR	285,240
Proyecto Amor que Sana, Inc	PR	804,582
Family Resources Community Action	RI	34,048
Newport County Community Mental Health Center	RI	8,204
Rhode Island Housing and Mortgage Finance Corporation	RI	3,845,249
The Providence Center	RI	41,133
Washington Sqaure Services Corp	RI	103,217
Any Length Recovery, Inc	SC	78,746
Crisis Ministries	SC	149,264
Family Shelter, Inc	SC	606,359
Greenville Area Interfaith Hospitallity Network (GAIHN)	SC	21,775
Home Alliance, Inc	SC	292,546
Homes of Hope, Inc	SC	55,866
Lighthouse Ministries	SC	60,294
MEG's House Shelter for Abused Women	SC	538,834
Myrtle Beach Housing Authority	SC	186,816
Pee Dee Community Action Partnership	SC	228,100
Project Care	SC	166,667

APPENDIX A—Continued

Recipient	State	Amount
Rosewood House of Recovery, Inc	SC	235,573
Sistercare, Inc	SC	331,142
South Carolina Department of Mental Health	SC	715,836
Spartanburg County	SC	160,164
Sunbelt Human Advancement Resources, Inc. (SHARE)	SC	643,990
The Housing Authority of The City of Charleston	SC	84,994
The Salvation Army, A Georgia Corporation	SC	108,943
Trinity Housing Corporation	SC	268,589
Upstate Homeless Coalition of SC	SC	843,804
Wateree Community Actions, Incorporated	SC	121,150
Williamsburg Enterprise Community Commission, Inc	SC	127,188
Inter-Lakes Community Action, Inc	SD	250,208
Sioux Falls Housing and Redevelopment Commission	SD	114,228
AGAPE Child & Family Services, Inc	TN	193,040
Alpha Omega Veterans Services, Inc	TN	283,474
Appalachian Regional Coalition on Homelessness (ARCH)	TN	102,952
Beech Bluff United Pentecostal Church	TN	194,901
Behavioral Health Initiatives, Inc	TN	78,750
Buffalo Valley, Inc	TN	1,539,580
Campus for Human Development	TN	151,053
Carey Counseling Center, Inc	TN	122,745
Catholic Charities of East Tennessee	TN	202,190
Catholic Charities, Inc	TN	1,377,270
Chattanooga Church Ministries, Inc	TN	291,574
Child & Family Tennessee	TN	268,697
City of Chattanooga	TN	170,880
Cocaine Alcohol Awareness Program, Inc	TN	168,748
Cumberland Regional Development Corporation	TN	176,680
Damascus Road, Inc	TN	147,772
Downtown Ministry Center, Inc	TN	376,551
Fairview Housing Management Corporation	TN	118,515
Family Tree Destiny Center	TN	239,117
Fortwood Center, Inc	TN	138,649
Genesis House, Inc	TN	63,849
Hardeman County	TN	154,380
Housing Opportunities and People Enterprises, Inc	TN	19,202
Kingsport Housing & Redevelopment Authority	TN	211,234
Knoxville-Knox County Community Action Committee	TN	243,630
Matthew 25, Inc	TN	37,041
Maury County Center Against Domestic Violence, dba Hope House	TN	73,332
Memphis Family Shelter, Inc	TN	197,886
Metropolitan Development & Housing Agency (MDHA)	TN	1,932,648
Metropolitan Government of Nashville—Davidson County	TN	58,161
Metropolitan Inter-Faith Association, Inc	TN	651,289
Murfreesboro Housing Authority	TN	264,048
Operation Stand Down Nashville, Inc	TN	50,000
Park Center	TN	124,080
Partners for the Homeless	TN	37,572
Partnership for Families, Children and Adults	TN	29,376
Positively Living	TN	70,204
Professional Care Services of West TN, Inc	TN	37,917
Quinco Community Mental Health Center, Inc	TN	98,595
Renewal House, Inc	TN	31,136
Robertson County	TN	140,220
Safe Haven Family Shelter	TN	56,910
Shelby County Government	TN	763,384
The Council for Alcohol & Drug Abuse Services, Inc. (CADAS)	TN	280,325
The Salvation Army, A Georgia Corporation	TN	822,406
The University of Tennessee	TN	138,895
The University of Tennessee Health Science Center	TN	105,738
Town of Crossville Housing Authority	TN	344,760
Urban Housing Solutions	TN	168,705
Whitehaven Southwest Mental Health Center, Inc	TN	120,711
Wo/Men's Resource and Rape Assistance Program	TN	86,073
YWCA of Nashville & Middle Tennessee	TN	46,566
ABC Behavioral Health, L.L.C.	TX	431,660
AIDS Foundation Houston, Incorporated	TX	1,097,341
AIDS Services of North Texas, Inc	TX	237,733
All Church Home for Children, Inc	TX	113,922
Arlington Life Shelter	TX	168,402
Austin Travis County Mental Health Mental Retardation Center	TX	426,536
Bay Area Turning Point, Incorporated	TX	268,305

APPENDIX A—Continued

Recipient	State	Amount
Bonita House of Hope	TX	487,281
Brighter Tomorrows, Inc	TX	176,360
Buckner Children and Family Services, Inc	TX	35,016
Career and Recovery Resources, Incorporated	TX	117,112
Caritas of Austin	TX	313,926
Catholic Charities of Archdiocese of Galveston-Houston	TX	56,465
City of Amarillo	TX	426,532
City of Beaumont	TX	94,476
City of Dallas	TX	2,046,454
City of Denton, Texas	TX	67,333
City of El Paso	TX	53,545
City of Irving	TX	415,740
City of Longview	TX	241,428
City of San Antonio	TX	5,372,285
City of Waco	TX	493,140
Coalition for the Homeless of Houston/Harris County, Incorporated	TX	185,490
Coastal Bend Alcohol & Drug Rehabilitation Center dba Charlie's Place	TX	142,569
Community Council of Greater Dallas	TX	183,648
Compassion Ministries of Waco, Inc	TX	322,551
Corpus Christi Metro Ministries, Inc	TX	160,255
Covenant House Texas	TX	394,932
Dallas County	TX	1,008,840
Dallas Jewish Coalition, Inc. dba Vogel Alcove Childcare Center for the Homeless	TX	166,441
Dallas Metrocare Services	TX	271,702
Day Resource Center for the Homeless	TX	704,494
Dental Health for Arlington, Inc	TX	29,370
Dental Health Programs, Inc. dba Community Dental Care	TX	146,633
Denton County Mental Health Mental Retardation Center	TX	264,318
DePelchin Children's Center	TX	509,589
El Paso MHMR	TX	380,743
Families Under Urban and Social Attack, Incorporated	TX	120,750
Family Gateway, Inc	TX	193,140
Family Services of Southeast Texas, Inc	TX	150,977
Fort Bend County Women's Center, Incorporated	TX	651,092
Goodwill Industries of South Texas, Inc	TX	176,098
Harmony House, Incorporated	TX	492,042
Harris County	TX	4,012,940
Heart of Texas Council of Governments	TX	191,128
HELP Development Corporation	TX	439,456
Homeless Network of Texas dba Texas Homeless Network	TX	348,716
Homeward Bound, Inc	TX	1,380,750
HOPE, Inc	TX	33,232
Hope's Door	TX	346,027
Housing Authority of the City of Arlington	TX	405,461
Housing Authority of the City of Fort Worth	TX	3,646,812
Housing Crisis Center	TX	473,453
Houston Area Women's Center	TX	687,514
Interfaith Housing Coalition	TX	697,772
La Posada Home, Inc	TX	89,027
Lazarus House Initiative, Incorporated	TX	86,223
Legal Aid of NorthWest Texas, Inc	TX	159,464
LifeNet Community Behavioral Healthcare	TX	1,285,700
Mental Health Mental Retardation Authority of Harris County	TX	592,418
Mental Health Mental Retardation of Tarrant County	TX	78,871
Montrose Counseling Center, Incorporated	TX	102,344
New Beginning Center, Inc	TX	188,949
Northwest Assistance Ministries	TX	491,562
Nueces County Mental Health and Mental Retardation Community Center	TX	150,577
Opportunity Center for the Homeless	TX	891,867
Perpetual Help Home, Inc	TX	33,111
Port Cities Rescue Mission Ministries	TX	175,037
Presbyterian Night Shelter of Tarrant County, Inc	TX	181,077
Promise House, Inc	TX	219,538
PWA Coalition of Dallas, Inc. d/b/a AIDS Services of Dallas	TX	574,390
Rainbow Days, Inc	TX	257,237
Rescue Mission of El Paso, Inc	TX	46,796
San Antonio Metropolitan Ministry, Inc	TX	104,597
SEARCH, Incorporated	TX	1,333,225
Shared Housing Center	TX	90,510
Some Other Place, Inc	TX	111,888
Star of Hope Mission	TX	1,487,792
Tarrant County	TX	3,024,331

APPENDIX A—Continued

Recipient	State	Amount
Tarrant County ACCESS for the Homeless	TX	149,805
Texas Inmate Services, Inc	TX	109,468
The Bridge Over Troubled Waters, Incorporated	TX	919,672
The Community Enrichment Center, Inc	TX	212,889
The Family Place	TX	976,567
The Gulf Coast Center	TX	441,892
The Housing Authority of the City of Austin	TX	307,632
The Housing Authority of Travis County	TX	390,780
The Salvation Army, A Georgia Corp	TX	137,777
The Salvation Army, A Georgia Corporation	TX	1,582,120
The Women's Home	TX	126,717
Travis County Domestic Violence & Sexual Assault Survival Center dba SafePlace	TX	826,440
United States Veterans Initiative	TX	110,441
Volunteers of America Texas, Incorporated	TX	212,069
Wellsprings, Incorporated	TX	180,973
Wesley Community Center	TX	134,971
Young Women's Christian Association El Paso Del Norte Region	TX	269,440
Youth and Family Alliance, Inc. dba Life Works	TX	363,825
Catholic Community Services of Utah (CCS)	UT	475,362
Center for Women and Children in Crisis	UT	55,598
Community Action Services	UT	228,653
Davis Family Support Center Inc. dba Family Connection Center	UT	247,700
Erin Kimball Memorial Foundation, Inc	UT	169,766
Four Corners Community Behavioral Health, Inc	UT	144,729
Friends of the Coalition	UT	55,125
Housing Authority of Salt Lake City	UT	475,326
Housing Authority of the City of Ogden	UT	342,540
Housing Authority of the County of Salt Lake	UT	1,693,728
Housing Authority of Utah County	UT	235,920
Mountainlands Community Housing Trust	UT	72,000
Multi-Ethnic Development Corporation	UT	45,000
Provo City Housing Authority	UT	146,245
State of Utah	UT	146,945
Utah Dept. of Community and Culture (DCC)	UT	30,672
Volunteers of America, Utah	UT	680,830
Your Community Connection of Ogden/Northern Utah	UT	201,069
YWCA of Salt Lake City	UT	467,967
Alexandria Community Services Board	VA	399,047
Arlington County Government	VA	492,817
Arlington Street People's Assistance Network, Incorporated	VA	194,986
Avalon: A Center for Women and Children	VA	64,454
Barrett Haven Inc	VA	144,913
CANDII, Inc	VA	429,823
Christian Relief Services Charities, Inc	VA	413,282
Christian Relief Services of Virginia, Inc	VA	508,568
City of Portsmouth, VA	VA	416,941
City of Richmond, Department of Social Services	VA	925,428
City of Roanoke, VA	VA	280,901
Commonwealth of Virginia	VA	60,855
Community Alternatives Management Group Inc	VA	557,018
Community Residences, Incorporated	VA	244,468
Council of Community Services	VA	72,938
County of Loudoun	VA	168,339
Danville Redevelopment & Housing Authority	VA	107,850
Emergency Shelter, Inc. dba HomeAgain	VA	783,317
Fairfax County Department of Family Services	VA	1,118,318
Fairfax County Department of Housing and Community Development	VA	853,800
ForKids, Inc	VA	988,703
Hampton-Newport News Community Services Board	VA	143,321
Harrisonburg Redevelopment and Housing Authority	VA	42,000
Hilliard House	VA	262,917
Homestretch, Inc	VA	146,699
Homeward	VA	26,745
Kurdish Human Rights Watch, Inc	VA	426,356
Link of Hampton Roads, Inc	VA	470,004
New Hope Housing, Inc	VA	828,535
Norfolk Community Services Board	VA	571,943
Northwestern Community Services	VA	266,331
NOVACO Inc	VA	111,492
Oasis Commission on Social Ministry of Portsmouth/Chesapeake	VA	250,069
Our House Families	VA	109,797
Pathway Homes, Inc	VA	157,788

APPENDIX A—Continued

Recipient	State	Amount
Portsmouth Area Resources Coalition, Inc	VA	276,283
Portsmouth Chrisitan Outreach Ministries	VA	79,309
Portsmouth Volunteers for the Homeless, Inc	VA	55,650
Prince William County Department of Social Services	VA	642,348
PRS, Inc	VA	168,450
Rappahannock Area Development Commission	VA	59,307
Rappahannock Refuge, Inc./Hope House	VA	57,918
Region Ten Community Services Board	VA	143,946
Residential Options, Inc	VA	134,423
Rush Lifetime Homes, Inc	VA	70,371
Samaritan House, Inc	VA	152,227
Sheltered Homes of Alexandria, Inc	VA	167,036
St. Columba Ecumenical Ministries, Inc	VA	130,179
St. Joseph's Villa	VA	427,750
The Daily Planet	VA	585,841
The Planning Council	VA	104,623
The Salvation Army A Georgia Corporation for The Salvation Army	VA	106,213
Thomas Jefferson Planning District Commission	VA	71,069
Total Action Against Poverty, Inc	VA	265,261
Transitions Family Violence Services	VA	137,854
Trust, Roanoke Valley Trouble Center, Inc. d/b/a Trust House	VA	53,858
United Community Ministries, Inc	VA	134,731
Urban League of Greater Richmond	VA	70,350
Virginia Beach Community Development Corporation	VA	446,491
Virginia Supportive Housing	VA	583,680
Virginia Suppportive Housing	VA	75,600
Volunteers of America Chesapeake, Inc	VA	54,075
YWCA of South Hampton Roads	VA	38,516
Methodist Training & Outreach Center, Inc	VI	187,110
Addison County Community Action Group	VT	145,045
Burlington Housing Authority	VT	162,504
Central Vermont Community Land	VT	8,427
Champlain Valley Office of Economic Opportunity	VT	222,440
Northwestern Counseling & Support Services	VT	122,136
The Howard Center for Human Services	VT	381,219
Vermont State Housing Authority VT901	VT	929,174
AIDS Housing of Washington	WA	387,192
Archdiocesan Housing Authority	WA	504,738
Auburn Youth Resources—Severson House	WA	123,287
Bellingham/Whatcom County Housing Authorities	WA	986,580
Benton & Franklin Counties Department of Human Services	WA	85,236
Benton Franklin Community Action Committee	WA	508,040
Blue Mountain Action Council	WA	282,404
Bread and Roses	WA	38,758
Catholic Community Services	WA	140,086
Child Care Resources	WA	529,095
Children's Home Society of Washington	WA	56,642
City Of Bremerton	WA	167,676
City of Seattle	WA	7,826,112
City of Spokane	WA	2,116,228
Columbia River Mental Health Services	WA	96,983
Community Action Center	WA	19,152
Community Psychiatric Clinic	WA	423,329
Community Services Northwest	WA	89,396
Community Youth Services	WA	149,624
Compass Health	WA	230,991
Council for the Homeless	WA	72,698
El Centro de la Raza	WA	17,603
Family Support Center	WA	54,810
Fremont Public Association	WA	158,620
Friends of Youth—Arbor House	WA	123,062
Goodwill Development Association	WA	28,597
HopeSource	WA	20,066
Housing Authority of Snohomish County	WA	2,021,292
Housing Authority of the City of Bremeton	WA	132,450
Housing Authority of the City of Seattle	WA	9,896
Housing Authority of the City of Vancouver	WA	114,585
Housing Authority of Thurston County	WA	133,921
Housing Hope	WA	167,402
Joint City of Republic—Ferry County Housing Authority	WA	36,316
Kent Youth and Family Services	WA	38,135
King County	WA	74,613

APPENDIX A—Continued

Recipient	State	Amount
King County Dept. of Community and Human Services	WA	6,015,010
Kitsap County Consolidated Housing Authority	WA	24,939
Lewis County	WA	106,775
Low Income Housing Institute	WA	522,030
Mason County Shelter	WA	98,209
Multi-Service Center	WA	26,725
Next Step Housing	WA	46,835
Northwest Youth Services	WA	377,338
Opportunity Council	WA	224,998
Pierce County	WA	2,246,862
Seattle Vietnam Veterans Leadership Program	WA	23,580
Serenity House of Clallam County	WA	281,720
Share	WA	61,267
Skagit County Community Action Agency	WA	50,054
Snohomish County	WA	1,014,958
Spokane County	WA	39,244
Spokane Neighborhood Action Programs	WA	264,796
Sun Community Service	WA	35,466
The Church Council of Greater Seattle	WA	57,278
The Compass Center	WA	26,285
The Salvation Army, A California Corporation	WA	331,828
Triumph Treatment Services	WA	158,792
United Indians of All Tribes Foundation	WA	343,565
Walla Walla County	WA	66,102
Washington Gorge Action Programs	WA	108,095
Yakima County	WA	126,960
Yakima County Coalition for the Homeless	WA	175,590
YouthCare	WA	257,459
YW Housing	WA	256,467
YWCA of Seattle-King County Snohomish County	WA	172,344
YWCA of Seattle-King County-Snohomish County	WA	461,905
ADVOCAP.INC	WI	465,010
CAP Services, Inc	WI	105,025
Catherine Marian Housing, Inc	WI	55,053
Center for Veterans Issues, Ltd	WI	680,738
Central Wisconsin Community Action Council, Inc	WI	256,902
City of Appleton	WI	176,577
City of Waukesha Housing Authority	WI	112,555
Community Action, Inc. of Rock and Walworth Counties	WI	508,552
Community Advocates, Inc	WI	2,507,705
Community Relations—Social Development Commission	WI	196,230
Couleecap, Inc	WI	609,042
Dane County Human Services	WI	557,004
Family Service of Racine	WI	27,475
Family Services of Northeast Wisconsin, Inc	WI	156,988
Forward Service Corporation	WI	393,741
Greater Milwaukee Chapter, American Red Cross	WI	662,756
Guest House of Milwaukee Inc	WI	317,720
Health Care for the Homeless of Milwaukee	WI	279,000
Hebron House of Hospitality, Inc	WI	116,535
Homeless Assistance Leadership Organization, Inc. (HALO Inc.)	WI	241,717
Hope House of Milwaukee, Inc	WI	621,679
Interfaith Hospitality Network of the Madison Area	WI	54,996
Kenosha Human Development Services, Inc	WI	261,711
Lakeshore CAP Inc	WI	117,663
Legal Action of Wisconsin	WI	191,836
Matt Talbot Recovery Center, Inc	WI	235,625
Meta House, Inc	WI	80,099
Milwaukee County Behavioral Health Division	WI	2,383,020
Milwaukee County Department of Health and Human Services	WI	573,627
Milwaukee Women's Center, Inc	WI	137,677
My Home, Your Home, Inc	WI	183,547
North Central Community Action Program, Inc	WI	175,236
Northwest Wisconsin Community Services Agency Inc	WI	90,525
Porchlight, Inc	WI	738,187
Project New Life, CDC	WI	149,810
Racine Vocational Ministry, Inc	WI	30,088
St. Aemilian-Lakeside, Inc	WI	331,590
St. Catherine Residence	WI	144,379
Starting Points, Inc	WI	679,239
Tellurian UCAN, Inc	WI	1,053,423
The Open Gate, Inc	WI	105,878

APPENDIX A—Continued

Recipient	State	Amount
The Salvation Army	WI	557,747
Transitional Living Services, Inc	WI	144,672
Walker's Point Youth & Family Center	WI	20,273
West Central Wisconsin Community Action Agency, Inc	WI	427,009
Western Dairyland Economic Opportunity Council, Inc	WI	264,926
Wisconsin Dept. of Commerce Division of Housing and Community Dev	WI	584,447
Women and Children's Horizons, Inc	WI	215,143
Women's Resource Center of Racine, Inc	WI	51,970
Young Women's Christian Association of La Crosse, Wisconsin	WI	72,643
YWCA of Greater Milwaukee	WI	82,970
Cabell-Huntington Coalition for the Homeless	WV	423,622
Community Action of South Eastern WV (CASE WV)	WV	385,980
Greater Wheeling Coalition for the Homeless	WV	162,332
Housing Authority of Mingo County	WV	639,662
Mid-Ohio Valley Fellowship Home	WV	71,515
Opportunity House, Inc	WV	213,844
Religious Coalition for Community Renewal	WV	72,513
Roark-Sullivan Lifeway Center	WV	279,171
Southwestern Community Action Council, Inc	WV	169,339
Southwestern Community Action Council, Incorporated	WV	186,776
Telamon Corporation	WV	287,326
The Hunington WV Housing Authority	WV	337,561
West Virginia Governor's Office of Economic Opportunity	WV	181,860
Worthington Mental Health Services	WV	227,939
Young Women's Christian Association of Charleston, WV Inc	WV	199,127
Council of Community Services	WY	61,016
Housing Authority—City of Casper	WY	179,121
Total		1,204,857,682

Fiscal Year 2007 Funding Awards for the Continuum of Care Program

Rural Alaska Community Action Program Inc	AK	141,168
Anchorage Community Mental Health Services, Inc	AK	646,563
Rural Alaska Community Action Program Inc	AK	357,474
Alaskan AIDS Assistance Association	AK	103,425
Anchorage Community Mental Health Services, Inc	AK	203,464
Covenant House Alaska	AK	245,629
Muncipality of Anchorage	AK	296,714
Anchorage Housing Initiatives, Inc	AK	81,886
Alaskan AIDS Assistance Association	AK	25,920
Anchorage Community Mental Health Services, Inc	AK	258,048
The LeeShore Center	AK	73,791
Yukon-Kuskokwim Health Corporation	AK	50,966
Valley Residential Services	AK	26,340
Interior Alaska Center for Non-Violent Living	AK	32,824
Yukon-Kuskokwim Health Corporation	AK	63,312
Valley Residential Services	AK	46,463
Alaska Housing Finance Corp	AK	18,460
Valley Residential Services	AK	102,499
Yukon-Kuskokwim Health Corporation	AK	36,480
Tundra Women's Coalition	AK	28,212
The Salvation Army	AL	159,973
Independent Living Resources of Greater Birmingham, Inc	AL	26,460
YWCA Central Alabama	AL	64,688
AIDS Alabama, Inc	AL	149,300
AIDS Alabama, Inc	AL	186,873
Jefferson County Housing Authority	AL	173,280
Jefferson County Housing Authority	AL	3,282,744
AIDS Alabama, Inc	AL	258,590
The Cooperative Downtown Ministries	AL	47,835
First Light, Inc	AL	82,378
Jefferson-Blount-S Clair Mental Health/MR Authority	AL	234,751
Aletheia House	AL	314,705
Metropolitan Birmingham Services for the Homeless	AL	138,600
Pathways, Inc	AL	128,181
The Cooperative Downtown Ministries	AL	219,089
The Cooperative Downtown Ministries	AL	142,892
University of Alabama at Birmingham	AL	240,471
The Cooperative Downtown Ministries	AL	126,426
University of Alabama at Birmingham	AL	491,080
Jefferson County Housing Authority	AL	50,520

APPENDIX A—Continued

Recipient	State	Amount
Aletheia House	AL	108,857
YWCA Central Alabama	AL	303,477
Greater Mobile-Washington County Mental Health Mental Retardation Board, Inc. dba Mobile Mental	AL	231,093
Volunteers of America Southeast	AL	156,600
Housing First, Inc	AL	105,000
Penelope House Family Violence Center	AL	143,430
Housing First, Inc	AL	123,060
Greater Mobile-Washington County Mental Health—Mental Retardation Board, Inc. dba Mobile Mental	AL	226,332
Housing First, Inc	AL	158,777
Volunteers of America Southeast	AL	88,222
Housing First, Inc	AL	309,792
The Salvation Army	AL	94,756
Catholic Social Services of Baldwin County	AL	120,244
St. Mary's Home	AL	148,732
Baldwin Family Violence Shelter	AL	101,830
Housing First, Inc	AL	78,178
Service Center of Catholic Social Services	AL	25,261
Franklin Primary Health Center, Inc	AL	86,100
Service Center of Catholic Social Services	AL	171,019
Dumas Wesley Community Center	AL	163,077
Greater Mobile-Washington County Mental Health—Mental Retardation Board, inc. dba Mobile Mental He	AL	271,762
Loaves and Fish Community Ministries, Inc	AL	384,573
Safeplace, Inc	AL	520,531
Crisis Services of North Alabama	AL	56,393
Mental Health Center of Madison County	AL	275,772
Mental Health Center of North Central Alabama, Inc	AL	129,413
Interfaith Mission Services, Inc	AL	105,016
Montgomery Area Mental Health Authority, Inc	AL	294,501
Montgomery Area Family Violence Program Inc	AL	164,652
Montgomery Area Family Violence Program Inc	AL	138,606
Faith Crusade Ministries Inc	AL	127,252
Lighthouse Counseling Center, Inc	AL	286,800
Lighthouse Counseling Center, Inc	AL	194,792
Montgomery Area Mental Health Authority, Inc	AL	81,514
Montgomery Area Mental Health Authority, Inc	AL	209,042
Montgomery Area Mental Health Authority, Inc	AL	62,178
Montgomery Area Mental Health Authority, Inc	AL	108,964
Lighthouse Counseling Center, Inc	AL	177,727
Volunteer & Information Center, Inc	AL	70,327
City of Gadsden	AL	29,297
The Salvation Army, A Georgia Corporation	AL	69,087
Mental Health/Mental Retardation Board of Bibb, Pickens and Tuscaloosa Counties	AL	20,983
Alabama Coalition Against Domestic Violence	AL	128,638
Little Rock Community Mental Health Center	AR	38,400
Our House, Inc	AR	162,568
Little Rock Community Mental Health Center	AR	914,736
Arkansas Supportive Housing Network, Inc	AR	96,088
Second Genesis, Inc	AR	36,371
Arkansas Supportive Housing Network, Inc	AR	550,993
Arkansas Supportive Housing Network, Inc	AR	99,210
Black Community Developers, Inc	AR	40,306
Women and Children First: The Center Against Family Violence	AR	90,390
Black Community Developers, Inc	AR	110,125
Little Rock Community Mental Health Center	AR	163,584
Little Rock Community Mental Health Center	AR	36,311
Arkansas Supportive Housing Network	AR	377,916
Little Rock Community Mental Health Center	AR	45,218
Arkansas Supportive Housing Network, Inc	AR	279,706
Youth Bridge, Inc	AR	90,720
Bethlehem House, Inc	AR	21,600
Health Resources of Arkansas, Inc	AR	133,596
Committee Against Spouse Abuse (CASA)	AR	31,307
City of Pine Bluff (Economic and Community Development Department)	AR	233,754
Counseling Associates, Inc	AR	200,000
Arkansas Supportive Housing Network, Inc	AR	99,262
Mohave County Community & Economic Development Department	AZ	29,219
Arizona Department of Housing	AZ	128,625
Community Partnership of Southern Arizona	AZ	77,700
Old Concho Community Assistance Center	AZ	91,049
Old Concho Community Assistance Center	AZ	76,685
Mohave County Community & Economic Development Department	AZ	129,805
Catholic Charities Communite Services—Flagstaff	AZ	32,932

APPENDIX A—Continued

Recipient	State	Amount
The Guidance Center	AZ	108,701
Community Action Humen Resource Agency	AZ	160,569
BOTHANDS, Inc	AZ	78,175
The Excel Group	AZ	191,064
West Yavapai Guidance Clinic	AZ	112,237
Arizona Department of Housing	AZ	78,858
The EXCEL Group	AZ	133,488
The Excel Group	AZ	209,412
The Guidance Center	AZ	251,294
Old Concho Community Assistance Center	AZ	97,200
United States Veterans Initiative	AZ	350,368
Mohave County Community and Economic Development Department	AZ	98,771
Arizona Department of Housing	AZ	157,500
Open-Inn, Inc	AZ	48,937
La Frontera Center, Inc	AZ	422,709
CODAC Behavioral Health Services, Inc	AZ	214,578
Community Partnership of Southern Arizona	AZ	814,164
Travelers Aid Society of Tucson, Inc	AZ	112,486
Open Inn, Incorporated	AZ	219,320
Old Pueblo Community Foundation	AZ	382,508
Open Inn, Incorporated	AZ	422,846
Comin' Home Inc	AZ	454,347
Information and Referral Services, Inc	AZ	181,089
Open Inn, Inc	AZ	59,692
Tucson Centers for Women and Children	AZ	60,385
City of Tucson, Community Services Department	AZ	741,272
Southern Arizona AIDS Foundation	AZ	87,783
Travelers Aid Society of Tucsan, Inc	AZ	429,503
City of Tucson Community Services Department, Section 8 Program	AZ	27,332
Community Partnership of Southern Arizona	AZ	87,696
Old Pueblo Community Foundation	AZ	218,022
City of Tucson Community Services Department, Section 8 Program	AZ	83,323
Community Partnership of Southern Arizona	AZ	742,020
CODAC Behavioral Health Services, Inc	AZ	166,510
Compass Health Care, Inc	AZ	312,548
Old Pueblo Community Foundation	AZ	67,366
The Primavera Foundation, Inc	AZ	103,306
Arizona Behavioral Health Corporation	AZ	1,747,524
House of Refuge East	AZ	903,424
Save the Family Foundation of Arizona	AZ	211,412
United States Veterans Initiative	AZ	496,557
Community Information & Referral, Inc	AZ	176,753
The Salvation Army	AZ	73,080
Arizona Behavioral Health Corporation	AZ	1,397,316
Arizona Behavioral Health Corporation	AZ	2,748,072
Community Information & Referral, Inc	AZ	400,921
Arizona Behavioral Health Corporation	AZ	373,993
Mesa Community Action Network	AZ	58,878
Tumbleweed Center for Youth Development	AZ	318,730
Labor's Community Service Agency	AZ	279,594
UMOM New Day Centers, Inc	AZ	80,126
Arizona Housing Incorporated	AZ	78,663
Arizona Behavioral Health Corporation	AZ	1,735,423
Arizona Behavioral Health Corporation	AZ	499,972
Arizona Behavioral Health Corporation	AZ	938,788
Southwest Behavioral Health Services	AZ	205,977
UMOM New Day Centers, Inc	AZ	187,584
Arizona Housing, Inc	AZ	58,025
Save the Family Foundation of Arizona	AZ	411,726
Catholic Charities Community Services	AZ	24,039
Homeward Bound	AZ	26,250
Community Bridges, Inc	AZ	344,610
Homeward Bound	AZ	313,761
Chrysalis Shelter for Victims of Domestic Violence, Inc	AZ	24,269
Arizona Behavioral Health Corporation	AZ	685,755
Southwest Behavioral Health Services	AZ	20,775
Chicanos Por La Causa, Inc	AZ	101,737
Area Agency on Aging, Region One	AZ	126,575
HomeBase Youth Services, Inc	AZ	333,371
PREHAB of Arizona, Inc	AZ	510,688
Phoenix Shanti Group, Inc	AZ	34,600
Arizona Behavioral Health Corporation	AZ	1,387,588

APPENDIX A—Continued

Recipient	State	Amount
Recovery Innovations of Arizona, Inc. formerly META Services	AZ	971,972
Women In New Recovery	AZ	46,862
Southwest Behavioral Health Services	AZ	202,031
Area Agency on Aging, Region One	AZ	63,064
The Salvation Army	AZ	45,360
Area Agency on Aging, Region One	AZ	60,735
Sojourner Center	AZ	417,763
Tumbleweed Center for Youth Development	AZ	437,698
Tumbleweed Center for Youth Development	AZ	214,429
Native American Connections	AZ	35,000
YWCA of Maricopa County	AZ	201,671
Native American Connections	AZ	163,178
Native American Connections	AZ	91,043
NOVA, Inc	AZ	1,114,796
Phoenix Shanti Group	AZ	70,456
Housing Authority of the County of Santa Clara	CA	509,772
InnVision the Way Home	CA	66,150
InnVision the Way Home	CA	106,805
Family Supportive Housing, Inc	CA	197,077
San Jose Cathedral Foundation	CA	45,000
San Jose Cathedral Foundation	CA	96,600
Charities Housing Development Corp	CA	160,427
Housing for Independent People, Inc	CA	133,333
InnVision the Way Home	CA	104,437
Emergency Housing Consortium of Santa Clara County	CA	290,883
Emergency Housing Consortium of Santa Clara County	CA	496,169
Emergency Housing Consortium of Santa Clara County	CA	93,866
InnVision the Way Home	CA	211,612
InnVision the Way Home	CA	138,894
Cupertino Community Services	CA	82,533
InnVision the Way Home	CA	210,000
Santa Clara County Department of Mental Health	CA	702,301
InnVision the Way Home	CA	168,888
Bill Wilson Center	CA	298,645
Housing Authority of the County of Santa Clara	CA	2,056,104
Emergency Housing Consortium of Santa Clara County	CA	211,231
Emergency Housing Consortium of Santa Clara County	CA	102,462
Emergency Housing Consortium of Santa Clara County	CA	354,018
InnVision the Way Home	CA	221,399
Emergency Housing Consortium of Santa Clara County	CA	92,011
St. Joseph's Family Center	CA	287,217
Community Technology Alliance	CA	303,716
Santa Clara Unified School District	CA	200,534
Bill Wilson Center	CA	548,476
InnVision the Way Home	CA	104,030
Catholic Charities of San Jose	CA	488,880
Bill Wilson Center	CA	237,230
City and County of San Francisco	CA	666,666
Hamilton Family Center	CA	179,026
Conard House, Inc	CA	578,376
Community Housing Partnership	CA	368,160
Goodwill Industries of San Francisco	CA	954,809
The United Council of Human Services	CA	736,471
Catholic Charities CYO	CA	114,640
Goodwill Industries of San Francisco, San Mateo & Marin Counties	CA	270,923
Swords to Plowshares Veterans Rights Organization	CA	232,623
Catholic Charities CYO	CA	110,624
Glide Community Housing, Inc	CA	292,512
Episcopal Community Services	CA	363,528
Housing Services Affilate of the Berna Heights Neighborhood Center	CA	77,760
Catholic Charities, CYO	CA	859,944
City and County of San Francisco	CA	491,017
Northern California Service League	CA	303,572
Housing Services Affiliate of the Bernal Heights Neighborhood Center	CA	49,032
Community Awareness & Treatment Services, Inc	CA	348,153
Larkin Street Youth Services	CA	327,289
The Salvation Army, a California corporation	CA	430,824
Catholic Charities, CYO	CA	593,688
Jelani Incorporated	CA	134,607
The United Council of Human Services	CA	74,572
St. Vincent de Paul Society of San Francisco	CA	132,544
City and County of San Francisco	CA	1,172,941

APPENDIX A—Continued

Recipient	State	Amount
Hamilton Family Center	CA	381,721
San Francisco Network Ministries Housing Corporation	CA	70,749
Episcopal Community Services	CA	132,117
Conard House, Inc	CA	199,440
Community Housing Partnership	CA	127,185
Swords to Plowshares Veterans Rights Organization	CA	355,787
Catholic Charities CYO	CA	140,267
The Salvation Army, a California Corporation	CA	1,094,340
Mission Housing Development Corporation	CA	149,580
Tenderloin Housing Clinic	CA	897,480
Episcopal Community Services	CA	797,760
Compass Community Services	CA	239,098
Tenderloin Neighborhood Development Corporation	CA	523,272
Catholic Charities, CYO	CA	822,672
Housing Services Affiliate of the Bernal Heights Neighborhood Center	CA	79,776
GP/TODCO, A, Inc	CA	179,496
Hamilton Family Center	CA	234,609
Asian American Recovery Services, Iris Center, Jelani, Inc	CA	655,104
Compass Community Services	CA	295,006
Mission Housing Development Corporation	CA	68,280
GP/TODCO, A, Inc	CA	99,720
Catholic Charities CYO	CA	179,786
Community Housing Partnership	CA	157,490
Swords to Plowshares Veterans Rights Organization	CA	254,335
Homeless Advocacy Project	CA	358,402
Alameda County	CA	59,325
East Oakland Community Project	CA	245,146
Tri-City Homeless Coalition	CA	676,632
Berkeley Food & Housing Project	CA	242,217
Affordable Housing Associates	CA	36,665
Resources for Community Development	CA	70,187
Building Opportunities for Self Sufficiency	CA	75,528
The Ark of Refuge, Inc	CA	208,502
Alameda Point Collaborative	CA	44,122
Bonita House, Inc	CA	33,080
Alameda Point Collaborative	CA	1,090,393
Building Opportunities for Self-Sufficiency (BOSS)	CA	185,727
Building Opportunities for Self-Sufficiency (BOSS)	CA	96,147
Goodwill Industries of the Greater East Bay, Inc	CA	859,669
Anka Behavioral Care, Inc	CA	1,825,154
Rubicon Programs Inc	CA	1,016,786
Family Emergency Shelter Coalition	CA	79,800
Women's Daytime Drop-in Center	CA	68,975
Building Opportunities for Self-Sufficiency (BOSS)	CA	74,500
Alameda County	CA	3,712,704
Resources for Community Development	CA	896,748
Alameda County, HCD	CA	157,189
Building Opportunities for Self-Sufficiency (BOSS)	CA	114,997
Fred Finch Youth Center	CA	649,863
East Oakland Community Project (EOCP)	CA	696,434
Building Opportunities for Self-Sufficiency (BOSS)	CA	164,038
East Oakland Community Project	CA	259,432
Operation Dignity	CA	55,392
Alameda Point Collaborative	CA	192,266
Berkeley Food & Housing Project	CA	141,019
Building Opportunities for Self-Sufficiency (BOSS)	CA	266,988
Tri-City Homeless Coalition	CA	42,170
Tri-City Homeless Coalition	CA	514,000
City of Fremont	CA	269,790
Berkeley Food & Housing Project	CA	249,999
RCD	CA	255,288
Resource for Community Development	CA	119,628
Bonita House, Inc	CA	116,244
City of Berkeley	CA	1,936,656
Alameda Point Collaborative	CA	85,161
LifeLong Medical Care	CA	539,398
Alameda County	CA	384,582
Building Opportunities for Self-Sufficiency (BOSS)	CA	736,155
Alameda County	CA	815,880
Allied Housing Inc	CA	124,548
Alameda Point Collaborative	CA	40,285
Allied Housing Inc	CA	181,335

APPENDIX A—Continued

Recipient	State	Amount
Lutheran Social Services of Northen California	CA	229,107
Resources for Independent Living (RIL)	CA	97,876
Luthereran Social Services of Northern California	CA	154,734
Sacramento Self-Help Housing, Inc	CA	151,000
Volunteers of America Greater Sacramento & Northern Nevada	CA	102,107
Lutheran Social Services of Northern California	CA	497,424
AIDS Housing Alliance	CA	81,746
Lutheran Social Services of Northern California	CA	631,308
County of Sacramento	CA	490,071
Transitional Living and Community Support, Inc	CA	250,985
Sacramento Area Emergency Housing Center	CA	316,033
Sacramento Area Emergency Housing Center	CA	128,148
Transitional Living and Community Support, Inc	CA	305,666
MAAP, Inc	CA	110,250
Lutheran Social Services of Northern California	CA	206,936
Sacramento Cottage Housing, Inc	CA	226,000
Lutheran Social Services of Northern California	CA	175,786
Sacrmento Cottage Housing, Inc	CA	312,138
Lutheran Social Services of Northern California	CA	275,838
Travelers Aid—Emergency Assistance Agency	CA	398,509
Transitional Living and Community Support, Inc	CA	245,830
County of Sacramento	CA	3,939,840
County of Sacramento	CA	99,959
Sacramento Children's Home	CA	104,390
Volunteers of America Greater Sacramento & Northern Nevada	CA	259,831
Resources for Independent Living (RIL)	CA	123,496
AIDS Housing Alliance	CA	89,932
Sacramento children's Home	CA	83,324
Shasta Hotel Corporation	CA	115,776
County of Sacramento	CA	3,061,636
Vietnam Veterans of California	CA	265,807
Buckelew Programs	CA	166,344
Community Action Partnership of Sonoma County	CA	107,000
Sonoma County Mental Health	CA	189,984
Face to Face AIDS Network	CA	393,552
Interfaith Shelter Network, Inc	CA	60,114
Young Women's Christian Association of Sonoma County, Inc	CA	52,500
Committee on the Shelterless (COTS)	CA	75,000
Committee on the Shelterless (COTS)	CA	16,000
Committee on the Shelterless (COTS)	CA	29,744
Individuals Now dba Social Advocates for Youth	CA	40,000
Vietnam Veterans of California	CA	44,500
Sonoma County Community Development Commission	CA	135,329
Drug Abuse Alternative Center	CA	79,999
Community Support Network	CA	40,842
Committee on the Shelterless (COTS)	CA	76,667
Sonoma County Mental Health	CA	122,280
Sonoma County Mental Health	CA	55,320
Interfaith Shelter Network, Inc	CA	24,780
Community Action Partnership of Sonoma County	CA	40,624
Anka Behavioral Health Services	CA	484,411
Anka Behavioral Health Services	CA	243,552
Shelter, Inc. of Contra Costa County	CA	269,833
Stand! Against Domestic Violence	CA	75,571
Shelter, Inc. of Contra Costa County	CA	677,099
Contra Costa Interfaith Housing	CA	224,870
Contra Costa County Health Services Department	CA	172,413
Rubicon Programs Inc	CA	204,120
Resources for Community Developmen	CA	158,041
Rubicon Programs Inc	CA	221,628
Anka Behavioral Health Services	CA	290,355
Rubicon Programs Inc	CA	44,013
Greater Richmond Interfaith Programs	CA	75,306
Anka Behavioral Health Services	CA	495,153
Housing Authority of Contra Costa County	CA	2,593,092
Rubicon Programs Inc	CA	653,005
Shelter, Inc. of Contra Costa County	CA	80,797
Shelter, Inc. of Contra Costa County	CA	404,859
Veterans Transition Center	CA	194,525
The Salvation Army, a California Corporation: Monterey Peninsula Corps	CA	102,008
Unity Care Group, Inc	CA	45,000
Shelter Outreach Plus	CA	166,599

APPENDIX A—Continued

Recipient	State	Amount
Coalition of Homeless Services Providers	CA	70,875
Shelter Outreach Plus	CA	121,833
INTERIM, Inc	CA	138,169
Shelter Outreach Plus	CA	115,999
Veterans Transition Center	CA	81,115
John XII AIDS Ministry	CA	125,519
Housing Authority of the County of Monterey	CA	367,867
INTERIM, Inc	CA	97,408
Center Point, Inc	CA	474,247
Homeward Bound of Marin	CA	191,493
Buckelew Programs	CA	193,998
Center Point, Inc	CA	42,210
Marin Abused Women's Services	CA	55,642
Housing Authority of the County of Marin	CA	802,872
Homeward Bound of Marin	CA	50,148
Buckelew Programs	CA	27,476
Homeward Bound of Marin	CA	319,096
Marin Abused Women's Services	CA	64,540
Pajaro Valley Shelter Services	CA	13,623
Homeless Service Center	CA	142,591
The Salvation Army, a California Corporation	CA	83,137
County of Santa Cruz	CA	89,985
Santa Cruz County Health Services Agency	CA	350,920
County of Santa Cruz Health Srvices	CA	68,700
Families in Transition of Santa Cruz County, Inc	CA	181,158
Santa Cruz Community Counseling Center	CA	41,540
Families in Transition of Santa Cruz County, Inc	CA	185,186
Families in Transition	CA	56,000
Ukiah Community Center (UCC) & Ford Street Project (FSP)	CA	128,052
Ford Street Project	CA	41,088
Mendocino County Continuum of Care	CA	1,215,540
Ukiah Coast Community Center of Ford Street Project	CA	200,077
Stanislaus Community Assistance Project	CA	355,000
Community Housing and Shelter Services of Stanilaus County	CA	285,941
Housing Authority of the County of Stanislaus	CA	538,140
Community Housing & Shelter Services	CA	205,025
Center for Human Services	CA	128,983
Center for Human Services	CA	272,047
Turning Point Community Programs	CA	292,572
Stanislaus Community Assistance Project	CA	470,787
Central Valley Low Income Housing Corp	CA	412,314
Central Valley Low Income Housing Corp	CA	283,206
Central Valley Low Income Housing Corp	CA	354,644
San Joaquin County	CA	96,698
Central Valley Low Income Housing Corp	CA	1,196,465
Central Valley Low Income Housing Corp	CA	255,328
Central Valley Low Income Housing Corporation	CA	1,566,888
Shelter Network of San Mateo County	CA	131,250
Housing Authority of the County of San Mateo	CA	249,644
Shelter Network of San Mateo County	CA	372,616
Samaritan House	CA	105,000
Shelter Network of San Mateo County	CA	494,788
InnVision the Way Home	CA	74,078
Mental Health Association of San Mateo County	CA	907,164
Shelter Network of San Mateo County	CA	52,500
Shelter Network of San Mateo County	CA	209,790
Shelter Network of San Mateo County	CA	131,250
Mental Health Association of San Mateo County	CA	73,271
Housing Authority of the County of San Mateo	CA	1,324,500
Vietnam Veterans of California, Inc	CA	83,107
Service League of San Mateo County	CA	44,996
CORA (Community Overcoming Relationship Abuse)	CA	225,375
Shelter Network of San Mateo County	CA	225,750
Mental Health Association of San Mateo County	CA	39,530
Housing Authority of the County of San Mateo	CA	495,369
Kings United Way	CA	101,920
Housing Authority City of Fresno	CA	163,512
Housing Authority City of Fresno	CA	604,872
Marjaree Mason Center, Inc	CA	575,680
Valley Teen Ranch	CA	90,146
TPOCC, Inc	CA	848,233
Marjaree Mason Center, Inc	CA	216,173

APPENDIX A—Continued

Recipient	State	Amount
Angels of Grace, Inc	CA	186,000
Turning Point of Central California, Inc	CA	1,049,170
Fresno County Economic Opportunities Commission	CA	1,171,727
Housing Authority City of Fresno	CA	135,000
Hope, Help & Healing Inc	CA	40,636
Placer County Health and Human Services—Adult System of Care	CA	293,282
Placer Women's Center dba PEACE for Families	CA	212,298
Northern Valley Catholic Social Service, Inc	CA	276,240
Buckelew Programs	CA	13,185
Catholic Charities of the Diocese of Santa Rosa	CA	53,436
Buckelew Programs	CA	148,768
Legal Aid of Napa Valley	CA	13,500
Catholic Charities of the Diocese of Santa Rosa	CA	27,431
County of Napa	CA	19,950
County of Napa	CA	123,439
Global Center for Success, Inc	CA	66,225
Caminar, Inc	CA	48,547
Fairfield-Suisun Community Action Council, Inc	CA	183,750
ANKA Inc	CA	152,935
Global Center for Success, Inc	CA	41,832
Vacaville Social Services Corporation	CA	100,207
Solano County Health and Social Services	CA	199,080
Caminar, Inc	CA	103,736
Youth & Family Services	CA	109,925
Community Action Agency of Butte County, Inc	CA	45,880
Community Action Agency of Butte County, Inc	CA	53,946
Community Action Agency of Butte County, Inc	CA	105,000
Butte County Department of Behavioral Health	CA	165,300
Butte County Department of Behavioral Health	CA	53,670
Merced County Community Action Board	CA	81,163
Yolo Wayfarer Center	CA	175,151
United Christian Centers of The Greater Sacramento Area, Inc	CA	46,527
Davis Community Meals	CA	106,752
Yolo Community Care Continuum	CA	83,333
Arcata House, Inc	CA	106,108
Redwood Community Action Agency	CA	38,359
Arcata House, Inc	CA	75,251
Humboldt Bay Housing Development Corporation	CA	121,428
Arcata House, Inc	CA	82,687
Glenn County Human Resource Agency	CA	31,500
Yuba Sutter United Way	CA	30,300
El Dorado County Human Services—Community Services Division	CA	13,339
Amador-Tuolumne Community Action Agency	CA	39,900
Hollywood Community Housing Corporation	CA	312,000
A Community of Friends	CA	256,212
St Joseph Center	CA	220,461
Beyond Shelter, Inc	CA	331,546
Tarzana Treatment Centers, Inc	CA	265,549
County of Los Angeles	CA	88,668
Women Advancing The Valley Through Education Economic and Empowerment	CA	292,257
Testimonial Community Love Center	CA	136,888
Southern California	CA	180,897
Covenant House California	CA	128,499
Asian Pacific Women's Center, Inc	CA	149,380
Housing Authority of the City of Los Angeles	CA	254,868
Los Angeles Youth Network	CA	40,528
National Mental Health Association of Greater Los Angeles	CA	262,085
St. Joseph Center	CA	47,246
First To Serve, Inc	CA	151,802
County of Los Angeles	CA	273,045
Covenant House California	CA	385,943
The Los Angeles Gay & Lesbian Community Services Center	CA	377,255
Southern California Alcohol and Drug Programs, Inc	CA	355,943
New Directions, Inc	CA	574,640
A Community of Friends	CA	156,635
The Serra Ancillary Care Corporation dba The Serra Project	CA	295,362
The Salvation Army, a California Corporation	CA	360,500
Skid Row Housing Trust	CA	59,052
Project New Hope	CA	93,310
Portals	CA	346,589
Skid Row Housing Trust	CA	582,300
County of Los Angeles—Department of Mental Health	CA	398,760

APPENDIX A—Continued

Recipient	State	Amount
Mental Health Association of Los Angeles County	CA	105,228
Mental Health Association of LA County	CA	206,424
Special Services For Groups	CA	296,580
Special Services for Groups	CA	312,300
Hillview Mental Health Center, Inc	CA	99,936
Testimonial Community Love Center	CA	156,191
Housing Authority of the City of Los Angeles	CA	139,752
County of Los Angeles—Department of Mental Health	CA	599,136
San Fernando Valley Community Mental Health Center, Inc	CA	223,929
County of Los Angeles—Department of Mental Health	CA	209,136
Skid Row Housing Trust	CA	310,560
A Community of Friends	CA	518,352
Single Room Occupancy Housing Corporation	CA	92,610
A Community of Friends	CA	302,796
Skid Row Housing Trust	CA	155,280
Watts Labor Community Action Committee	CA	259,701
Southern California Alcohol and Drug Programs	CA	963,276
South Central Health & Rehabilitation Programs	CA	213,806
PATH (People Assisting The Homeless)	CA	114,529
People Assisting The Homeless	CA	182,955
California Hispanic Commission	CA	200,354
Ocean Park Community Center	CA	66,685
Citus Vally Health Foundation	CA	158,891
JWCH Institute, Inc	CA	308,999
Bridge Focus, Inc	CA	99,225
Special Services for Groups	CA	385,943
South Central Health & Rehabilitation Program	CA	224,759
South Central Health & Rehabilitation Programs	CA	244,335
Antelope Valley Domestic Violence Council	CA	199,999
South Central Health & Rehabilitation Program	CA	201,821
Weingart Center Association	CA	170,760
Weingart Center Association, Inc	CA	177,316
Venice Family Clinic	CA	284,842
United States Veterans Initiative	CA	350,396
Beyond Shelter, Inc	CA	282,429
California Hispanic Commission	CA	333,929
House of Ruth, Inc	CA	248,942
PATH (People Assisting The Homeless)	CA	100,275
Beyond Shelter	CA	141,911
United States Veterans Initative	CA	474,403
Tarzana Treatment Centers, Inc	CA	188,131
United States Veterans Initiative	CA	289,795
Prototypes: Center for Innovation in Health, Mental Health and Social Services	CA	149,846
Chrysalis	CA	362,250
Ocean Park Community Center	CA	63,655
Los Angeles Homeless Services Authority	CA	629,647
Catholic Charities of Los Angeles, Inc	CA	103,425
Weingart Center Association	CA	314,478
California Hispanic Commission	CA	248,823
Homes for Life Foundation	CA	337,590
Beyond Shelter, Inc	CA	154,997
County of Los Angeles Department of Childredn & Family Services	CA	105,000
Skid Row Development Corporation	CA	71,796
People Helping People Economic Dev. Corp	CA	145,940
Antelope Valley Domestic Violence Council	CA	143,911
SRO Housing Corporation	CA	119,280
YMCA of Metropolitan Los Angeles/Hollywood Wilshire YMCA	CA	177,486
City of Santa Monica	CA	381,940
The Salvation Army, a California Corporation	CA	276,039
County of Los Angeles Department of Children & Family Services	CA	361,209
Jenesse Center, Inc	CA	128,979
The Salvation Army, a California Corporation	CA	218,221
San Fernando Valley Community Mental Health Center, Inc	CA	134,592
Center for the Pacific-Asian Family, Inc	CA	121,874
County of Los Angeles Department of Children & Family Services	CA	23,745
County of Los Angeles	CA	378,804
Center of Human Rights and Constitutional Law Inc	CA	134,943
Mary Lind Recovery Centers (f/k/a Mary Lind Foundation)	CA	442,317
Su Casa Domestic Abuse Network	CA	52,463
Women's Care Cottage	CA	277,454
Weingart Center Association, Inc	CA	241,135
Rainbow Services, Ltd	CA	255,012

APPENDIX A—Continued

Recipient	State	Amount
Stop Homelessness in the Rio Hondo Area, Inc	CA	165,207
The Salvation Army, a California Corporation	CA	169,948
Jewish Family Service of Los Angeles	CA	180,498
Peace & Joy Care Center	CA	206,461
A Community of Friends	CA	213,003
JWCH Institute, Inc	CA	565,337
Peace & Joy Care Center	CA	137,485
Single Room Occupancy Housing Corporation	CA	279,510
Peace & Joy Care Center	CA	253,325
City of Santa Monica	CA	1,907,412
New Directions, Inc	CA	92,217
1736 Family Crisis Center	CA	521,823
County of Los Angeles Department of Children & Family Services	CA	176,269
Filipino American Service Group, Inc	CA	190,449
San Fernando Valley Community Mental Health Center, Inc	CA	486,570
St. Anne's Maternity Home	CA	259,875
Harbor Interfaith Services, Inc	CA	127,673
City of Santa Monica	CA	474,453
Venice Community Housing Corporation	CA	81,170
Homes For Life Foundation	CA	223,552
Beacon Housing, Inc	CA	76,192
L.A. Family Housing Corporation	CA	355,664
PATH (People Assisting The Homeless)	CA	209,161
Antelope Valley Domestic Violence Council	CA	189,000
Penny Lane Cenders	CA	168,843
Shields for Families, Inc	CA	198,507
Homes For Life Foundation	CA	70,031
The Salvation Army, a California Corporation	CA	174,133
County of Los Angeles Department of Children & Family Services	CA	360,363
A Community of Friends	CA	135,276
Homes For Life Foundation	CA	147,972
A Community of Friends	CA	210,433
The Salvation Army, a California Corporation	CA	360,500
Penny Lane Centers	CA	157,706
A Community of Friends	CA	196,350
United Friends of the Children	CA	294,355
A Community of Friends	CA	258,248
A Community of Friends	CA	175,000
Prototypes: Center for Innovation in Health, Mental Health and Social Services	CA	340,549
A Community of Friends	CA	225,355
The CLARE Foundation, Inc	CA	161,539
A Community of Friends	CA	162,775
Catholic Charities of Los Angeles, Inc	CA	142,900
L.A. Family Housing Corporation	CA	349,666
The Salvation Army, a California Corporation	CA	221,485
New Directions, Inc	CA	143,432
Jenesse Center, Inc	CA	118,346
Homes For Life Foundation	CA	120,164
A Community of Friends	CA	112,450
Los Angeles House of Ruth	CA	97,677
A Community of Friends	CA	169,419
Homes For Life Foundation	CA	249,999
Sheilds for Families, Inc	CA	397,205
Single Room Occupancy Housing Corporation	CA	369,601
A Community of Friends	CA	217,392
New Directions, Inc	CA	165,696
Ocean Park Community Center	CA	305,938
LTSC Community Development Corporation	CA	34,999
Skid Row Housing Trust	CA	6,110,040
The Serra Ancillary Care Corporation dba The Serra Project	CA	318,851
The Serra Project	CA	189,112
A Community of Friends	CA	52,250
Homes For Life Foundation	CA	130,971
A Community of Friends	CA	149,706
Homes For Life Foundation	CA	76,059
Homes for Life Foundation	CA	72,067
SRO Housing Corporation	CA	286,999
Los Angeles County Department of Mental Health	CA	160,548
Portals Mental Health Rehabilitation Services	CA	273,828
City of Pomona	CA	162,154
California Council for Veterans Affairs, Inc	CA	136,216
Antelope Valley Domestic Violence Council	CA	493,764

APPENDIX A—Continued

Recipient	State	Amount
City of Pomona	CA	780,912
Project New Hope	CA	152,892
Homes for Life Foundation	CA	594,780
LA County Dept of Mental Health	CA	71,784
Venice Community Housing Corporation	CA	164,208
Los Angeles House of Ruth	CA	63,687
Upward Bound House	CA	281,424
L.A. Family Housing Corporation	CA	363,659
The Serra Ancillary Care Corp dba The Serra Project	CA	249,999
Venice Community Housing Corporation	CA	103,560
St. Joseph Center	CA	253,944
SHIELDS For Families, Inc	CA	90,395
Palms Residential Care Facility	CA	67,200
County of Los Angeles Department of Children & Family Services	CA	339,078
New Economics for Women	CA	155,254
His Sheltering Arms, Inc	CA	246,780
Catholic Charities of Los Angeles, Inc	CA	387,581
Prototypes: Center for Innovation in Health, Mental Health and Social Services	CA	140,466
Akila Concepts, Inc	CA	71,317
Beyond Shelter, Inc	CA	147,775
Jewish Family Service of Los Angeles	CA	287,114
Valley Village	CA	54,498
The Serra Project	CA	129,761
Step Up on Second, Inc	CA	125,856
Penny Lane Centers	CA	209,799
Project New Hope	CA	125,824
Los Angeles County Department of Mental Health	CA	115,476
Los Angeles County Department of Mental Health	CA	249,888
Gramercy Housing Group	CA	210,960
LTSC Community Development Corporation	CA	113,971
The Salvation Army, a California Corporation	CA	170,271
Penny Lane Centers	CA	174,970
Lamp, Inc	CA	263,401
National Mental Health Association of Greater Los Angeles	CA	207,120
Lamp, Inc	CA	144,984
Hollywood Community Housing Corporation	CA	235,440
Palms Residential Care Facility	CA	61,041
County of Los Angeles	CA	194,098
St. Joseph Center	CA	149,904
St. Joseph Center	CA	251,784
Single Room Occupancy (SRO) Housing Corporation	CA	271,740
Single Room Occupancy (SRO) Housing Corporation	CA	1,420,812
1736 family Crisis Center	CA	197,412
A Community of Friends	CA	2,122,980
St. Joseph Center	CA	38,820
Project New Hope	CA	294,960
Project New Hope	CA	267,384
City of Santa Monica Housing Authority	CA	1,216,800
Southern California Alcohol and Drug Programs	CA	277,848
Southern California Alcohol and Drug Programs	CA	1,400,004
Hollywood Community Housing Corporation	CA	150,240
Venice Community Housing Corporation	CA	81,036
City of Santa Monica Housing Authority	CA	108,972
Skid Row Housing Trust	CA	621,120
Skid Row Housing Trust	CA	232,920
Skid Row Housing Trust	CA	388,200
Hillview Mental Health Center, Inc	CA	99,936
Housing Authority of the City of Los Angeles	CA	228,288
Hollywood Community Housing Corporation	CA	193,596
Southern California Alcohol and Drug Program	CA	2,037,120
The Association For Community Housing Solutions (TACHS)	CA	170,496
St. Vincent de Paul Village, Inc	CA	357,480
St. Vincent de Paul Village, Inc	CA	402,182
The Association For Community Housing Solutions (TACHS)	CA	73,500
Pathfinders of San Diego	CA	181,044
Pathfinders of San Diego	CA	130,080
The Association For Community Housing Solutions (TACHS)	CA	769,500
Episcopal Community Services	CA	554,561
YWCA of San Diego County	CA	553,475
St. Vincent de Paul Village, Inc	CA	1,699,096
St. Vincent de Paul Village, Inc	CA	890,000
Volunteers of America	CA	301,164

APPENDIX A—Continued

Recipient	State	Amount
YMCA of San Diego County	CA	178,739
Vietnam Veterans of San Diego (VVSD)	CA	202,850
St. Vincent de Paul Village, Inc	CA	619,024
San Diego Youth & Community Services	CA	87,571
St. Vincent de Paul Village, Inc	CA	513,712
Regional Task Force on the Homeless, Inc	CA	108,914
Episcopal Community Services	CA	509,328
Stepping Stone of San Diego, Inc	CA	199,632
Center for Social Support & Education (CSSE)	CA	271,572
Catholic Charities, Diocese of San Diego	CA	33,333
Colette's Childrens Home, Inc	CA	327,797
Young Women's Christian Association Central Orange County	CA	93,880
Orange County Housing Authority	CA	1,292,100
Orange County Housing Authority	CA	551,232
Thomas House Temporary Shelter	CA	57,984
Council of Orange County Society of St. Vincent de Paul	CA	582,732
Interval House	CA	73,268
Colette's Childrens Home, Inc	CA	622,608
Orange County Housing Authority	CA	544,872
Orange County Housing Authority	CA	502,500
Orange County Housing Authority	CA	779,220
Human Options, Inc	CA	115,753
Colette's Childrens Home, Inc	CA	327,797
The Eli Home, Inc	CA	522,574
OC Partnership	CA	433,262
South County Outreach	CA	185,220
Southern California Alcohol and Drug Programs, Inc	CA	380,345
American Family Housing	CA	316,173
Orange County Housing Authority	CA	2,936,100
Families Forward	CA	74,565
Families Forward	CA	134,284
OC Partnership	CA	57,043
Thomas House Temporary Shelter	CA	30,799
Friendship Shelter, Inc	CA	136,272
Human Options, Inc	CA	32,077
Veterans First	CA	156,232
Veterans First	CA	250,647
Fullerton Interfaith Emergency Service, Inc	CA	252,000
Santa Barbara County Housing and Community Development	CA	102,812
Good Samaritan Shelters, Inc	CA	17,850
Transitional House	CA	55,152
Housing Authority of the City of Santa Barbara	CA	590,184
Lompoc Housing & Community Development Corporation	CA	36,565
Santa Barbara Community Housing Corporation	CA	99,444
Transitional House	CA	61,763
Casa Esperanza	CA	160,585
Domestic Violence Solutions for Santa Barbara County	CA	76,220
Santa Barbara County—Alcohol, and Mental Heath Services	CA	115,315
Lompoc Housing & Community Development Corporation	CA	49,875
Bethany Services dba Bakersfield Homeless Center	CA	176,880
County of Kern	CA	217,522
Community Action Partnership of Kern	CA	150,904
Women's Center—High Dersert, Inc	CA	113,132
Clinica Sierra Vista, Inc	CA	135,147
Alliance Against Family Violence and Sexual Assault	CA	57,881
Bethany Services dba Bakersfield Homeless Center	CA	269,407
Greater Bakersfield Legal Assistance, Inc. (GBLA)	CA	120,080
County of Kern	CA	82,050
Clinica Sierra Vista, Inc	CA	92,350
Turning Point Foundation	CA	26,074
Turning Point Foundation	CA	249,999
County of Ventura Human Services Agency	CA	49,085
United Way of Ventura County	CA	44,541
County of Ventura Human Services Agency	CA	217,276
Many Mansions	CA	59,911
The Salvation Army, a California Corporation	CA	204,638
Many Mansions	CA	60,952
Many Mansions	CA	61,600
Housing Authority of the City of San Buenaventura	CA	122,460
Many Mansions	CA	39,998
1736 Family Crisis Center	CA	195,686
United States Veterans Initiative	CA	78,120

APPENDIX A—Continued

Recipient	State	Amount
City of Long Beach	CA	102,379
Beyond Shelter	CA	50,017
City of Long Beach	CA	47,443
Goodwill, SOLAC	CA	45,178
Goodwill, SOLAC	CA	52,209
City of Long Beach	CA	182,128
Catholic Charities Los Angeles, Inc	CA	46,998
Children Today	CA	56,840
Children Today	CA	199,500
National Mental Health Association of Greater Los Angeles	CA	222,721
City of Long Beach	CA	285,838
New Image Emergency Shelter for the Homeless, Inc	CA	50,085
Gay and Lesbian Adolescent Social Services (GLASS)	CA	365,749
1736 family Crisis Center	CA	282,450
The Salvation Army	CA	216,667
Interval House Crisis Shelters	CA	161,920
City of Long Beach	CA	244,998
New Image Emergency Shelter for the Homeless, Inc	CA	100,599
United States Veterans Initiative	CA	345,119
National Mental Health Association of Greater Los Angeles	CA	336,936
P.A.T.H. (People Assisting the Homeless)	CA	644,080
United States Veterans Initiative	CA	218,334
City of Long Beach	CA	241,279
United States Veterans Initiative	CA	54,120
National Mental Health Association of Greater Los Angeles	CA	88,992
National Mental Health Association of Greater Los Angeles	CA	312,300
City of Long Beach	CA	40,856
Beyond Shelter	CA	132,884
Serra Ancillary Care Corporation dba The Serra Project	CA	103,515
160 Euclid Partners, LP	CA	163,700
Pacific Clinics	CA	952,750
Pasadena Community Development Commission	CA	137,754
Pacific Clinics	CA	232,863
Housing Services	CA	43,724
Serra Ancillary Care Corporation dba The Serra Project	CA	118,610
Union Station Foundation	CA	122,097
Pasadena Community Development Commission	CA	581,244
URDC Human Services Corporation	CA	155,416
Operation SafeHouse, Inc	CA	135,756
Housing Autoority of the County of Riverside	CA	1,134,900
Housing Authority of the County of Riverside	CA	349,596
County of Riverside Department of Mental Health	CA	86,799
County of Riverside Department of Mental Health	CA	350,857
S.V.D.P. Management, Inc	CA	525,000
MFI Recovery Center, Inc	CA	80,591
Episcopal Community Services	CA	220,729
County of Riverside Department of Mental Health	CA	135,846
United States Veterans Initative Inc	CA	550,000
Lutheran Social Services of Southern California	CA	218,484
Shelter From the Storm, Inc	CA	235,620
ABC Recovery Center, Inc	CA	42,192
County of Riverside	CA	260,498
County of Riverside Department of Mental Health	CA	71,110
County of Riverside Department of Mental Health	CA	1,106,264
Housing Authority of the County of Riverside	CA	106,200
Whiteside Manor, Inc	CA	876,006
County of San Bernardino Department of Behavioral Health	CA	998,580
Inland Temporary Homes	CA	1,274,506
Inland Counties Legal Services, Inc	CA	163,593
Central City Lutheran Mission	CA	33,828
New Hope Village, Inc	CA	133,350
Inland Behavioral & Health Services, Inc	CA	367,063
Inland Temporary Homes	CA	138,804
Inland Temporary Homes	CA	256,346
Foothill Family Shelter, Inc	CA	102,375
Central City Lutheran Mission	CA	230,382
Frazee Community Center	CA	78,750
Community Action Partnership of San Bernardino County	CA	750,477
County of San Bernardino Department of Behavioral Health	CA	2,760,720
South Bay Community Services	CA	96,832
North County Interfaith Council, Inc	CA	575,735
Regional Task Force on the Homeless, Inc	CA	222,007

APPENDIX A—Continued

Recipient	State	Amount
Regional Task Force on the Homeless, Inc	CA	89,798
Mental Health Systems, Inc	CA	282,051
Mental Health Systems, Inc	CA	273,283
Women's Resource Center	CA	146,702
Interfaith Community Services	CA	256,944
St. Clare's Home, Inc	CA	66,617
St. Clare's Home, Inc	CA	82,129
North County Serenity House Inc	CA	44,207
North County Interfaith Council, Inc	CA	346,689
Volunteers of America Southwest California	CA	297,198
Vietnam Veterans of San Diego (VVSD)	CA	209,600
Community Housing Works	CA	104,559
Crisis House	CA	443,110
Crisis House	CA	186,667
Mental Health Systems, Inc	CA	72,366
Community Resource Center	CA	55,000
Community Housing Works	CA	63,000
South Bay Community Services	CA	86,951
Community Housing Works	CA	43,557
South Bay Community Services	CA	96,843
Interfaith Community Services and Mental Health Systems	CA	547,104
Mental Health Systems, Inc	CA	603,180
Project Understanding	CA	53,642
Turning Point Foundation	CA	35,410
County of Ventura Human Services Agency	CA	31,214
Community Action of Ventura county	CA	69,568
Community Action of Ventura County	CA	63,243
United Way of Ventura County	CA	46,768
Turning Point Foundation	CA	31,361
County of Ventura Human Services Agency	CA	163,795
Khepera House	CA	54,653
PATH Achieve Glendale	CA	151,277
City of Glendale	CA	93,000
YWCA of Glendale	CA	217,292
City of Glendale	CA	100,572
City of Glendale	CA	158,496
Antelope Valley Domestic Violence Council	CA	148,156
The Salvation Army, a California Corporation	CA	86,437
Path Achieve Glendale	CA	177,399
PATH Achieve Glendale	CA	752,285
People Assisting the Homeless (P.A.T.H.)	CA	181,969
New Horizons Family Center	CA	21,420
Womenhaven, Inc	CA	169,864
Calexico Housing Authority	CA	79,266
Economic Opportunity Commission of San Luis Obispo County, Inc	CA	473,981
Economic Opportunity Commission of San Luis Obispo County, Inc	CA	211,149
Economic Opportunity Commission of San Luis Obispo County, Inc	CA	163,091
Hilltop Community Resources/Tri-County Resource Center	CO	76,587
Posada, Inc	CO	83,333
Grand Valley Catholic Outreach, Inc	CO	252,500
Colorado Coalition for the Homeless	CO	40,320
Catholic Charities Western Slope	CO	129,369
North Range Behavioral Health	CO	109,543
Advocates Against Domestic Assault	CO	48,549
Posada, Inc	CO	249,900
Grand Valley Catholic Outreach, Inc	CO	94,655
Greeley Center for Independence, Inc	CO	30,893
Colorado Department of Local Affairs, Division of Housing	CO	19,151
La Puente Home, Inc	CO	73,821
SHARE, Inc. (lead sponsor)	CO	129,770
Catholic Charities Northern (lead sponsor)	CO	282,316
Larimer Center for Mental Health	CO	54,827
Homeward Bound of the Grand Valley	CO	143,885
Colorado Department of Human Services	CO	83,112
Loaves and Fishes Ministries of Fremont County	CO	179,089
The Resource Center of Eagle County	CO	115,641
Posada, Inc	CO	112,938
The Empowerment Program	CO	351,144
Urban Peak Denver	CO	99,648
Colorado Coalition for the Homeless	CO	403,535
Colorado Department of Human Services	CO	2,008,980
Colorado Coalition for the Homeless	CO	415,728

APPENDIX A—Continued

Recipient	State	Amount
Colorado Coalition for the Homeless	CO	198,187
The Mental Health Center serving Boulder and Broomfield Counties (MHCBBC)	CO	29,903
Urban Peak Denver	CO	149,472
Colorado Department of Human Services	CO	106,748
Colorado Department of Human Services	CO	234,587
Colorado Coalition for the Homeless	CO	107,439
Colorado Coalition for the Homeless	CO	91,065
Colorado Coalition for the Homeless	CO	319,609
Colorado Coalition for the Homeless	CO	60,529
Volunteers of America Colorado Branch	CO	162,398
St. Francis Center	CO	840,000
Colorado Coalition for the Homeless	CO	507,627
Colorado Coalition for the Homeless	CO	109,948
Colorado Coalition for the Homeless	CO	447,978
Colorado Coalition for the Homeless	CO	606,548
Colorado Coalition for the Homeless	CO	479,236
Colorado Coalition for the Homeless	CO	690,000
St. Francis Center	CO	166,080
Colorado AIDS Project	CO	68,112
St. Francis Center	CO	87,408
Colorado Coalition for the Homeless	CO	297,744
Colorado Coalition for the Homeless	CO	318,384
Colorado Coalition for the Homeless	CO	276,339
ACCESS Housing	CO	943,075
Volunteers of America Colorado Branch	CO	506,102
Third Way Center, Inc	CO	116,538
Family Tree, Inc	CO	80,085
Harbor House Collaborative	CO	390,000
Gospel Shelters for Women dba Liza's Place	CO	50,000
Colorado Department of Human Services	CO	106,368
Urban Peak Denver	CO	102,585
Housing Authority of the City of Colorado Springs	CO	98,436
Greccio, Housing Unlimited, Inc	CO	128,631
Pikes Peak United Way	CO	141,776
City of Colorado Springs	CO	150,000
Partners in Housing	CO	81,838
Partners in Housing	CO	88,784
State of Connecticut Department of Mental Health & Addiction	CT	104,220
State of Connecticut Department of Mental Health & Addiction	CT	436,824
Housing Authority, City of Danbury	CT	137,160
Christian Community Action, Inc	CT	200,025
Columbus House, Inc., ''Sojourner's Place''	CT	270,939
ALSO—Cornerstone Inc., ''Pendelton House''	CT	237,344
CT Women's Consortium	CT	171,113
CMHC	CT	761,148
CMHC	CT	616,380
CMHC	CT	136,980
New Haven Home Recovery	CT	109,632
CMHC and Columbus House	CT	201,120
Liberty Community Services, Inc	CT	1,049,463
CMHC	CT	68,112
CMHC	CT	40,032
Liberty Community Services, Inc	CT	292,500
Youth Continuum	CT	301,568
Continuum of Care, Inc	CT	213,379
State of Connecticut	CT	416,863
Fellowship Place Inc. ''Fellowship Inn''	CT	100,887
Young Women's Christian Association of the Hartford Region, Inc	CT	166,667
Chrysalis Center, Inc	CT	75,876
Community Renewal Team, Inc	CT	55,860
Immaculate Conception Shelter & Housing Corporation	CT	96,922
Community Renewal Team, Inc	CT	469,563
Immaculate Conception Shelter & Housing Corporation	CT	228,625
My Sister's Place	CT	250,000
South Park Inn, Inc	CT	284,288
Community Renewal Team, Inc	CT	564,999
Immaculate Conception Shelter & Housing Corporation	CT	263,232
Immaculate Conception Shelter & Housing Corporation	CT	196,000
The Salvation Army	CT	73,150
State of Connecticut	CT	1,422,336
State of Connecticut	CT	87,048
State of Connecticut	CT	48,456

APPENDIX A—Continued

Recipient	State	Amount
Hall-Brooke Behavioral Health Services	CT	191,222
Hall-Brooke Behavioral Health Services	CT	249,999
Hall-Brooke Behavioral Health Services	CT	313,935
Micah Housing, Inc	CT	73,909
Emerge, Inc	CT	44,890
ReFocus Outreach Ministries, Inc	CT	188,191
Career Resouces, Inc	CT	143,220
United Way of Eastern Fairfield County	CT	39,999
State of Connecticut	CT	1,010,832
State of Connecticut	CT	149,736
Liberation Programs, Inc	CT	179,626
Applied Behavioral Rehabilitation Institute, Inc. (ABRI)	CT	99,878
Regional Network of Programs Inc	CT	261,196
Micah Housing, Inc	CT	73,501
Hall-Brooke Behavioral Health Services	CT	177,429
Catholic Charities of Fairfield County, Inc	CT	372,972
The Connection, Inc	CT	137,094
The Connection Fund, Inc	CT	161,520
American Red Cross Middlesex Central CT Chapter	CT	133,000
The Connection Fund, Inc	CT	105,276
The Connection, Inc	CT	109,836
Mercy Housing and Shelter Corporation	CT	241,190
St. Vincent De Paul Place	CT	23,759
Windham Regional Community Council	CT	280,291
Chrysalis Center, Inc	CT	151,560
Torrington Community Housing Corporation	CT	95,736
Harbor Health Services, Inc	CT	62,087
Rushford Center	CT	262,872
Connecticut Coalition to End Homelessness	CT	50,000
Community Health Resources Inc	CT	107,184
Chrysalis Center, Inc	CT	174,096
Rushford Center	CT	140,928
Rushford Center	CT	59,112
United Services, Inc	CT	106,236
United Services, Inc	CT	73,548
Community Renewal Team, Inc	CT	361,344
St. Philip House, Inc	CT	161,601
New Opportunities, Inc	CT	39,285
InterCommunity Mental Health Group	CT	69,042
Birmingham Group Health Services, Inc	CT	133,633
Harbor Health Services, Inc	CT	16,461
Holy Family Home and Shelter, Inc	CT	122,291
Chrysalis Center, Inc	CT	207,744
InterCommunity Mental Health Group	CT	151,095
Community Renewal Team, Inc	CT	207,117
Windham Regional Community Council	CT	274,077
Connecticut AIDS Resource Coalition	CT	114,000
Family and Children's Agency	CT	146,177
Housing Authority City of Norwalk	CT	157,680
The Mid Fairfield AIDS Project, Inc	CT	49,400
Norwalk Emergency Shelter, Inc	CT	47,830
State of Connecticut	CT	400,116
Hall-Brooke Behavioral Health Services	CT	309,029
The Mid Fairfield AIDS Project, Inc	CT	120,000
Southeastern Mental Health Authority	CT	67,764
Bethsida Community Inc	CT	86,984
The Thames Valley Council for Community Action, Inc	CT	655,247
Southeastern Mental Health Authority	CT	114,984
Thames River Community Service Inc	CT	195,983
Women's Center of Southeastern Connecticut, Inc	CT	50,584
Bethsida Community Inc	CT	87,528
Alliance for Living, Inc	CT	73,932
Alliance for Living, Inc	CT	65,356
St. Luke's Community Services, Inc	CT	39,449
State of Connecticut	CT	193,368
State of Connecticut	CT	193,368
Laurel House, Inc	CT	87,976
Mutual Housing Association of Southwestern Connecticut, Inc	CT	165,900
St. Luke's Community Services, Inc	CT	398,716
Shelter for the Homeless	CT	84,051
United Way of Stamford	CT	49,999
Friendship Service Center of New Britain, Inc	CT	96,119

APPENDIX A—Continued

Recipient	State	Amount
Community Mental Health Affiliates	CT	322,644
Friendship Service Center of New Britain, Inc	CT	47,074
Friendship Service Center of New Britain, Inc	CT	95,482
Friendship Service Center of New Britain, Inc	CT	63,316
Friendship Service Center of New Britain, Inc	CT	210,007
Friendship Service Center of New Britain, Inc	CT	224,917
St. Vincent DePaul Mission of Bristol, Inc	CT	27,019
St. Vincent DePaul Mission of Bristol, Inc	CT	321,830
Greater Waterbury Mental Health Authority	CT	582,900
CHD/CT Outreach West	CT	234,120
Connecticut Coalition to End Homelessness	CT	63,358
Waterbury Housing Authority	CT	212,916
Center For Human Development/Connecticut Outreach–West	CT	204,912
Transitional Housing Corporation	DC	127,384
House of Ruth	DC	114,586
Catholic Charities of the Archdiocese of Washington	DC	245,421
House of Ruth	DC	134,834
Neighbors' Consejo	DC	150,000
Community Connections	DC	224,256
Community Connections	DC	109,725
Christ House	DC	899,866
Gospel Rescue Ministries of Washington, DC	DC	100,905
Community Connections	DC	98,175
So Others May Eat, Inc	DC	101,333
The Coalition for the Homeless	DC	204,747
Rachael's Women's Center	DC	165,819
Miriam's House, Inc	DC	141,214
District of Columbia Department of Mental Health	DC	922,500
Families Forward, Inc	DC	201,224
Green Door	DC	144,758
Coates and Lane Foundation, Incorporated	DC	346,323
Families Forward, Inc	DC	229,045
Transitional Housing Corporation	DC	148,924
New Endeavors by Women	DC	414,029
Community of Hope	DC	527,880
Covenant House Washington, DC	DC	420,000
Hannah House, Inc	DC	148,115
The Community Partnership for the Prevention of Homelessness	DC	266,083
Access Housing Inc	DC	275,106
Sasha Bruce Youthwork, Inc	DC	189,057
The Community Partnership for the Prevention of Homelessness	DC	825,432
Community Connnections	DC	121,727
So Others May Eat, Inc	DC	513,940
So Others May Eat, Inc	DC	323,673
New Endeavors by Women	DC	176,225
Sasha Bruce Youthwork, Inc	DC	129,593
House of Ruth	DC	144,083
The Salvation Army, A Georgia Corporation	DC	475,935
Bethany, Inc	DC	78,342
Neighbors' Consejo	DC	149,203
Catholic Charities	DC	189,000
Catholic Charities of the Archdiocese	DC	257,404
Community Connections	DC	132,300
Pathways to Housing DC	DC	495,967
The Community Partnership for the Prevention of Homelessness	DC	75,000
Community Connections, Inc	DC	106,863
Coalition for the Homeless	DC	171,453
The Community Partnership for the Prevention of Homelessness	DC	2,844,312
House of Ruth	DC	84,383
Sasha Bruce Youthwork, Inc	DC	67,628
New Endeavors by Women	DC	210,118
House of Ruth	DC	321,806
Catholic Charities of the Archdiocese of Washington	DC	168,640
New Hope Ministries, Inc	DC	232,879
Community Family Life Services, Inc	DC	140,205
House of Ruth	DC	239,506
Community Connections	DC	297,024
Calvary Women's Services, Inc	DC	142,306
Latin America Youth Center	DC	580,428
Transition Housing Corporation	DC	418,572
Community Family Life Services	DC	196,569
Woodley House, Inc	DC	86,003

APPENDIX A—Continued

Recipient	State	Amount
Connections Community Support Programs, Inc	DE	152,421
Synetics Corporation	DE	26,596
The Ministry of Caring, Inc	DE	200,408
YWCA Delaware	DE	323,967
The Ministry of Caring, Inc	DE	66,467
The Ministry of Caring, Inc	DE	45,612
Connections Community Support Programs, Inc	DE	246,576
Connections Community Support Programs, Inc	DE	143,682
Connections Community Support Programs, Inc	DE	167,076
The Ministry of Caring, Inc	DE	212,357
Connections Community Support Programs, Inc	DE	37,728
Connections Community Support Programs, Inc	DE	143,562
Gateway House, Inc	DE	67,334
The Ministry of Caring, Inc	DE	374,174
West End Neighborhood House, Inc	DE	249,833
The Ministry of Caring, Inc	DE	647,697
Connections Community Support Programs, Inc	DE	249,998
Brandywine Counseling, Fellowship Health Resources, Carelink, NET, Psychotheraupetic Services	DE	1,264,230
Synetics Corporation	DE	128,049
The Ministry of Caring, Inc	DE	129,874
Renaissance Manor, Inc	FL	79,199
Suncoast Partnership to End Homelessness, Inc	FL	80,325
HOPE Family Services, Inc	FL	67,680
The Salvation Army, A Georgia Corporation	FL	170,432
Suncoast Partnership to End Homelessness, Inc	FL	37,698
HOPE Family Services, Inc	FL	51,724
Catholic Charities, Diocese of Venice	FL	120,137
Volunteers of America of Florida	FL	351,781
Agency for Community Treatment Services, Inc	FL	23,333
Alpha House of Tampa, Inc	FL	68,819
The Salvation Army, A Georgia Corporation	FL	144,467
Alpha House of Tampa, Inc	FL	83,013
Agency for Community Treatment Services, Inc	FL	403,035
The Spring of Tampa Bay, Inc	FL	177,557
Housing Authority of the City of Tampa	FL	163,296
Mental Health Care, Inc	FL	295,333
Mental Health Care, Inc	FL	199,500
The Salvation Army, A Georgia Corporation	FL	244,745
Alpha House of Tampa, Inc	FL	77,219
Homeless Coalition of Hillsborough County, Inc	FL	63,333
Agency for Community Treatment Services, Inc	FL	48,153
Agency for Community Treatment Services, Inc	FL	133,334
Homeless Coalition of Hillsborough County, Inc	FL	65,510
Homeless Coalition of Hillsborough County, Inc	FL	42,758
Agency for Community Treatment Services, Inc	FL	42,997
Mental Health Care, Inc	FL	834,879
Project Return, Inc	FL	153,956
Homeless Emergency Project, Inc	FL	74,550
Boley Centers, Inc	FL	82,554
Boley Centers, Inc	FL	77,362
Boley Centers, Inc	FL	253,778
Religious Community Services, Inc	FL	110,053
WestCare Gulfcoast-Florida, Inc	FL	273,000
Clearwater Housing Authority	FL	375,492
Homeless Emergency Project, Inc	FL	33,101
Homeless Emergency Project, Inc	FL	60,850
Boley Centers, Inc	FL	356,438
CASA (Community Action Stop Abuse, Inc.)	FL	241,031
Alpha House of Pinellas, Inc. (formerly ALPHA, a Beginning, Inc.)	FL	69,888
Brookwood Florida-Central, Inc	FL	98,430
Operation PAR, Inc	FL	100,452
Young Women's Christian Association of Tampa Bay, Inc	FL	176,237
Pinellas Affordable Living, Inc. (PAL)	FL	285,000
Boley Centers, Inc	FL	133,928
2–1–1 Tampa Bay Cares, Inc	FL	172,454
Tri-County Human Services, Inc	FL	74,710
Agency for Community Treatment Services, Inc	FL	50,400
LifePath Solutions, Inc	FL	132,107
New Life Outreach Ministry, Inc	FL	109,736
New Life Outreach Ministry, Inc	FL	143,586
Homeless Coalition of Polk County, Inc	FL	116,531
Tri-County Human Services, Inc	FL	74,999

APPENDIX A—Continued

Recipient	State	Amount
Talbot House Ministries of Lakeland, Inc	FL	47,374
The Salvation Army, A Georgia Corporation	FL	127,780
Peace River Center for Personal Development, Inc	FL	182,749
Talbot House Ministries of Lakeland, Inc	FL	255,925
Domestic Abuse Council, Inc	FL	69,386
Family Renew Community, Inc	FL	19,045
Serenity House of Volusia, Inc	FL	22,197
Domestic Abuse Council, Inc	FL	124,058
Domestic Abuse Council, Inc	FL	62,815
Volusia/Flagler County Coalition for the Homeless, Inc	FL	85,286
Serenity House of Volusia, Inc	FL	129,273
Family Renew Community, Inc	FL	52,980
Serenity House of Volusia, Inc	FL	171,920
Volusia/Flagler County Coalition for the Homeless, Inc	FL	54,566
Serenity House of Volusia, Inc	FL	67,971
Bridgeway Center, Inc	FL	363,878
Bridgeway Center, Inc	FL	213,229
Big Bend Homeless Coalition, Inc	FL	228,693
Big Bend Homeless Coalition, Inc	FL	691,076
Transition House, Inc	FL	52,500
Goodwill Industries of Central Florida, Inc	FL	181,989
Coalition for the Homeless of Central Florida	FL	61,950
Good Shepherd Corporation of Orlando, Inc. dba Shepherd's Promise	FL	36,841
Anthony House, Inc	FL	127,839
Lakeside Path	FL	78,352
The Transition House, Inc	FL	372,941
Safe House of Seminole County	FL	119,007
Covenant House Florida	FL	92,302
Covenant House Florida	FL	155,548
Grand Avenue Economic Community Development Corp	FL	48,999
Coalition for the Homeless of Central Florida	FL	294,037
Wayne Densch Center, Inc	FL	283,455
Safe House of Seminole County	FL	234,116
The Center For Affordable Housing, Inc	FL	84,630
Wayne Densch Center, Inc	FL	210,000
Health Care Center for the Homeless	FL	168,345
Transition House	FL	175,998
Homeless Services Network of Central Florida, Inc	FL	124,388
Intervention Services, Inc	FL	273,665
The Center For Affordable Housing, Inc	FL	455,395
Coalition For The Homeless	FL	234,339
Orange County, Florida	FL	624,780
Alachua County Housing Authority	FL	255,360
VETSPACE, Inc	FL	137,172
Alachua County Housing Authority	FL	20,000
Pleasant Place, Inc	FL	80,569
Lee Conlee House	FL	38,306
Meridian Behavioral Healthcare, Inc	FL	99,097
VETSPACE, Inc	FL	106,215
Peaceful Paths Domestic Abuse Network, Inc	FL	84,974
Indian River County Board of County Commissioners	FL	44,856
Indian River County Board of County Commissioners	FL	131,100
Indian River County Board of County Commissioners	FL	354,540
Indian River County Board of County Commissioners	FL	70,063
Martin County Board of County Commissioners	FL	76,140
Treasure Coast Homeless Services Council, Inc	FL	51,712
I.M. Sulzbacher Center for the Homeless, Inc	FL	233,188
Community Connections of Jacksonville, Inc	FL	158,175
Gateway Community Services	FL	54,727
Gateway Community Services	FL	61,705
Goodwill of North Florida	FL	284,588
Volunteers of America of Florida	FL	224,103
I.M. Sulzbacher Center for the Homeless	FL	447,075
Community Connections of Jacksonville, Inc	FL	520,432
Volunteers of America of Florida	FL	355,785
Volunteers of America of Florida	FL	390,979
Clara White Mission	FL	132,039
Community Connections of Jacksonville, Inc	FL	228,950
Mental Health Resource Center, Inc	FL	251,638
I.M. Sulzbacher Center for the Homeless, Inc	FL	152,960
United Way of Northeast Florida, Inc	FL	64,374
River Region Human Services	FL	277,481

APPENDIX A—Continued

Recipient	State	Amount
Lakeview Center, Inc	FL	157,339
EscaRosa Homeless Coalition	FL	113,686
Loaves and Fishes Soup Kitchen, Inc	FL	248,672
Lakeview Center, Inc	FL	307,887
Lakeview Center, Inc	FL	104,868
Emergency Services and Homeless Coalition of St. Johns County, Incorporated	FL	62,790
Goodwill of North Florida	FL	39,467
Coalition for the Hungry and Homeless	FL	134,865
Coalition for the Hungry and Homeless of Brevard County, Inc	FL	146,919
Crosswinds Youth Services, Inc	FL	87,536
Coalition for the Hungry and Homeless of Brevard County, Inc	FL	166,387
2–1–1 Brevard, Inc	FL	76,750
Coalition for the Hungry and Homeless of Brevard County, Inc	FL	226,399
Habitat for Humanity of Marion County, Inc	FL	118,000
United Way of Marion County, Inc	FL	62,160
Southern Territorial Headquarters of the Salvation Army, dba Salvation Army, A Georgia Corp	FL	107,625
Homeless and Hunger Coalition of Northwest Florida, Inc	FL	47,482
Agency for Community Treatment Services, Inc	FL	166,666
Highlands County Coalition for the Homeless, Inc	FL	39,309
Volunteers of America of Florida, Inc	FL	56,246
United Way of Suwannee Valley	FL	32,146
Coalition for the Homeless of Pasco County, Inc	FL	19,950
Catholic Charities, Diocese of St. Petersburg, Inc	FL	203,785
Mid Florida Homeless Coalition, Inc	FL	78,143
New Horizons Community Mental Health Center, Inc	FL	422,832
Better Way of Miami, Inc	FL	496,980
James E Scott Community Association, Inc	FL	313,121
Psych-social Rehabilitation Center, Inc. d/b/a Fellowship House	FL	118,393
Camillus House, Inc	FL	339,721
Camillus House, Inc	FL	216,703
Douglas Gardens Community Mental Health Center	FL	165,048
Community Health of South Dade, Inc	FL	311,328
Citrus Health Network, Inc	FL	414,216
Douglas Community Mental Health Center	FL	33,957
Citrus Health Network, Inc	FL	266,136
Citrus Health Network, Inc	FL	149,940
Volunteers of America of Florida, Inc	FL	681,500
Camillas House, Inc	FL	1,705,310
The Salvation Army, A Georgia Corporation	FL	347,128
Citrus Health Network, Inc	FL	528,062
Better Way of Miami, Inc	FL	162,929
Bayview Center for Mental Health, Inc	FL	363,478
Carrfour Supportive Housing	FL	296,020
Bayview Center for Mental Health, Inc	FL	124,996
Community Health of South Dade, Inc	FL	102,360
Citrus Health Network, Inc	FL	174,998
Lutheran Services Florida, Inc	FL	722,786
New Horizons Community Mental Health Center	FL	357,790
Volunteers of America of Florida, Inc	FL	860,114
Citrus Health Network, Inc	FL	394,999
Better Way of Miami, Inc	FL	169,798
Miami-Dade County, Department of Human Services, Office of Rehabilitative Services	FL	138,789
Camillus Health Concern, Inc	FL	687,505
Carrfour Supportive Housing	FL	148,010
New Horizons Community Mental Health Center, Inc	FL	108,612
Carrfour Supportive Housing	FL	124,621
Carrfour Supportive Housing	FL	409,479
Carrfour Supportive Housing	FL	177,066
Carrfour Supportive Housing	FL	262,174
Carrfour Supportive Housing	FL	46,964
Citrus Health Network, Inc	FL	311,678
Camillus House, Inc	FL	125,000
Lutheran Services Florida, Inc	FL	348,014
Bayview Space for Mental Health, Inc	FL	336,002
Carrfour Supportive Housing	FL	389,996
Camillus House, Inc	FL	534,832
Miami-Dade County Department of Human Services, Office of Rehabilitative Services (ORS)	FL	53,113
Family Resource Center of South Florida, Inc	FL	79,485
Miami-Dade County Department of Human Services	FL	714,079
Miami-Dade County Department of Human Services	FL	57,668
Miami-Dade County Department of Human Services	FL	129,138
Psycho-social Rehabilitation Center, Inc. d/b/a Fellowship House	FL	158,448

APPENDIX A—Continued

Recipient	State	Amount
Carrfour Supportive Housing	FL	376,666
Jewish Community Services of South Florida, Inc	FL	527,997
City of Miami	FL	251,071
Camillus House, Inc	FL	149,892
Miami-Dade County, Department of Human Services, Office of Rehabilitative Services	FL	292,660
Carrfour Supportive Housing	FL	698,784
Camillus House, Inc	FL	113,661
Camillus House, Inc	FL	34,188
Carrfour Supportive Housing	FL	315,170
Lutheran Services Florida, Inc	FL	434,700
Douglas Gardens Community Mental Health Center	FL	236,268
Douglas Gardens Community Mental Health Center	FL	198,792
Psycho-social Rehabilitation Center, Inc. d/b/a Fellowship House	FL	273,807
Miami-Dade County	FL	12,075
New Horizons Community Mental Health Center, Inc	FL	225,900
New Horizons Community Mental Health Center, Inc	FL	301,080
South Florida Jail Ministries dba Agape Family Ministries	FL	178,171
Bayview Center for Mental Health, Inc	FL	85,677
Camillus House, Inc	FL	348,234
Legal Services of Greater Miami, Inc	FL	106,992
South Florida Jail Ministries dba Agape Family Ministries	FL	425,391
City of Miami Beach	FL	63,993
Jewish Community Services of South Florida, Inc	FL	364,854
Douglas Gardens Community Mental Health Center	FL	158,095
Psycho-Social Rehabilitation Center, Inc	FL	40,533
Citrus Health Network, Inc	FL	84,000
New Horizons Community Mental Health Center, Inc	FL	385,440
Carrfour Supportive Housing	FL	150,685
New Horizons Community Mental Health Center, Inc	FL	192,664
Citrus Health Network, Inc	FL	583,704
Citrus Health Network, Inc	FL	1,180,392
Volunteers of America of Florida	FL	343,033
The Salvation Army, a Georgia Corporation	FL	603,641
Broward County Board of County Commissioners	FL	490,474
Broward Partnership for the Homeless, Inc	FL	346,049
Catholic Charities of the Archdiocese of Miami, Inc	FL	81,406
Catholic Charities of the Archdiocese of Miami, Inc	FL	206,823
Covenant House Florida	FL	385,885
Broward Partnership for the Homeless, Inc	FL	964,262
Covenant House Florida	FL	183,729
Volunteers of America of Florida, Inc	FL	926,571
Broward County Housing Authority	FL	1,181,028
Broward County Housing Authority	FL	1,303,860
Broward County Substance Abuse and Health Care Services Division	FL	416,667
Henderson Mental Health Center, Inc	FL	284,042
Lee County Board of County Commissioners	FL	180,510
Renaissance Manor	FL	71,424
Ruth Cooper (RCC)	FL	98,736
Lee County Board of County Commissioners	FL	67,608
Southwest Florida Addiction Services, Inc	FL	89,668
Renaissance Manor, Inc	FL	52,978
Southwest Florida Addiction Services, Inc	FL	122,657
The Salvation Army, A Georgia Corporation	FL	1,286,206
Lee County Board of County Commissioners	FL	119,722
Catholic Charities of the Archdiocese of Miami, Inc	FL	172,517
Monroe Association for Retarded Citizens, Inc	FL	102,268
Florida Keys Outreach Coalition, Inc	FL	175,879
211 Palm Beach/Treasure Coast	FL	134,441
Oakwood Center of the Palm Beaches, Inc	FL	381,304
The Salvation Army, A Georgia Corporation	FL	397,350
Florida Housing Corporation	FL	593,143
The Lord's Place, Inc	FL	182,984
Palm Beach County Board of County Commissioners	FL	438,254
YWCA of Palm Beach County	FL	225,195
The Lord's Place, Inc	FL	393,512
Gulfstream Goodwill Industries, Inc	FL	178,816
Aid to Victims of Domestic Abuse, Inc	FL	106,540
Adopt-A-Family of the Palm Beaches, Inc	FL	207,811
Palm Beach County Board of County Commissioners	FL	181,080
211 Palm Beach/Treasure Coast	FL	20,636
Gulfstream Goodwill Industries, Inc	FL	194,029
Operation Hope, Inc	FL	207,038

APPENDIX A—Continued

Recipient	State	Amount
The Lord's Place, Inc	FL	283,023
Housing Partnership, Inc	FL	36,587
Children's Home Society of Florida, Inc	FL	127,620
SAWCC, Inc. (Shelter for Abused Women & Children)	FL	113,000
Collier County Hunger and Homeless Coalition, Inc	FL	104,645
Fulton County Board of Commissioners	GA	686,487
Caring Works, Inc. a.k.a. Progessive Redevelopment, Inc	GA	889,200
Progessive Redevelopment, Inc	GA	320,400
Families First, Inc	GA	172,492
Project Interconnections, Inc	GA	170,880
Action Ministries, Inc	GA	70,000
Community Advanced Practice Nurses, Inc	GA	46,422
Progressive Hope House, Inc	GA	44,090
Housing Initiative of North Fulton	GA	23,632
Jerusalem House, Inc	GA	321,396
Georgia Law Center on Homelessness & Poverty, Inc	GA	294,000
Community Advanced Practice Nurses, Inc	GA	39,039
Community Advanced Practice Nurses, Inc	GA	18,516
Fulton County Board of Commissioners	GA	373,951
Furniture Bank of Metro Atlanta	GA	70,009
Genesis Shelter, Inc	GA	136,500
Our House, Inc	GA	47,235
Jewish Family & Career Services, Inc	GA	157,728
St. Jude's Recovery Center, Inc	GA	278,342
Travelers Aid of Metropolitan Atlanta, Inc	GA	362,456
Project Community Connections, Inc	GA	563,245
Jerusalem House, Inc	GA	193,704
Trinity Community Ministries	GA	108,917
Our Common Welfare, Inc	GA	158,033
Altermate Life Paths Program, Inc	GA	48,571
Achor Center, Inc	GA	373,584
Mary Hall Freedom House, Inc	GA	285,341
Initiative for Affordable Housing	GA	320,938
Travelers Aid of Metropolitan Atlanta, Inc	GA	154,297
Nicholas House, Inc	GA	36,141
Buckhead Christian Ministry	GA	80,000
Atlanta Enterprise Center, Inc	GA	58,370
Mary Hall Freedom House, Inc	GA	546,612
St. Jude's Recovery Center, Inc	GA	731,631
Dekalb Community Services Board	GA	362,568
Georgia Housing and Finance Authority	GA	239,232
Samaritan House of Atlanta, Inc	GA	73,255
Saint Joseph's Mercy Care Services, Inc	GA	36,823
Atlanta Enterprise Center, Inc	GA	190,955
Lowndes Associated Ministries to People Inc	GA	140,571
Lowndes Associated Ministries to People Inc	GA	145,917
Loaves & Fishes Ministry of Macon, Inc	GA	74,199
Colquitt County Serenity House Project, Inc	GA	198,902
Loaves & Fishes Ministry of Macon, Inc	GA	23,230
River Edge Behavioral Health Community Service Board	GA	496,296
South GA Community Services Board	GA	330,348
Satilla Community Services	GA	106,812
House of Grace, Inc	GA	129,529
Advantage Behavioral Health Systems	GA	166,591
Whitfield Community Development Corporation	GA	1,140,300
HODAC, Inc	GA	42,891
Highland Rivers CSB	GA	104,328
GRN Community Service Board	GA	165,240
Macon-Bibb Economic Opportunity Council, Inc	GA	94,500
CSB of Middle GA	GA	31,380
New Horizons Community Service Board	GA	276,960
Union Mission, Inc	GA	546,360
Citizens Against Violence, Inc	GA	265,464
Goodwill Industries of Middle Georgia, Inc	GA	148,066
Calvary Refuge, Inc	GA	203,326
Pineland CSB	GA	79,296
Oconee Community Service Board	GA	60,096
HODAC, Inc	GA	183,504
Asian American Resource Center	GA	157,408
Georgia Housing and Finance Authority (GHFA)	GA	588,000
S.H.A.R.E. House, Inc	GA	126,526
Gwinnett Housing Resource Partnership, Inc. dba: The Impact! Group	GA	73,447

APPENDIX A—Continued

Recipient	State	Amount
Action Ministries, Inc	GA	481,632
Travelers Aid of Metropolitan Atlanta, Inc	GA	55,846
City of Albany	GA	116,217
Maranatha Outreach, Inc	GA	60,178
Living Room, Inc	GA	1,540,800
Pathways Center for Behavioral and Developmental Growth	GA	982,560
Gwinnett Housing Resource Partnership, Inc. dba: The Impact! Group	GA	146,895
New Horizons CSB	GA	45,122
Travelers Aid of Metropolitan Atlanta, Inc	GA	55,630
Goodwill Industries of Middle Georgia, Inc	GA	110,309
Georgia Coalition Against Domestic Violence	GA	342,583
McIntosh Trail Community Services Board	GA	48,264
River Edge Behavioral Health Community Service Board	GA	415,200
The City of Hinesville	GA	62,546
Macon-Bibb Economic Opportunity Council, Inc	GA	99,750
Advantage Behavioral Health Systems	GA	56,462
Athens Area Homeless Shelter	GA	105,991
Advantage Behavioral Health Systems	GA	139,920
Advantage Behavioral Health Systems	GA	53,424
AIDS Athens, Inc	GA	182,088
Hope House, Inc	GA	58,542
Augusta, Georgia	GA	113,510
Goodwill Industries of Middle Georgia, Inc	GA	89,664
Augusta, Georgia	GA	67,517
CSRA Economic Opportunity Authority, Inc	GA	119,081
Columbus Regional Healthcare System, Inc	GA	94,524
House of T.I.M.E., Inc	GA	347,079
New Horizons Community Service Board (CSB)	GA	103,260
Open Door Community House, Inc	GA	267,745
The Stewart Community Home, Inc	GA	285,619
New Horizons Community Services Board (CSB)	GA	85,488
The Center for Family Resources, Inc	GA	191,201
The Extension, Inc	GA	104,654
The Center for Family Resources, Inc	GA	441,009
The Center for Family Resources, Inc	GA	85,323
The Center for Family Resources, Inc	GA	96,700
ZionKeepers, Inc	GA	49,925
Marietta Housing Authority	GA	213,408
Cobb Community Collaborative, Inc	GA	30,000
Union Mission, Inc	GA	218,875
Economic Opportunity Authority of Savannah—Chatham County Area, Inc	GA	220,500
Chatham-Savannah Authority for the Homeless	GA	179,256
Greenbriar Children's Center, Inc	GA	398,424
Chatham-Savannah Authority for the Homeless	GA	223,469
Union Mission, Inc	GA	141,240
Union Mission, Inc	GA	137,484
Union Mission, Inc	GA	166,436
Housing Authority of Savannah	GA	1,069,860
Union Mission, Inc	GA	285,444
Union Mission, Inc	GA	143,700
The Salvation Army Guam Corps	GU	33,049
The Salvation Army Guam Corps	GU	153,852
Department of Mental Health and Substance Abuse	GU	312,163
Catholic Social Service	GU	28,224
Catholic Social Service	GU	60,019
Maui Economic Concerns of the Community, Inc	HI	91,717
Women Helping Women	HI	77,536
Catholic Charities Hawaii	HI	42,288
Steadfast Housing Development Corporation	HI	31,598
Steadfast Housing Development Corporation	HI	33,384
Steadfast Housing Development Corporation	HI	36,384
Steadfast Housing Development Corporation	HI	32,924
Maui Economic Concerns of the Community, Inc	HI	46,245
Hawaii Public Housing Authority	HI	31,131
Catholic Charities Hawaii	HI	133,607
Child and Family Service	HI	84,488
Steadfast Housing Development Corp	HI	386,832
Kalihi-Palama Health Center, Health Care for the Homeless Project	HI	1,036,200
Kalihi-Palama Health Center, Health Care for Homeless Project	HI	859,008
Institute for Human Services	HI	425,388
Gregory House Programs	HI	506,520
Gregory House Programs	HI	358,400

APPENDIX A—Continued

Recipient	State	Amount
The Salvation Army	HI	287,906
Hale Kipa, Inc	HI	136,000
Housing Solutions Incorporated	HI	55,132
Legal Aid Society of Hawaii	HI	64,669
Mental Health Kokua	HI	870,274
United States Veterans Initiative	HI	341,263
Steadfast Housing Development Corporation	HI	207,198
Ho'omau Ke Ola	HI	185,147
Steadfast Housing Development Corporation	HI	27,874
Center For Siouxland	IA	128,168
Iowa Institute for Community Alliances	IA	29,750
Community Action Agency of Siouxland	IA	137,239
Center For Siouxland	IA	80,062
Crittenton Center	IA	184,527
City of Sioux City	IA	113,452
Family Resources, Inc	IA	39,525
Shelter House Community Shelter and Transition Services	IA	448,318
Opening Doors	IA	42,221
YWCA Clinton	IA	49,232
Youth and Shelter Services	IA	189,670
Hawkeye Area Community Action Program, Inc	IA	26,749
John Lewis Coffee Shop, Inc	IA	220,000
Area Substance Abuse Council, dba New Directions	IA	104,223
Humility of Mary Housing, Inc	IA	37,549
Project Concern, Inc	IA	31,570
Community Housing Initiatives, Inc	IA	133,495
Hawkeye Area Community Action Program, Inc	IA	213,827
Crisis Intervention & Advocacy Center	IA	158,918
Iowa Institute for Community Alliances	IA	252,980
Hillcrest Family Services	IA	71,538
John Lewis Coffee Shop, Inc	IA	155,000
Vera French Housing Corp	IA	37,625
John Lewis Coffee Shop, Inc	IA	492,000
Crisis Intervention Services	IA	36,166
Cedar Valley Friends of the Family	IA	254,249
Youth and Shelter Services of Marshall County	IA	128,457
Community Housing Initiatives, Inc	IA	377,703
Hawkeye Area Community Action Program, Inc	IA	466,174
The Salvation Army	IA	148,666
Primary Health Care, Inc	IA	256,108
Anawim Housing	IA	734,544
Iowa Institute for Community Alliances	IA	110,250
House of Mercy	IA	227,468
Central Iowa Shelter and Services	IA	387,989
House of Mercy	IA	289,732
Primary Health Care, Inc	IA	84,999
West Des Moines Human Services	IA	75,372
Youth and Shelter Services, Inc	IA	287,355
YMCA of Greater Des Moines	IA	102,216
Youth and Shelter Services, Inc	IA	99,390
Ada County Housing Authority	ID	66,144
Safe Place Ministries	ID	7,696
Terry Reilly Health Services (TRHS)	ID	528,516
Terry Reilly Health Services (TRHS)	ID	64,514
Women's and Children's Alliance	ID	119,122
Neighborhood Housing Services of Idaho	ID	18,410
Idaho Housing and Finance Association	ID	35,964
Idaho Housing and Finance Association	ID	140,964
Aid for Friends	ID	123,511
Idaho Housing and Finance Association	ID	68,280
Idaho Housing and Finance Association	ID	103,992
Idaho Housing and Finance Association	ID	47,712
IDAHO, Inc	ID	88,988
Sojourner's Alliance	ID	81,735
Bonner County Homeless Task Force	ID	75,967
Salvation Army	ID	55,840
Idaho Housing and Finance Association	ID	63,965
IDAHO, Inc	ID	131,250
CORE, Inc	ID	24,436
C.L.U.B., Inc	ID	154,350
Idaho Housing and Finance Association	ID	50,796
SEICCA	ID	59,535

APPENDIX A—Continued

Recipient	State	Amount
Family Care Center	ID	90,396
Boner County Homeless Task Force	ID	115,668
St. Vincent de Paul	ID	187,929
St. Vincent de Paul	ID	41,576
Valley Crisis Center	ID	85,037
Eastern Idaho Special Services	ID	96,495
South Central Community Action Partnership	ID	49,488
South Central Community Action Partnership	ID	54,762
St. Vincent de Paul Coeur d'Alene	ID	192,605
C.L.U.B., Inc	ID	79,981
Idaho Housing and Finance Association	ID	72,502
YWCA of Lewiston	ID	74,014
Idaho Housing and Finance Association	ID	112,908
Thresholds Inc	IL	78,490
Pioneer Center for Human Services	IL	261,820
Transitional Living Services	IL	47,245
Home of the Sparrow, Inc	IL	54,600
Home of the Sparrow, Inc	IL	26,250
Pioneer Center for Human Services	IL	226,464
Thresholds Inc	IL	78,490
Pioneer Center for Human Services	IL	105,000
Janet Wattles Center	IL	189,000
Promised Land Employment Service dba Careers, Etc	IL	93,079
Shelter Care Ministries	IL	39,856
Janet Wattles Center	IL	189,000
Janet Wattles Center	IL	113,400
United Way of Rock River Valley	IL	33,764
The Carpenter's Place	IL	161,309
American Red Cross—Rock River Chapter	IL	155,568
Youth Services Network	IL	250,566
Janet Wattles Center	IL	151,200
Catholic Charities of the Archdiocese of Chicago, Lake County Services	IL	56,700
Waukegan Township	IL	184,940
Lake County	IL	15,000
Lake County Residential Development Corporation	IL	82,766
Christian Outreach of Lutherans	IL	41,234
PADS Crisis Services, Inc	IL	224,648
I-Plus	IL	12,805
Prairie State Legal Services, Inc	IL	50,000
Lake County	IL	134,784
Catholic Charities of the Archdiocese of Chicago, Lake County Services	IL	45,507
Independence Center	IL	58,184
The Lake County Haven	IL	45,648
PADS Crisis Services, Inc	IL	136,251
Center for Women in Transition	IL	205,649
Center for Women in Transition	IL	8,963
Champaign County Regional Planning Commission	IL	169,272
Champaign County Regional Planning Commission	IL	144,624
Mental Health Center of Champaign County, Inc	IL	183,167
Mental Health Center of Champaign County, Inc	IL	43,043
Champaign County Regional Planning Commission	IL	33,780
Community Counseling Center of Northern Madison County	IL	281,929
Chestnut Health Systems	IL	279,424
Children's Home + Aid Society	IL	38,571
Land of Lincoln Legal Assistance Foundation, Inc	IL	43,962
Good Samaritan House of Granite City, Inc	IL	151,557
Madison County Government	IL	303,660
Chestnut Health Systems	IL	213,012
Chestnut Health Systems	IL	359,476
Connections for the Homeless	IL	112,232
Connections for the Homeless	IL	117,000
Connections for the Homeless	IL	105,198
Housing Options for the Mentally Ill in Evanston, Inc	IL	118,278
Connections for the Homeless	IL	184,393
Housing Opportunity Development Corporation	IL	17,750
Housing Options for the Mentally Ill in Evanston, Inc	IL	110,430
YWCA Evanston/North Shore	IL	70,652
Connections for the Homeless	IL	43,682
Housing Options for the Mentally Ill in Evanston, Inc	IL	83,560
Catholic Charities, Diocese of Joliet	IL	754,500
Cornerstone Services, Inc	IL	24,705
Trinity Services, Inc	IL	33,250

APPENDIX A—Continued

Recipient	State	Amount
The CFM Lamb's Fold Women's Center	IL	250,000
Cornerstone Services, Inc	IL	1,674,443
YWCA Peoria, IL	IL	92,912
Human Service Center	IL	131,597
The Center for Prevention of Abuse	IL	172,759
Goodwill Industries of Central Illinois, Inc	IL	167,696
South Side Office of Concern	IL	14,962
YWCA Peoria, IL	IL	75,668
Pioneer Civic Services, Inc	IL	112,912
South Side Office of Concern	IL	114,120
South Side Office of Concern	IL	52,977
YWCA Peoria, IL	IL	196,215
YWCA Peoria, IL	IL	212,381
St. Clair County	IL	50,000
Comprehensive Mental Health Center	IL	190,620
St. Clair County	IL	177,382
Bethany Place	IL	158,280
St. Clair County	IL	175,000
CDBG Operations Corporation	IL	110,000
CDBG Operations Corporation	IL	96,687
Chestnut Health Systems	IL	265,564
St. Clair County	IL	175,000
St. Clair County	IL	169,127
Bethany Place	IL	48,641
CDBG Operations Corporation	IL	234,907
Hope Haven of DeKalb County, Inc	IL	98,374
DeKalb County Residential Development Corporation	IL	363,636
Hope Haven of DeKalb County, Inc	IL	95,268
Featherfist	IL	256,615
Mercy Housing Lakefront	IL	142,542
Roseland Christian Health Ministries	IL	368,524
Inspiration Corporation	IL	354,283
Family Rescue, Incorporated	IL	64,628
Featherfist	IL	318,130
Thresholds, Inc	IL	221,650
Cathedral Shelter of Chicago	IL	38,482
Heartland Health Outreach, Inc	IL	948,721
The Inner Voice, Inc	IL	398,649
Healthcare Alternative Systems, Inc	IL	214,748
Hull House Association	IL	389,025
The Inner Voice, Inc	IL	79,458
Interfaith House, Inc	IL	210,674
Community Mental Health Council, Inc	IL	127,693
Apna Ghar, Inc. (Our Home)	IL	124,785
Community Mental Health Council, Inc	IL	73,013
Casa Central Social Services Corporation	IL	375,000
Heartland Health Outreach, Inc	IL	278,540
Mercy Housing Lakefront	IL	248,858
Heartland Human Care Services, Inc	IL	142,708
Catholic Charities of the Archdiocese of Chicago	IL	1,662,838
Chicago Christian Industrial League	IL	58,275
Featherfist	IL	144,242
Heartland Human Care Services	IL	45,122
La Casa Norte	IL	94,394
Deborah's Place	IL	150,144
Family Rescue, Incorporated	IL	611,859
Residents for Effective Shelter Transitions	IL	185,563
Sarah's Circle	IL	68,250
Inspiration Corporation	IL	123,536
Inspiration Corporation	IL	92,736
Thresholds, Inc	IL	163,961
Heartland Human Care Services, Inc	IL	343,819
Heartland Human Care Services, Inc	IL	147,354
Latin United Community Housing Association	IL	35,700
YMCA of Metropolitan Chicago	IL	256,954
Roseland Christian Health Ministries (Christian Community Health Center)	IL	279,179
Interfaith House, Inc	IL	189,889
Circle Urban Ministries	IL	68,498
The Inner Voice, Inc	IL	205,452
Mercy Housing Lakefront, Inc	IL	147,456
Cathedral Shelter of Chicago	IL	251,760
New Moms, Inc	IL	253,696

APPENDIX A—Continued

Recipient	State	Amount
Interfaith Council for the Homeless	IL	312,243
City of Chicago, Department of Human Services	IL	318,498
Housing Opportunities for Women, Inc	IL	249,999
Northwestern Memorial Hospital	IL	227,522
Cornerstone Community Outreach	IL	132,224
Heartland Health Outreach, Inc	IL	130,438
The Inner Voice, Inc	IL	496,944
Housing Opportunities for Women, Inc	IL	255,576
Housing Opportunities for Women, Inc	IL	162,408
Heartland Human Care Services, Inc	IL	642,984
McDermott Center (dba Haymarket Center)	IL	64,474
City of Chicago, Department of Human Services	IL	138,480
Residents for Effective Shelter Transitions (REST)	IL	578,892
Interfaith Council for the Homeless	IL	389,376
City of Chicago, Department of Human Services	IL	185,040
Roseland Christian Health Ministries	IL	104,544
Matthew House, Inc	IL	137,592
Chicago House and Social Service Agency	IL	41,544
Heartland Health Outreach, Inc	IL	198,360
Housing Opportunities for Women, Inc	IL	139,752
Interfaith Housing Development Corporation of Chicago	IL	261,888
Housing Opportunities for Women, Inc	IL	143,592
Interfaith Housing Development Corporation	IL	637,992
Lakeview Shelter Inc	IL	132,120
Lakeview Shelter, Inc	IL	44,040
Housing Opportunities for Women, Inc	IL	242,256
Mercy Housing Lakefront	IL	4,315,920
Unity Parenting & Counseling, Inc	IL	514,531
Single Room Housing Assistance Corporation	IL	485,991
City of Chicago—Department of Housing/Chicago Low-Income Housing Trust Fund	IL	2,144,196
City of Chicago, Department of Human Services	IL	583,032
Chicago House and Social Service Agency	IL	381,249
Featherfist	IL	157,500
Thresholds, Inc	IL	42,840
Heartland Human Care Services, Inc	IL	939,084
Community Supportive Living Systems, Inc	IL	203,150
Heartland Human Care Services, Inc	IL	207,935
Jewish Federation of Metropolitan Chicago	IL	163,103
Renaissance Social Services, Inc	IL	82,803
Chicago Department of Housing	IL	668,151
Northwestern Memorial Hospital	IL	160,827
Heartland Health Outreach, Inc	IL	488,341
Casa Central Social Services Corporation	IL	471,265
Heartland Health Outreach, Inc	IL	355,855
Community Mental Health Council, Inc	IL	101,081
Bethel New Life Inc	IL	96,983
Cathedral Shelter of Chicago	IL	57,931
Thresholds, Inc	IL	308,318
Residents for Effective Shelter Transitions	IL	279,399
The Inner Voice, Inc	IL	348,807
Heartland Human Care Services, Inc	IL	443,441
YMCA of Metropolitan Chicago	IL	66,438
Housing Opportunities for Women, Inc	IL	497,400
St. Leonard's Ministries	IL	264,240
Thresholds, Inc	IL	396,720
Thresholds, Inc	IL	308,280
Thresholds, Inc	IL	264,240
Thresholds, Inc	IL	264,240
City of Chicago, Department of Human Services	IL	440,268
City of Chicago, Department of Human Services	IL	385,776
Heartland Human Care Services, Inc	IL	47,013
Unity Parenting & Counseling, Inc	IL	434,757
Thresholds, Inc	IL	244,918
New Phoenix Assistance Center	IL	325,780
Heartland Human Care Services, Inc	IL	693,873
Teen Living Programs, Inc	IL	194,376
St. Leonard's Ministries	IL	47,250
Bethel New Life Inc	IL	350,557
The Night Ministry	IL	74,260
Chicago Abused Women Coalition	IL	26,328
Cornerstone Community Outreach	IL	79,017
Featherfist	IL	124,967

APPENDIX A—Continued

Recipient	State	Amount
New Phoenix Assistance Center	IL	240,500
Deborah's Place	IL	330,293
Community Mental Health Council, Inc	IL	124,298
Beacon Therapeutic School Inc., d/b/a Beacon Therapeutic Diagnostic & Treatment Center	IL	1,083,562
New Phoenix Assistance Center	IL	271,509
Mercy Housing Lakefront	IL	259,631
Heartland Health Outreach, Inc	IL	368,219
Deborah's Place	IL	414,750
Inspiration Corporation	IL	199,911
Deborah's Place	IL	188,064
Housing Opportunities for Women, Inc	IL	198,368
Lakeview Shelter, Inc	IL	124,578
Lakeview Shelter, Inc	IL	68,079
Mercy Housing Lakefront	IL	198,619
Single Room Housing Assistance Corporation	IL	422,546
Community Mental Health Council, Inc	IL	68,190
Renaissance Social Services, Inc	IL	60,585
Goldie's Place	IL	67,735
Bethel New Life Inc	IL	219,152
Northwestern Memorial Hospital	IL	332,899
The Renaissance Collaborative, Inc	IL	184,451
City of Chicago Dept. of Housing	IL	804,459
Featherfist	IL	293,526
Interfaith Housing Development Corp. of Chicago	IL	85,890
Thresholds, Inc	IL	403,605
Human Resources Development Institute (HRDI)	IL	352,800
Olive Branch Mission	IL	41,544
Heartland Human Care Services, Inc	IL	46,298
Featherfist	IL	532,528
Human Resources Development Institute, Inc	IL	469,909
Pillars	IL	24,115
CEDA Northwest Self-Help Center, Inc	IL	159,394
PADS to HOPE, Inc	IL	183,665
Pillars	IL	477,060
Connections for the Homeless, Inc	IL	93,308
Pillars	IL	30,187
Together We Cope	IL	312,092
Catholic Charities of the Archdiocese of Chicago	IL	230,306
Fellowship Housing Corporation	IL	100,120
Community & Economic Development Association of Cook County, Inc. (CEDA)	IL	260,883
Interdependent Living Solutions Center Inc	IL	156,332
Home of the Sparrow, Inc	IL	82,102
WilPower, Inc	IL	247,965
YMCA of Metropolitan Chicago	IL	225,546
YMCA of Metropolitan Chicago	IL	497,473
WINGS Program, Inc	IL	89,874
WINGS Program, Inc	IL	122,112
Catholic Charities of the Archdiocese of Chicago	IL	306,276
South Suburban PADS	IL	279,475
CEDA Bloom-Rich Community Development Association	IL	231,678
The Center of Concern	IL	127,434
WilPower, Inc	IL	205,205
Vital Bridges	IL	143,520
Grand Prairie Services	IL	400,920
WilPower, Inc	IL	25,000
South Suburban Family Shelter	IL	281,957
WINGS Program, Inc	IL	43,402
Bethel Human Resources, Inc	IL	182,271
WINGS Program, Inc	IL	44,693
Catholic Charities of the Archdiocese of Chicago	IL	377,329
CEDA Northwest Self-Help Center, Inc	IL	154,873
Catholic Charities of the Archdiocese of Chicago	IL	88,000
Alliance to End Homelessness in Suburban Cook County	IL	253,038
PATH, Inc	IL	148,240
PATH, Inc	IL	23,082
Project Oz	IL	63,865
Your Family Resource Connection	IL	135,489
Livingston-McLean Regional Office of Education—GED/Adult Literacy Program	IL	37,867
Catholic Charities	IL	121,434
Mid Central Community Action, Inc	IL	21,720
The Baby Fold	IL	23,184
The Salvation Army	IL	109,927

APPENDIX A—Continued

Recipient	State	Amount
Iroquois Mental Health Center	IL	37,404
Iroquois-Kankakee Regional Office of Education #32	IL	64,017
PATH, Inc	IL	171,353
The Salvation Army	IL	5,217
Mid Central Community Action, Inc	IL	32,917
Helping Hands of Springfield, Inc	IL	115,332
Youth Service Bureau	IL	91,899
Abundant Faith Ministry	IL	13,892
Fifth Street Renaissance	IL	24,150
M.E.R.C.Y. Communities, Inc	IL	80,730
Helping Hands of Springfield, Inc	IL	34,933
Abundant Faith Ministry	IL	20,090
M.E.R.C.Y. Communities, Inc	IL	167,923
DuPage County Health Department	IL	83,280
NCO Youth & Family Services	IL	200,124
World Relief DuPage	IL	128,780
DuPage P.A.D.S., Inc	IL	408,860
Catholic Charities, Diocese of Joliet	IL	666,347
DuPage County Health Department	IL	50,000
DuPage County Community Services	IL	151,667
DuPage County Community Services	IL	35,550
Bridge Communities, Inc	IL	107,289
DuPage P.A.D.S., Inc	IL	98,366
DuPage P.A.D.S., Inc	IL	121,322
DuPage County Health Department	IL	99,437
Catholic Charities, Diocese of Joliet	IL	82,240
DuPage County Health Department	IL	385,000
Prairie State Legal Services, Inc	IL	68,780
Catholic Charities, Diocese of Joliet	IL	166,667
DuPage P.A.D.S., Inc	IL	198,613
C.E.F.S. Economic Opportunity Corporation	IL	133,350
Embarras River Basin Agency, Inc	IL	249,845
Embarras River Basin Agency, Inc	IL	154,722
C.E.F.S. Economic Opportunity Corporation	IL	199,675
Illinois Valley Economic Development Corporation	IL	103,084
HOPE of East Central Illinois	IL	76,434
Heritage Behavioral Health Center	IL	119,952
Decatur Housing Authority	IL	33,422
Dove, Inc	IL	364,794
Dove, Inc	IL	61,471
Dove, Inc	IL	16,289
Dove, Inc	IL	89,581
Heritage Behavioral Health Center	IL	41,208
Community Crisis Center	IL	64,981
Lazarus House	IL	54,331
Public Action to Deliver Shelter, Inc	IL	234,302
Ecker Center for Mental Health	IL	163,030
Lazarus House	IL	63,021
Community Crisis Center	IL	30,135
Lazarus House	IL	31,380
The Larkin Center	IL	297,425
Ecker Center for Mental Health	IL	168,074
Kane County, Illinois	IL	109,853
Project NOW, Inc	IL	58,712
Henry County Housing Development Group, Inc	IL	293,880
Freedom House	IL	62,000
DeLaCerda House, Inc	IL	112,858
Freeport Area Church Cooperative	IL	77,433
Carver Community Action Agency	IL	208,282
Community Housing Services	IL	175,200
Tri-County Opportunities Council	IL	124,300
Project NOW, Inc	IL	127,943
Project NOW, Inc	IL	119,445
YWCA of Quincy	IL	327,899
Young Womens Christian Association	IL	136,814
MCS Community Services	IL	101,250
Western Illinois Regional Council—Community Action Agency	IL	54,907
Good Samaritan Ministries	IL	74,397
Family Counseling Center, Inc	IL	172,329
The Women's Center, Inc	IL	29,308
Stopping Woman Abuse Now	IL	53,788
Western Egyptian Economic Opportunity Council, Inc	IL	24,913

APPENDIX A—Continued

Recipient	State	Amount
Anna Bixby Women's Center	IL	77,105
BCMW Community Services Inc	IL	19,597
Western Egyptian Economic Opportunity Council, Inc	IL	24,913
Stopping Woman Abuse Now	IL	70,000
Southern Illinois Coalition for the Homeless	IL	58,975
The Women's Center, Inc	IL	20,862
Delta Center, Inc	IL	19,338
Southern Illinois Coalition for the Homeless	IL	82,757
Land of Lincoln Legal Assistance Foundation, Inc	IL	47,544
AIDS Ministries/AIDS Assist of North Indiana, Inc	IN	103,140
Young Women's Christian Association of St. Joseph County	IN	55,130
Madison Center, Inc	IN	54,950
The Center for the Homeless, Inc	IN	192,593
Young Women's Christian Association of St. Joseph County	IN	65,000
Madison Center, Inc	IN	134,664
The Center for the Homeless, Inc	IN	77,778
The Center for the Homeless, Inc	IN	25,902
AIDS Ministries/AIDS Assist of North Indiana, Inc	IN	43,656
Family and Children's Center	IN	33,272
Life Treatment Centers, Inc	IN	70,292
The Center for the Homeless, Inc	IN	87,917
Family and Children's Center	IN	134,333
The Center for Women and Families, Inc	IN	223,144
Cedars HOPE, Inc	IN	259,141
Hope House, Inc	IN	133,678
South Central Community Mental Health Center, Inc	IN	761,793
CMHC, Inc	IN	335,010
Human Services, Inc	IN	108,148
South Central Community Mental Health Centers Inc	IN	57,048
YWCA of Evansville, IN	IN	86,865
Park Center, Inc	IN	122,160
Human Services, Inc	IN	36,588
Interfaith Mission, Inc. d/b/a The Lighthouse	IN	45,500
Tri-City Comprehensive Community Mental Health Center Inc	IN	101,268
The Salvation Army	IN	158,247
City of Evansville	IN	75,320
CMHC, Incorporated	IN	67,200
Amethyst House	IN	87,054
Hope House, Inc	IN	64,890
Aurora Incorporated	IN	191,835
City of Gary d/b/a Gary Commission for Women	IN	414,200
LifeSpring, Inc	IN	51,135
Vincent House, Inc	IN	48,451
Open Door Community Services, Inc	IN	116,420
Family Crisis Shelter, Inc	IN	181,675
CMHC, Inc	IN	907,122
CMHC, Inc	IN	249,253
CMHC, Inc	IN	215,052
Cedars HOPE, Inc	IN	35,700
AIDS Ministries/AIDS Assist of North Indiana, Inc	IN	35,558
South Central Community Mental Health Center, Inc	IN	37,968
Housing Opportunities, Inc	IN	249,501
Housing Opportunities, Inc	IN	248,204
ECHO Housing Corporation	IN	694,487
Open Door Community Services	IN	102,136
Stepping Stones, Inc	IN	77,307
Community Action of Northeast Indiana	IN	289,512
Vincent House, Inc	IN	52,944
The Stepping Stone Shelter For Women, Incorporated	IN	183,457
Kosciusko County Shelter for Abuse d/b/a The Beaman Home	IN	39,434
Pathfinder Services, Inc	IN	144,018
Family Services of Elkhart County	IN	44,764
Lafayette Transitional Housing Center, Inc	IN	75,337
ECHO Housing Corporation	IN	97,001
Council On Domestic Abuse, Inc	IN	87,743
Quinco Consulting Center, Inc	IN	82,126
Family Services of Elkhart County	IN	46,856
Lafayette Transitional Housing Center, Inc	IN	73,893
CMHC, Inc	IN	156,767
Martha's House, Inc	IN	401,379
The Salvation Army	IN	242,694
Family Services of Delaware County, Indiana, Inc	IN	149,617

APPENDIX A—Continued

Recipient	State	Amount
Family Service Association of Howard County, Inc	IN	221,715
Housing Opportunities, Inc	IN	84,484
CMHC, Inc	IN	171,156
Partners in Housing Development Corporation	IN	498,000
CR Works	IN	422,509
United Caring Shelters, Inc	IN	60,424
Vincent House, Inc	IN	179,577
Evansville Goodwill Industries, Inc	IN	220,133
Indiana Housing & Community Development Authority	IN	1,518,600
Adult and Child Mental Health Center	IN	169,784
Partners In Housing	IN	134,964
Partners in Housing Development Corporation	IN	1,258,200
Midtown Community Mental Health Center	IN	366,600
John H. Boner Community Center	IN	51,324
Midtown Community Mental Health Center	IN	175,470
HealthNet, Inc	IN	160,200
John H. Boner Community Center	IN	1,611,420
Pathway to Recovery, Inc	IN	101,461
HVAF of Indiana, Inc	IN	150,859
Horizon House, Inc	IN	123,622
Coalition for Homelessness Intervention & Prevention	IN	122,160
Pelathe Community Resource Center, Inc	KS	21,913
Lawrence-Douglas County Housing Authority	KS	87,730
The Salvation Army	KS	48,877
Cornerstones of Care/Ozanam Pathway	KS	107,923
Hillcrest Transitional Housing of Wyandotte County	KS	485,226
Unified Government of Wyandotte County/Kansas City, Kansas	KS	89,945
The Kansas City Metropolitan Lutheran Ministry	KS	265,957
USD 500 Kansas City Kansas Public Schools	KS	22,660
Inter-Faith Ministries Wichita, Inc	KS	43,050
City of Wichita Housing Authority	KS	681,576
City of Wichita Housing Authority	KS	141,900
Inter-Faith Ministries Wichita, Inc	KS	56,420
United Way of the Plains	KS	86,664
United Methodist Open Door, Inc	KS	168,754
United Methodist Open Door, Inc	KS	56,238
Wichita Children's Home	KS	101,218
Inter-Faith Ministries Wichita, Inc	KS	276,394
COMCARE of Sedgwick County	KS	276,041
Kansas Legal Services	KS	190,608
City of Topeka	KS	1,266,876
SAFEHOME, Inc	KS	56,502
The Salvation Army	KS	60,492
Mid America Assistance Coalition	KS	18,666
Northeast Kansas Community Action Program (NEK-CAP, Inc.)	KS	320,945
Prairie View, Inc	KS	272,181
CLASS LTD	KS	179,016
Manhattan Emergency Shelter, Inc	KS	303,279
Manhattan Emergency Shelter, Inc	KS	409,312
New Beginnings, Inc	KS	125,716
Mental Health Association of the Heartland	KS	312,136
Mid Kansas Community Action Program, Inc	KS	315,000
Kansas Housing Resources Corporation	KS	133,000
Safe Harbor of Northeast Kentucky, Inc	KY	277,614
Sanctuary, Inc	KY	77,312
Transitions, Inc	KY	82,545
Barren River Area Safe Space, Inc	KY	215,979
Northern Kentucky Area Development District	KY	448,967
Kentucky Housing Corporation	KY	190,000
Christian Appalachian Project	KY	273,934
Transitions, Inc	KY	79,363
BGCAP	KY	87,781
Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc	KY	166,667
Women's Crisis Center	KY	63,580
Transitions, Inc	KY	10,414
People's Self-Help Housing, Inc	KY	50,392
Harlan Countians for a Healthy Community	KY	78,701
Kentucky River Community Care, Inc	KY	23,520
Kentucky Housing Corporation	KY	651,559
Heartland CARES, Inc	KY	193,256
Transitions, Inc	KY	236,770
Central Kentucky Community Action Council, Inc	KY	113,400

APPENDIX A—Continued

Recipient	State	Amount
KCEOC Community Action Partnership, Inc	KY	200,108
Welcome House of Northern Kentucky, Inc	KY	469,108
Good News Shelter Corporation	KY	222,923
Purchase Area Housing Corporation	KY	78,641
Owensboro Area Shelter, Information & Services, Inc. (OASIS, Inc.)	KY	515,225
Daniel Pitino Shelter, Inc	KY	266,039
Kentucky River Foothills Development Council, Inc	KY	275,261
Kentucky RIver Community Care, Inc	KY	162,204
LifeSkills, Inc	KY	267,876
Community Action of Southern Kentucky, Inc	KY	189,262
Transitions, Inc	KY	162,503
Heartland, CARES, Inc	KY	157,934
Hazard Perry County Community Ministries, Inc	KY	88,664
Communicare, Inc	KY	196,860
Independent Living Options	KY	125,050
Kentucky Housing Corporation	KY	76,667
NorthKey Community Care	KY	166,666
Northern Kentucky Housing & Homeless Coalition, Inc	KY	93,689
Brenda D. Cowan Coalition for KY, Inc	KY	166,667
Gateway Homeless Coalition Inc	KY	104,458
Blue Grass Community Action Partnership	KY	3,620
Bethany House Abuse Shelter, Inc	KY	124,884
Bethany House Abuse Shelter, Inc./Baptist Care Homes, Inc	KY	85,303
Hazard Perry County Community Ministries, Inc	KY	49,136
Sanctuary, Inc	KY	35,694
Volunteers of America of KY., Inc	KY	256,782
Seven Counties Services	KY	230,904
Interlink Counseling Services	KY	30,408
Jefferson Street Baptist Center	KY	43,440
Interlink Counseling Services, Inc	KY	34,272
Louisville Metro Dept. of Housing and Family Services	KY	112,785
Choices, Inc	KY	35,301
House of Ruth	KY	137,694
Coalition for the Homeless, Inc	KY	122,311
Family Health Centers, Inc	KY	255,146
Home of the Innocents	KY	86,924
Louisville Metro Dept. of Housing and Family Services	KY	1,111,896
St. Vincent DePaul	KY	79,560
Schizophrenia Foundation, KY., Inc. (dba as Wellspring)	KY	28,054
Society of St. Vincent de Paul, Council of Louisville, Inc	KY	137,938
Interlink Conseling Services	KY	30,408
The Salvation Army, a Georgia Corporation	KY	119,999
House of Ruth	KY	26,832
Schizophrenia Foundation, KY., Inc. (dba as Wellspring)	KY	211,649
Father Maloney's Boy's Haven	KY	558,190
Society of St. Vincent de Paul, Council of Louisville, Inc	KY	841,400
Seven Counties Services, Inc	KY	93,060
The Center for Women & Families, Inc	KY	479,860
Volunteers of America of KY., Inc	KY	164,045
Family Health Centers, Inc (FHC)	KY	855,496
Kentucky Housing Corporation	KY	105,840
Hope Center, Inc	KY	166,667
Chrysalis House, Inc	KY	83,334
Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties	KY	64,409
Chrysalis House, Inc	KY	219,154
Bluegrass Regional Mental Health—Mental Retardation Board, Inc	KY	165,210
New Beginnings, Bluegrass, Inc	KY	53,492
Hope Center, Inc	KY	269,334
Lexington-Fayette Urban County Housing Authority	KY	202,536
Volunteers of America of Kentucky, Inc	KY	240,853
SMILE Community Action Agency	LA	31,911
Volunteers of America	LA	59,860
Louisiana Association for the Education of Homeless Children and Youth	LA	62,092
St. Mary Community Action Agency	LA	64,496
Iberia Homeless Shelter, Inc	LA	33,040
Community Directions, Inc	LA	64,920
Acadiana C.A.R.E.S	LA	59,583
Lafayette Catholic Service Center, Inc	LA	114,499
Lafayette Catholic Service Centers, Inc	LA	56,000
Acadiana Outreach Center, Inc	LA	49,290
J & K Hope	LA	96,920
Acadiana C.A.R.E.S	LA	229,051

APPENDIX A—Continued

Recipient	State	Amount
Acadiana C.A.R.E.S	LA	143,524
Lafayette Catholic Service Centers, Inc	LA	35,087
Acadiana Outreach Center, Inc	LA	136,941
Lafayette Catholic Service Center, Inc	LA	35,401
Lafayette Catholic Service Center, Inc	LA	30,975
Acadiana Outreach Center	LA	129,868
St. Frances Foundation, Inc	LA	21,000
LA Education for Homeless Children and Youth	LA	100,533
Lafayette Catholic Service Center, Inc	LA	166,213
Volunteers of America	LA	173,105
St. Mary Community Action Committee Association, Inc	LA	71,662
Volunteer Center of SWLA	LA	116,483
Southwestern Louisiana Homeless Coalition, Inc	LA	34,948
Southwestern Louisiana Homeless Coalition, Inc	LA	52,452
Southwestern Louisiana Homeless Coalition, Inc	LA	56,158
Providence House	LA	91,535
Shreveport SRO, Inc. dba Centerpoint	LA	142,711
Shreveport SRO, Inc. dba Centerpoint	LA	227,816
Volunteers of America North LA	LA	144,795
Volunteers of America North LA	LA	100,735
Volunteers of America North LA	LA	78,774
Shreveport SRO, Inc. dba Centerpoint	LA	65,239
Providence House	LA	155,555
Shreveport SRO, Inc. dba Centerpoint	LA	35,641
Council on Alcoholism and Drug Abuse of NW Louisiana	LA	250,000
Philadelphia Center	LA	176,400
YWCA of Northwest Louisiana, Inc	LA	96,394
Community Support Programs, Inc	LA	263,208
Community Support Programs, Inc	LA	301,902
Volunteers of America North LA	LA	112,074
Caddo Parish School Board	LA	89,237
City of New Orleans Neighborhood I/Unity of GNO	LA	611,844
Project Lazarus, NO/AIDS Task Force	LA	160,537
NAMI New Orleans	LA	153,421
Jefferson Parish Human Services Authority/Responsibility House	LA	465,856
Metropolitan Human Services	LA	1,221,876
Loyola Law Clinic/Pro Bono Project/Southeast Louisiana Legal Services	LA	121,819
Catholic Charities/House of Ruth	LA	83,430
Harry Thompson Center/Louisiana Public Health Institute/Volunteers of America, Unity of GNO	LA	201,447
Bridge House/Living Witness	LA	161,450
Catholic Charities	LA	484,617
Responsibility House, Inc	LA	134,144
Bridge House Corporation	LA	191,362
Catholic Charities/Last Hope	LA	99,238
Convenant House/Goodwill/New Orleans Mission/Travelers Aid Society	LA	244,276
Goodwill Industries	LA	173,250
Convenant House/Liberty House	LA	61,490
St. Vincent DePaul Society, Living Witness, Concerned Citizens for a Better ALgiers—Home Again	LA	502,142
National Council of Negro Women of Greater New Orleans Liberty House, Hope House, Covenant Hous	LA	309,257
Catholic Charities ANO, Lindy's Place, UNITY of Greater New Orleans, Volunteers of America, NOPD	LA	216,064
Jefferson Parish, Dept of Community Development	LA	366,336
Resources for Human Development	LA	567,401
Responsibility House	LA	203,906
Convenant House/St. Vincent DePaul Society/Volunteers of America/Unity of GNO/Vialink	LA	339,530
Catholic Charities/Lindy's Place/Goodwill/House of Ruth/Unity of GNO	LA	900,000
Armstrong Family Services/House of Ruth/Catholic Charities/Salvation/Unity of Greater New Orleans	LA	659,476
Catholic Charities Archdiocese of New Orleans	LA	99,417
Catholic Charities Archdiocese of New Orleans	LA	91,656
Jefferson Parish Human Services Authority	LA	277,473
Volunteers of America of Greater New Orleans, Inc	LA	525,000
Covenant House New Orleans	LA	144,153
Metropolitan Center for Women and Children, Inc	LA	113,344
Catholic Charities Archdiocese of New Orleans	LA	123,422
UNITY of Greater New Orleans	LA	960,403
Resources for Human Development/St. Vincent De Paul Society/Unity of GNO	LA	134,683
Covenant House New Orleans	LA	78,295
Volunteers of America	LA	470,234
Convenant House	LA	106,867
Daughters of Charity Health Services/Health for the Homeless/Unity of GNO	LA	187,097
Southeast Louisiana Legal Services/St. Vincent De Paul Ozonam Inn/Volunteers of America/Unity of GNO	LA	128,907
Bridge House, Tulane University Department of Adolescent Medicine	LA	166,420
Odyssey	LA	208,645

APPENDIX A—Continued

Recipient	State	Amount
Resources for Human Development/Jefferson Parish Human Services Authority	LA	378,253
Society of St. Vincent de Paul—Baton Rouge	LA	93,164
Society of St. Vincent de Paul	LA	95,041
Harmony Center, Inc	LA	260,451
Gulf Coast Teaching Family Services	LA	135,657
Volunteers of America, Greater Baton Rouge	LA	108,108
Options Foundation, Inc	LA	177,563
Volunteers of America Greater Baton Rouge	LA	135,184
Maison des Ami of Louisiana, Inc	LA	144,868
Opations Foundation, Inc	LA	142,011
Baton Rouge Alliance for Transitional Living dba Youth Oasis	LA	63,661
Volunteers of America Greater Baton Rouge	LA	193,268
Our Lady of the Lake Hospital, Inc	LA	208,687
A New Inspiration	LA	78,970
Catholic Charities of Baton Rouge	LA	66,709
Our Lady of the Lake Hospital, Inc	LA	39,900
Volunteers of America, Greater Baton Rouge, Inc	LA	63,418
HIV/AIDS Alliance for Region Two, Inc. (HAART)	LA	87,092
HIV/AIDS Alliance for Region Two, Inc. (HAART)	LA	206,111
HIV/AIDS Alliance for Region Two, Inc. (HAART)	LA	93,108
Louisiana Industries for the Disabled, Inc	LA	86,461
O'Brien House	LA	46,292
Capital Area Alliance for the Homeless	LA	34,083
Volunteers of America North Louisiana	LA	99,584
Elisha Ministries	LA	83,469
Our House, Inc	LA	56,583
The Wellspring Alliance for Families, Inc	LA	72,859
The Wellspring Alliance for Families, Inc	LA	157,317
Monroe Area Guidance Center	LA	80,209
The Wellspring Alliance for Families, Inc	LA	257,658
Elisha Ministries	LA	102,136
Rays of Sonshine	LA	149,738
Volunteers of America of Greater New Orleans, Inc	LA	314,149
Alternative Living, Inc	LA	166,497
Volunteers of America of Greater New Orleans, Inc	LA	158,726
Southeastern Louisiana University	LA	148,109
Volunteers of America of Greater New Orleans, Inc	LA	50,000
Alternative Living, Inc	LA	163,257
Volunteers of America of Greater New Orleans, Inc	LA	44,343
Hammand Housing Authority	LA	178,000
Altermatives Living, Inc	LA	80,134
Volunteers of America of Greater New Orleans, Inc	LA	109,290
Women Outreaching Women, Inc	LA	42,357
Southeast Spouse Abuse Program	LA	86,974
Alternatives Living, Inc	LA	68,431
Southeast Spouse Abuse Program	LA	144,298
St. Tammany Parish Government	LA	92,460
Volunteers of America of Greater New Orleans, Inc	LA	191,985
Volunteers of America of North Louisiana	LA	77,334
Central Louisiana Homeless Coalition	LA	135,538
Volunteers of America of North Louisiana	LA	62,521
Central Louisiana Coalition to Prevent Homelessness	LA	58,245
Vernon Community Action Council, Inc	LA	70,092
Volunteers of America of North Louisiana	LA	205,758
START Corporation	LA	111,447
Gulf Coast Teaching Family Services, Inc	LA	100,153
Gulf Coast Teaching Family Services, Inc	LA	170,722
Gulf Coast Teaching Family Services, Inc	LA	134,350
START Corporation	LA	161,192
START Corporation	LA	162,787
START Corporation	LA	224,584
Gulf Coast Teaching Family Services, Inc	LA	197,895
Boston Medical Center	MA	198,427
Little Sisters of the Assumption/Project Hope	MA	455,814
Boston Health Care for the Homeless Program	MA	226,530
Metropolitan Boston Housing Partnership, Inc	MA	229,080
Metropolitan Boston Housing Partnership, Inc	MA	1,729,440
Metropolitan Boston Housing Partnership, Inc	MA	383,172
Metropolitan Boston Housing Partnership, Inc	MA	1,097,700
Metropolitan Boston Housing Partnership, Inc	MA	737,748
Boston Public Health Commission	MA	236,504
Dimock Community Health Center	MA	217,862

APPENDIX A—Continued

Recipient	State	Amount
Pine Street Inn, Inc	MA	645,277
Boston Rescue Mission	MA	317,044
HomeStart, Inc	MA	514,595
Shelter, Inc	MA	149,597
Action for Boston Community Development Inc. (ABCD Inc.)	MA	220,531
Vinfen, Corporation	MA	101,301
Community Work Services	MA	189,604
Metropolitan Boston Housing Partnership, Inc	MA	142,608
Pine Street Inn, Inc	MA	201,602
Elizabeth Stone House, Inc	MA	132,229
Elizabeth Stone House, Inc	MA	39,231
Interseminarian-Project Place, Inc	MA	77,983
Friends of the Shattuck, Ltd	MA	82,522
HomeStart, Inc	MA	266,067
Crittenton Women's Union, Inc	MA	114,979
Children's Services of Roxbury, Inc	MA	107,143
Metropolitan Boston Housing Partnership, Inc	MA	390,060
Metropolitan Boston Housing Partnership, Inc	MA	767,196
Saint Francis House, Inc	MA	458,655
Travelers Aid Family Services, Inc	MA	219,007
Friends of the Shattuck Shelter, Ltd	MA	131,179
Latino Health Institute, Inc	MA	328,406
Vinfen, Corporation	MA	119,677
HomeStart, Inc	MA	245,517
Pine Street Inn	MA	1,020,288
HomeStart, Inc	MA	246,183
Boston Rescue Mission, Inc	MA	63,210
Metropolitan Boston Housing Partnership, Inc	MA	224,508
Justice Resource Institute d/b/a JRI Health	MA	102,202
Friends of the Shattuck Shelter, Ltd	MA	484,237
Pine Street Inn, Inc	MA	316,980
Vietnam Veterans Workshop, Inc. d/b/a New England Shelter for Homeless Veterans	MA	213,221
Hearth, Inc	MA	212,524
Casa Myrna Vazquez, Inc	MA	224,192
Brookview House, Inc	MA	312,510
Saint Francis House, Inc	MA	74,446
Metropolitan Boston Housing Partnership, Inc	MA	42,672
Metropolitan Boston Housing Partnership, Inc	MA	234,720
Metropolitan Boston Housing Partnership	MA	185,820
Tri-City Mental Health Center, Inc	MA	32,100
Bridge Over Troubled Waters	MA	211,583
Greater Boston Legal Services	MA	151,142
Latino Health Institute, Inc	MA	145,272
Boston Medical Center/Boston Public Health Commission	MA	419,627
Boston Medical Center/Boston Public Health Commission	MA	226,203
Interseminarian-Project Place, Inc	MA	37,765
Kit Clark Senior Services, Inc	MA	81,535
Interseminarian-Project Place, Inc	MA	50,400
Victory Programs, Inc	MA	169,119
Casa Nueva Vida, Inc	MA	36,927
Dennis McLaughlin House of Charlestown	MA	69,166
Boston Public Health Commission	MA	210,535
Vietnam Veterans Workshop, Inc. d/b/a New England Shelter for Homeless Veterans	MA	255,425
Casa Myrna Vazquez, Inc	MA	317,146
Casa Myrna Vazquez, Inc	MA	49,357
Metropolitan Boston Housing Partnership, Inc	MA	195,600
ServiceNet Incorporated	MA	99,250
ServiceNet Incorporated	MA	242,300
American Red Cross	MA	68,250
United Veterans of America, Inc	MA	72,450
Providence Ministries for the Needy, Inc	MA	80,352
ServiceNet Incorporated	MA	199,569
Mental Health Association, Inc	MA	94,500
Human Resources Unlimited, Inc	MA	109,453
HAP, Inc. and Housing and Economic Resources for Women, Inc	MA	55,493
River Valley Counseling Center Inc	MA	41,125
Greater Westfield Committee for the Homeless, Inc	MA	104,994
Project COPE, Inc	MA	254,109
Neighborhood Legal Services, Inc	MA	44,887
Lynn Housing Authority and Neighborhood Development (LHAND)	MA	705,900
Housing Works, Inc	MA	12,561
Bridgewell (formerly dba Greater Lynn Mental Health)	MA	239,507

APPENDIX A—Continued

Recipient	State	Amount
Lynn Housing Authority and Neighborhood Development (LHAND)	MA	29,383
Lynn Economic Opportunity, Inc	MA	41,300
Project COPE, Inc	MA	86,853
Bridgewell (Formerly Greater Lynn Mental Health)	MA	283,250
Serving People In Need, Inc	MA	26,012
Housing Assistance Corporation	MA	66,431
Housing Assistance Corporation	MA	266,784
Housing Assistance Corporation	MA	153,681
Cape AIDS Ministry	MA	54,960
Housing For All Corporation	MA	44,200
South Coastal Counties Legal Services, Inc	MA	24,937
Housing Assistance Corporation	MA	201,120
AIDS Support Group of Cape Cod	MA	365,400
Family Continuity Programs, Inc	MA	44,397
River Valley Counseling Center Inc	MA	117,028
Massachusetts Career Development Institute, Inc	MA	268,237
Martin Luther King, Jr. Community Center Inc	MA	132,750
Mental Health Association, Inc	MA	79,680
Mental Health Association, Inc	MA	95,616
Mental Health Association, Inc	MA	96,694
Friends of the Homeless, Inc	MA	62,929
Mental Health Association, Inc	MA	105,000
City of Springfield	MA	29,733
Massachusetts Career Development Institute, Inc	MA	214,452
Massachusetts Career Development Institute, Inc	MA	195,574
Human Resources Unlimited, Inc	MA	150,551
City of New Bedford	MA	29,524
Catholic Social Services of Fall River, Inc	MA	198,609
S.E. Mass Veterans Housing Program, Inc	MA	96,819
Catholic Social Services of Fall River, Inc	MA	187,933
Reflections, Inc	MA	245,064
Positive Action Against Chemical Addiction, Inc	MA	265,079
Catholic Social Services of Fall River, Inc	MA	272,490
Montachusett Veterans Outreach Center, Inc	MA	49,700
Community Healthlink, Inc	MA	250,000
Community Healthlink, Inc	MA	631,744
Friendly House, Inc	MA	353,375
Community Healthlink, Inc	MA	117,667
The Bridge of Central Massachusetts, Inc	MA	136,816
Genesis Club, Inc	MA	133,416
Community Healthlink, Inc	MA	285,120
Community Healthlink, Inc.	MA	363,930
Community Healthlink Inc	MA	633,060
Central Massachusetts Housing Alliance, Inc	MA	104,999
Our Father's House	MA	91,018
Worcester Housing Authority	MA	146,490
Community Healthlink, Inc.	MA	246,979
Worcester Public Inebriate Program (PIP)	MA	178,647
Community Healthlink, Inc	MA	362,863
Y.O.U., Inc	MA	468,226
Community Healthlink, Inc	MA	262,500
Central Massachusetts Housing Alliance, Inc	MA	214,090
Community Healthlink, Inc	MA	97,384
North Central Human Services, Inc	MA	78,601
Construct, Inc	MA	41,200
Berkshire Community Action Council, Inc	MA	56,166
Berkshire Community Action Council, Inc	MA	46,988
Family Life Support Center, Inc	MA	136,491
Berkshire Community Action Council, Inc	MA	132,290
Lowell Transitional Living Center	MA	42,341
Lowell Transitional Living Center	MA	70,717
Bridgewell Incorporated (formerly Middlesex North Resource Center)	MA	420,938
Alternative House	MA	189,283
House of Hope, Inc	MA	96,639
CASPAR, Inc	MA	137,815
Cambridge Health Care for the Homeless	MA	14,386
Shelter, Inc	MA	34,999
Shelter, Inc	MA	55,141
Cambridge Cares About AIDS	MA	27,884
CASPAR, Inc	MA	58,530
Cambridge Housing Authority	MA	133,308
Cambridge Housing Authority	MA	293,400

APPENDIX A—Continued

Recipient	State	Amount
City of Cambridge	MA	138,240
North Charles, Inc	MA	44,759
New Communities, Inc	MA	17,724
Home Start, Inc	MA	52,295
Hildebrand Family Self-Help Center	MA	36,960
North Charles, Inc	MA	19,527
Shelter, Inc	MA	61,002
CASCAP, Inc	MA	32,640
Home Start, Inc	MA	170,336
Shelter, Inc	MA	81,763
City of Cambridge	MA	33,600
Home Start, Inc	MA	94,991
Transition House	MA	165,199
Home Start, Inc	MA	275,751
Home Start, Inc	MA	330,235
Home Start, Inc	MA	448,025
Shelter, Inc	MA	163,264
Transition House, Inc	MA	57,750
Cambridge Cares About AIDS	MA	31,304
Cambridge Housing Authority	MA	9,916
Bread & Jams	MA	60,690
Eliot Community Health Services	MA	51,042
City of Cambridge	MA	29,601
Emmaus, Inc	MA	102,100
Veterans Northeast Outreach Center, Inc	MA	135,487
Lynn Shelter Association	MA	207,283
North Shore Community Action Programs, Inc	MA	142,311
Emmaus, Inc	MA	250,725
Turning Point, Inc	MA	280,745
Emmaus, Inc	MA	158,939
Emmaus, Inc	MA	108,000
Action, Inc	MA	120,120
Quincy Interfaith Sheltering Coalition	MA	138,360
Quincy Interfaith Sheltering Coalition	MA	213,595
Quincy Interfaith Sheltering Coalition	MA	110,688
Quincy Interfaith Sheltering Coalition	MA	108,876
Quincy Interfaith Sheltering Coalition	MA	193,704
Quincy Interfaith Sheltering Coalition	MA	83,016
Quincy Interfaith Sheltering Coalition	MA	304,392
Quince Interfaith Sheltering Coalition	MA	86,509
Quincy Interfaith Sheltering Coalition	MA	145,177
Quincy Interfaith Sheltering Coalition	MA	194,496
Quincy Interfaith Sheltering Coalition	MA	69,548
Quincy Interfaith Sheltering Coalition	MA	101,113
Quincy Interfaith Sheltering	MA	237,825
City of Quincy	MA	79,831
Merrimack Valley Young Men's Christian Association Inc	MA	80,665
City of Lawrence	MA	12,416
Emmaus, Inc	MA	67,542
YWCA of Greater Lawrence, Inc	MA	20,895
YWCA of Greater Lawrence, Inc	MA	187,950
Neighborhood Legal Services, Inc	MA	14,962
The Psychological Center, Inc	MA	138,734
Shelter, Inc	MA	139,023
Shelter, Inc	MA	474,503
Tri-City Community Action Program. Inc	MA	175,964
Shelter, Inc	MA	67,662
Tri-City Community Action Program. Inc	MA	183,961
Shelter, Inc	MA	227,484
Housing Families Inc	MA	127,975
South Middlesex Opportunity Council, Inc	MA	116,150
Advocates, Inc	MA	82,804
South Middlesex Opportunity Council, Inc	MA	79,128
Advocates, Inc	MA	33,071
Advocates, Inc	MA	115,389
South Middlesex Legal Services	MA	48,506
Moveable Feast Inc	MA	103,241
Stepping Stone, Inc	MA	453,696
Alcoholism Council of Greater Fall River	MA	37,800
Residential Care Consortium, Inc	MA	163,497
Steppingstone, Inc	MA	329,091
Catholic Social Services of Fall River	MA	70,906

APPENDIX A—Continued

Recipient	State	Amount
Stepping Stone, Inc	MA	343,106
Catholic Social Services of Fall River, Inc	MA	153,450
Caritas Communities	MA	127,379
Massachusetts Department of Public Health/Bureau of Substance Abuse Services	MA	478,655
HarborCOV Inc	MA	210,000
Massachusetts Department of Housing and Community Development	MA	586,656
Massachusetts Department of Housing and Community Development	MA	208,440
Massachusetts Department of Housing and Community Development	MA	79,680
Massachusetts Sober Housing Corporation	MA	31,500
Massachusetts Department of Public Health	MA	195,004
Somerville Homeless Coalition, Inc	MA	230,889
Commonwealth of Massachusetts	MA	918,583
Home Start, Inc	MA	195,237
Massachusetts Department of Housing and Community Development	MA	47,316
Massachusetts Department of Housing and Community Development	MA	140,856
Massachusetts Department of Housing and Community Development	MA	207,540
Massachusetts Department of Public Health	MA	312,684
Massachusetts Veterans, Inc	MA	147,360
Massachusetts Department of Housing and Community Development	MA	686,916
Massachusetts Department of Mental Health	MA	660,772
Massachusetts Department of Housing and Community Development	MA	831,240
Somerville Homeless Coalition, Inc	MA	128,918
Eliot Community Human Services, Inc	MA	441,336
Massachusetts Department of Public Health, Bureau of Substance Abuse Services	MA	754,605
South Middlesex Opportunity Council, Inc	MA	509,284
Shelter, Inc	MA	146,845
Transition House (Family Development Program)	MA	14,073
Somerville Homeless Coalition, Inc	MA	407,396
CASPAR, Inc	MA	80,730
CASPAR, Inc	MA	150,793
Somerville Homeless Coalition, Inc	MA	193,532
Shelter, Inc	MA	131,560
Catholic Charitable Bureau of the Archdiocese of Boston, Inc	MA	50,972
Wayside Youth and Family Support Network, Inc	MA	233,871
Somerville Homeless Coalition, Inc	MA	159,334
Somerville Homeless Coalition, Inc	MA	120,264
CASPAR, Inc	MA	39,138
Somerville Homeless Coalition, Inc	MA	40,011
CASPAR, Inc	MA	114,450
Just-A-Start	MA	23,100
Newton Community Services Center, The Parents Program	MA	12,616
The Second Step, Inc	MA	94,045
Vinfen Corporation	MA	36,955
Brookline Community Mental Health Center	MA	70,797
Pine Street Inn, Inc	MA	28,000
Advocates, Inc	MA	166,661
The Second Step, Inc	MA	63,344
The Second Step, Inc	MA	65,660
Brookline Community Mental Health Center	MA	120,666
Advocates, Inc	MA	82,804
The Second Step, Inc	MA	216,474
Advocates, Inc	MA	165,002
Catholic Social Services of Fall River, Inc	MA	25,000
Community Counseling of Bristol County, Inc	MA	106,146
Community Counseling of Bristol County, Inc	MA	81,448
City of Taunton	MA	91,650
Attleboro Area Council of Churches	MA	62,334
Community Counseling of Bristol County, Inc	MA	91,618
Catholic Social Services of Fall River, Inc	MA	115,909
Community Counseling of Bristol County, Inc	MA	41,269
Brockton Coalition for the Homeless, Inc	MA	415,495
South Shore Housing Development Corporation	MA	42,000
South Shore Housing Development Corporation	MA	83,125
Brockton Coalition for the Homeless, Inc	MA	41,346
Brockton Coalition for the Homeless, Inc	MA	93,371
Human Resources Development Commission, Inc	MD	66,044
Young Men's Christian Association of Cumberland	MD	162,796
Human Resources Development Commission, Inc	MD	14,137
Mental Hygiene Administration	MD	125,508
Young Men's Christian Association of Cumberland	MD	111,872
Young Men's Christian Association of Cumberland	MD	70,350
Young Men's Christian Association of Cumberland	MD	30,870

APPENDIX A—Continued

Recipient	State	Amount
Human Resources Development Commission, Inc	MD	32,739
Young Men's Christian Association of Cumberland	MD	48,938
Human Resources Development Commission, Inc	MD	68,460
Marian House, Inc	MD	69,258
AIDS Interfaith Residential Services, Inc	MD	133,716
Women's Housing Coalition, Inc	MD	97,248
Dayspring Programs, Inc	MD	291,244
Jobs, Housing & Recovery, Inc	MD	100,044
Baltimore HealthCare Access, Inc	MD	166,656
House of Ruth Maryland, Inc	MD	251,744
St. Vincent de Paul Society of Baltimore, Inc	MD	107,116
Women's Housing Coalition, Inc	MD	46,235
St. Ambrose Housing Aid Center	MD	48,624
Jobs, Housing & Recovery, Inc	MD	588,899
Women's Housing Coalition, Inc	MD	45,378
Baltimore Mental Health Systems, Inc	MD	251,782
Baltimore Mental Health Systems, Inc	MD	341,497
Baltimore Mental Health Systems, Inc	MD	247,453
Prisoners Aid Association of Maryland, Inc	MD	32,983
Associated Catholic Charities	MD	297,461
Project Plase Inc	MD	74,001
Health Education Resource Organization, Inc	MD	34,341
Baltimore City Health Department	MD	41,149
Homeless Persons Representation Project	MD	113,461
At Jacob's Well, Inc	MD	23,520
Project Plase Inc	MD	189,099
Project Plase Inc	MD	927,768
St. Vincent de Paul of Baltimore, Inc	MD	38,127
At Jacob's Well, Inc	MD	202,560
Manna House Inc	MD	78,750
The YMCA of Central MD. Inc	MD	252,193
AIDS Interfaith Residential Services, (AIRS), Inc	MD	1,043,220
Baltimore City Health Department	MD	377,030
Dayspring Programs, Inc	MD	308,504
Associate Catholic Charities, Inc	MD	116,250
Prisoners Aid Association of Maryland, Inc	MD	803,664
Dayspring Programs, Inc	MD	156,120
St. Vincent de Paul Society of Baltimore, Inc	MD	55,347
Women's Housing Coalition, Inc	MD	253,200
Health Education Resource Organization, Inc	MD	253,200
Baltimore Mental Health Systems Inc	MD	108,792
VOA Cheapeake, Inc	MD	109,032
Women Accepting Responsibility	MD	48,624
Baltimore Mental Health Systems, Inc	MD	392,200
Marian House, Inc	MD	205,926
AIDS Interfaith Residential Services (AIRS) Inc	MD	185,039
St. Ambrose Housing Aid Center, Inc	MD	35,343
Supportive Housing Group, Inc	MD	173,250
Baltimore Mental Health Systems, Inc	MD	159,600
The Salvation Army	MD	155,548
H.E.A.L., Inc./Hagar's House	MD	150,032
Govans Ecumencial Development Corp	MD	102,062
Associated Catholic Charities, Inc	MD	95,491
Associted Catholic Charities	MD	258,884
Women's Housing Coalition, Inc	MD	67,554
St. Vincent dePaul Society of Baltimore, Inc	MD	1,193,381
YWCA of the Greater Baltimore Area, Inc	MD	164,600
Prisoners Aid Association of Maryland, Inc	MD	114,805
PLASE, Inc	MD	151,920
H.E.A.L., Inc./Hagar's House	MD	93,672
Mt. Calvary Holy Temple	MD	40,512
Baltimore Mental Health Systems, Inc	MD	1,520,436
Dayspring Program, Inc	MD	281,016
Baltimore City Health Department	MD	91,152
Dayspring Programs, Inc	MD	546,420
St. Ambrose Housing Aid Center	MD	50,640
Baltimore Mental Health Systems, Inc	MD	227,566
Baltimore Mental Health Systems, Inc	MD	369,600
People Lacking Ample Shelter and Employment (PLASE)	MD	118,835
Associated Catholic Charities, Inc	MD	205,836
Maryland Center for Veterans Education and Training, Inc	MD	1,421,238
AIDS Interfaith Residential Services, Inc. (AIRS)	MD	147,340

APPENDIX A—Continued

Recipient	State	Amount
Mercy Medical Center	MD	335,087
Women's Housing Coalition, Inc	MD	168,000
Women Accepting Responsibility, Inc	MD	50,022
People Lacking Ample Shelter and Employment (PLASE)	MD	117,065
Jobs, Housing & Recovery, Inc	MD	214,025
Women's Housing Coalition, Inc	MD	55,860
Prisoners Aid Association of Maryland, Inc	MD	58,776
Alliance Inc	MD	46,613
Harford Family House, Inc	MD	81,962
Alliance, Inc	MD	8,933
Associated Catholic Charities	MD	54,928
Alliance, Inc	MD	69,019
Associated Catholic Charities	MD	89,770
Maryland Department of Health and Mental Hygiene	MD	32,412
Maryland Department of Health and Mental Hygiene	MD	214,380
Associated Catholic Charities	MD	82,178
Alliance Inc	MD	20,488
Anne Arundel County Mental Health Agency, Inc	MD	167,347
Arundel House of Hope, Inc	MD	114,450
Annapolis Area Ministries, Inc	MD	41,597
Arundel House of Hope, Inc	MD	129,499
Arundel Community Development Services, Inc	MD	315,679
Housing Commission Of Anne Arundel County	MD	244,410
Arundel House of Hope, Inc	MD	54,548
Associated Catholic Charities, Inc	MD	329,983
Maryland Department of Health and Mental Hygiene	MD	148,032
Community Residence, Inc	MD	70,786
Howard County Government	MD	227,757
Howard County Government	MD	68,736
Grassroot Crisis Intervention Center, Inc	MD	147,648
Howard County Government	MD	130,335
Maryland Department of Health and Mental Hygiene	MD	304,116
Baltimore County, Maryland	MD	80,138
AIDS Interfaith Residential Services, Inc	MD	222,840
INNterim Housing Corporation	MD	248,745
AIDS Interfaith Residential Services Inc	MD	215,219
Baltimore County Government	MD	168,914
Baltimore County, Maryland	MD	15,750
Baltimore County	MD	77,612
Maryland Department of Health and Mental Hygiene	MD	147,288
Prologue Inc	MD	105,000
Prologue Inc	MD	431,727
AIDS Interfaith Residential Services Inc	MD	38,800
Nehemiah House, Inc	MD	57,295
Human Services Programs of Carroll County, Inc	MD	33,954
Maryland Department of Health and Mental Hygiene	MD	98,664
Human Services Programs of Carroll County, Inc	MD	7,494
Human Services Programs of Carroll County, Inc	MD	86,135
Human Services Programs of Carroll County, Inc	MD	44,000
Human Services Programs of Carroll County, Inc	MD	48,197
Human Services Programs of Carroll County, Inc	MD	15,331
Cecil County, Department of Social Services	MD	13,084
Maryland Department of Health and Mental Hygiene	MD	75,060
Cecil County, Department of Social Services	MD	24,912
Human Services Developmental Corporation, Inc	MD	36,655
Three Oaks Homeless Shelter, Inc.dba Threee Oaks Center	MD	34,900
Three Oaks Homeless Shelter, Inc.dba Three Oaks Center	MD	174,554
Three Oaks Homeless Shelter, Inc.dba Three Oaks Center	MD	68,660
Catholic Charities of the Archdiocese of Washington	MD	24,246
Three Oaks Homeless Shelter, Inc.dba Three Oaks Center	MD	107,336
Three Oaks Homeless Shelter, Inc.dba Three Oaks Center	MD	40,629
Project ECHO, Inc	MD	18,252
Maryland Department of Health and Mental Hygiene	MD	1,128,108
Three Oaks Homeless Shelter, Inc.dba Three Oaks Center	MD	42,451
Catholic Community Services	MD	86,391
Mental Hygiene Administration	MD	94,320
City of Frederick	MD	65,896
City of Frederick	MD	135,536
Heartly House, Inc	MD	35,074
Advocates for Homeless Families	MD	24,008
Friends for Neighborhood Progress, Inc	MD	21,942
Mental Hygiene Administration	MD	142,032

APPENDIX A—Continued

Recipient	State	Amount
Garrett County Community Action Committee, Inc	MD	52,473
Garrett County Community Action Committee, Inc	MD	12,475
Garrett County Community Action Committee, Inc	MD	9,464
Garrett County Community Action Committee, Inc	MD	149,885
Crossroads Community, Inc	MD	114,440
Maryland Department of Health and Mental Hygiene	MD	117,996
Mid-Shore Mental Health Systems, Inc	MD	157,704
Maryland Rural Development Corporation	MD	59,306
Crossroads Community, Inc	MD	39,019
Crossroads Community, Inc	MD	13,149
Crossroads Community, Inc	MD	59,685
Washington County Community Action Council, Inc	MD	133,333
Washington County Community Action Council, Inc	MD	57,859
Washington County Community Action Council, Inc	MD	56,367
Washington County Community Action Council, Inc	MD	45,839
Maryland Department of Health and Mental Hygiene	MD	207,216
Go-Getters Inc	MD	53,004
Somerset County Health Department	MD	221,433
Somerset County Health Department	MD	13,565
Somerset County Health Department	MD	410,706
Somerset County Health Department	MD	26,894
Maryland Department of Health and Mental Hygiene	MD	191,964
Prince George's County Government	MD	449,617
Prince George's County Government	MD	438,246
Laurel Advocacy and Referral Services, Inc	MD	317,630
Prince George's County Government	MD	373,328
JHP, Inc	MD	136,761
Prince George's County Government	MD	116,193
JHP, Inc	MD	225,114
Laurel Advocacy and Referral Services, Inc	MD	181,739
United Communities Against Poverty	MD	190,459
United Communities Against Poverty	MD	156,108
Prince George's County Government	MD	374,850
Rehabilitation Systems, Inc	MD	359,623
Laurel Advocacy and Referral Services, Inc	MD	47,265
Volunteers Of America Chesapeake, Inc	MD	268,704
Rehabilitation Systems, Inc	MD	227,307
Rehabilitation Systems, Inc	MD	129,392
Community Ministries of Rockville, Community Ministry of Montgomery County, Stepping Stones Shelte	MD	500,962
Montgomery County Coalition for the Homeless	MD	359,232
Catholic Charities of the Archdiocese of Washington	MD	235,903
Montgomery Avenue Women's Center	MD	138,183
City of Gaithersburg—Well/Robertson House Program	MD	128,247
Housing Opportunities Commission of Montgomery County	MD	1,151,722
Housing Opportunities Commission of Montgomery County	MD	79,533
Housing Opportunities Commission of Montgomery County	MD	1,085,259
Mental Health Association of Montgomery County, MD	MD	271,740
National Center for Children and Families (NCCF)	MD	623,191
Montgomery County Coalition for the Homeless	MD	823,853
HOC	MD	592,416
State of Maine—Department of Health and Human Services	ME	304,740
Kennebec Valley Mental Health Center	ME	32,838
Counseling Services, Inc	ME	64,410
State of Maine—Department of Health and Human Services	ME	981,960
State of Maine—Department of Health and Human Services	ME	96,924
State of Maine—Department of Health and Human Services	ME	395,580
Community Housing of Maine, Inc	ME	19,635
Tedford Housing	ME	6,825
State of Maine—Department of Health and Human Services	ME	65,544
York County Shelter Programs, Inc	ME	99,174
York County Shelter Programs, Inc	ME	33,238
Maine State Housing Authority	ME	66,431
New Beginnings, Inc	ME	167,116
York County Shelter Programs, Inc	ME	111,127
Battered Women's Project	ME	27,251
State of Maine—Department of Health and Human Services	ME	197,760
York County Shelter Programs, Inc	ME	199,100
Maine State Housing Authority	ME	154,959
State of Maine—Department of Health and Human Services	ME	1,237,008
State of Maine—Department of Health and Human Services	ME	940,992
State of Maine Department of Health and Human Services	ME	200,220
Maine State Housing Authority	ME	16,758

APPENDIX A—Continued

Recipient	State	Amount
City of Bangor, Maine	ME	297,528
City of Bangor, Maine	ME	65,760
Shaw House	ME	118,422
Community Health and Counseling Services	ME	18,599
OHI	ME	32,550
Acadia Health Care, Inc	ME	9,975
Acadia Health Care, Inc	ME	72,288
State of Maine Department of Health & Human Services	ME	53,160
State of Maine Department of Health & Human Services	ME	141,600
City of Bangor, Maine	ME	268,848
State of Maine Department of Health and Human Services	ME	13,152
State of Maine—Department of Health and Human Services	ME	193,104
City of Portland	ME	158,126
State of Maine—Department of Health and Human Services	ME	970,296
State of Maine—Department of Health and Human Services	ME	100,320
City of Portland	ME	27,970
MAPS/My Choice	ME	71,355
City of Portland	ME	15,443
Youth Alternatives Inc	ME	126,936
Portland West, Inc	ME	70,652
Ingraham, Inc	ME	307,099
Avesta Housing Development Corporation	ME	304,266
State of Maine—Department of Health and Human Services	ME	98,832
State of Maine—Department of Health and Human Services	ME	111,060
Ingraham, Inc	ME	82,356
City of Portland	ME	70,016
Center for Women in Transition	MI	80,213
Branch County Coalition Against Domestic Violence	MI	14,422
Michigan Coalition Against Homelessness	MI	640,500
Bay Area Women's Center	MI	106,488
Relief After Violent Encounter—Ionia/Montcalm, Inc	MI	56,687
Sacred Heart Rehabilitation Center, Inc	MI	194,214
CORY Place, Inc	MI	136,666
State of Michigan	MI	134,208
Allegan County Crisis Response Services	MI	84,800
Corporation for Supportive Housing	MI	206,666
Child and Family Services of Upper Peninsula	MI	115,500
Michigan Department of Human Services	MI	322,507
Corporation for Supportive Housing	MI	168,000
State of Michigan	MI	683,338
Pathways to Healthy Living	MI	42,564
Northpointe Behavioral Healthcare	MI	62,952
Bay-Arenac Behavioral Health	MI	58,320
Staircase Youth Services, Inc	MI	100,000
Northpointe Behavioral Healthcare Systems	MI	5,850
Blue Water Center for Independent Living	MI	239,014
Branch County Coalition Against Domestic Violence	MI	20,700
Capital Area Community Services, Inc	MI	93,809
Chippewa-Luce-Mackinac Community Action Human Resource Authority, Inc	MI	115,166
Sacred Heart Rehabilitation	MI	166,116
American Red Cross, East Shoreline Chapter	MI	59,039
State of Michigan	MI	477,640
State of Michigan	MI	351,901
Detroit Rescue Mission Ministries	MI	759,593
Cass Community Social Services, Inc	MI	188,724
Lula Belle Stewart Center, Inc	MI	138,409
Cass Community Social Services, Inc	MI	148,529
Coalition on Temporary Shelter	MI	660,686
Detroit Rescue Mission Ministries	MI	406,740
Cass Community Social Services, Inc	MI	420,000
Travelers Aid Society of Metropolitan Detroit	MI	89,617
Covenant House Michigan	MI	400,233
Detroit Rescue Mission Ministries	MI	622,667
Southwest Counseling Solutions	MI	125,183
Catholic Social Services of Wayne County	MI	201,575
Mariners Inn	MI	146,928
Travelers Aid Society of Metropolitan Detroit	MI	209,811
Mariners Inn	MI	289,004
Detroit East	MI	142,014
Freedom House	MI	379,819
Cass Community Social Services, Inc	MI	108,743
Lula Belle Stewart Center, Inc	MI	217,209

APPENDIX A—Continued

Recipient	State	Amount
Detroit Rescue Mission Ministries	MI	447,580
Coalition on Temporary Shelter	MI	75,843
Coalition on Temporary Shelter	MI	105,546
CareGivers	MI	756,139
Alternatives For Girls	MI	124,141
Wayne County Neighborhood Legal Services DBA Neighborhood Legal Services Michigan	MI	853,434
Detroit Rescue Mission Ministries	MI	426,160
Detroit Central City CMH, Inc	MI	990,566
Coalition on Temporary Shelter	MI	135,338
Simon House	MI	88,674
Detroit East	MI	393,073
Travelers Aid Society of Metropolitan Detroit	MI	854,081
Southwest Housing Solutions	MI	129,539
Travelers Aid Society of Metropolitan Detroit	MI	918,428
Detroit East CMH, Inc	MI	282,960
Development Centers, Inc	MI	300,864
Neighborhood Service Organization, Inc	MI	88,836
Coalition on Temporary Shelter	MI	633,864
Travelers Aid Society of Metropolitan Detroit	MI	292,920
Southwest Solutions	MI	533,220
Positive Images	MI	700,009
Mariners Inn	MI	243,585
Homeless Action Network of Detroit	MI	190,273
Coalition on Temporary Shelter	MI	301,208
Detroit Rescue Mission Ministries	MI	1,057,722
The Salvation Army—Eastern Michigan Division	MI	518,125
Detroit Rescue Mission Ministries	MI	543,533
Travelers Aid Society of Metropolitan Detroit	MI	218,768
Jewish Vocational Services	MI	907,155
Detroit Rescue Mission Ministries	MI	220,333
Development Centers, Inc	MI	443,940
Coalition on Temporary Shelter	MI	84,979
Southwest Housing Solutions	MI	225,532
Michigan Veterans Foundation	MI	709,836
United Community Housing Coalition	MI	632,613
Wayne-Metropolitan Community Action Agency	MI	282,288
Wayne County Neighborhood Legal Services DBA Neighborhood Legal Services Michigan	MI	331,158
Lutheran Social Services	MI	81,039
Wayne Metropolitan Community Action Agency	MI	202,091
Community Care Services	MI	150,631
First Step: Western Wayne County Project on Domestic Assault	MI	50,085
Wayne Metropolitan Community Action Agency	MI	364,234
Wayne Metropolitan Community Action Agency	MI	275,244
First Step: Western Wayne County Project on Domestic Assault	MI	43,850
The County of Wayne	MI	175,143
Wayne Metropolitan Community Action Agency	MI	99,326
Lutheran Social Services	MI	33,632
Wayne Metropolitan Community Action Agency	MI	69,468
Community Housing Network	MI	150,882
Community Housing Network	MI	68,387
Macomb Homeless Coalition	MI	28,890
Community Housing Network	MI	207,184
Perfecting Community Development Corporation	MI	53,358
Community Housing Network	MI	203,912
Comprehensive Youth Services, Inc	MI	59,640
Word Foundation Agape House	MI	105,000
Alternative Community Living d/b/a New Passages Behavioral Health & Rehabilitation Services	MI	33,469
Common Ground Sanctuary	MI	83,164
Community Housing Network, Inc	MI	317,517
Community Housing Network, Inc	MI	260,435
Alternative Community Living d/b/a New Passages Behavioral Health & Rehabilitation Services	MI	36,399
Lighthouse of Oakland County	MI	202,445
Common Ground Sanctuary	MI	129,069
Lighthouse of Oakland County	MI	171,337
Oakland County CMHA—Community Housing Network	MI	315,900
Training and Treatment Innovation, Inc	MI	153,444
Community Housing Network, Inc	MI	120,437
Lighthouse of Oakland County	MI	323,151
Lighthouse of Oakland County	MI	40,380
Oakland County CMHA—Training and Treatment Innovation, Inc	MI	177,828
Community Housing Network, Inc	MI	58,176
Common Ground Sanctuary	MI	81,331

APPENDIX A—Continued

Recipient	State	Amount
Lighthouse of Oakland County	MI	103,106
Training and Treatment Innovations, Inc	MI	145,619
Training and Treatment Innovations, Inc	MI	145,971
Community Housing Network, Inc	MI	309,966
Genesee County Community Mental Health Authority	MI	170,424
Genesee County Community Action Resource Department	MI	50,269
Genesee County Community Mental Health	MI	364,669
Metro Housing Partnership, Inc	MI	90,580
Genesee County Community Action Resource Department	MI	171,396
Shelter of Flint	MI	205,543
YWCA of Greater Flint, Inc	MI	24,750
Genesee County Community Action Resource Department	MI	118,668
Genesse County Youth Corporation	MI	124,286
Flint NIPP	MI	251,291
Genesee County Community Action Resource Department	MI	28,250
Genesis Non-Profit Housing Corporation	MI	26,250
Dwelling Place of Grand Rapids, Inc	MI	9,705
Community Rebuilders	MI	598,575
Grand Rapids Housing Commission	MI	226,900
Inner City Christian Federation	MI	38,810
Community Rebuilders	MI	252,840
Community Rebuilders	MI	260,310
Dwelling Place of Grand Rapids, Inc	MI	100,935
YWCA West Central Michigan	MI	386,578
The Salvation Army	MI	249,854
The Salvation Army	MI	228,488
Genesis Non-Profit Housing Corporation	MI	32,550
Heartside Nonprofit Housing Corporation	MI	63,000
Community Rebuilders	MI	749,796
Community Rebuilders	MI	368,856
Dwelling Place of Grand Rapids	MI	132,624
Grand Rapids Housing Commission	MI	118,010
The Salvation Army	MI	228,233
Genesis Non-Profit Housing Corporation	MI	36,750
Community Healing Center (formerly Michiana Addiction/Prevention Service)	MI	108,150
Kalamazoo Comm. Mental Health and Substance Abuse	MI	116,103
Kalamazoo Comm. Mental Health and Substance Abuse	MI	288,414
Housing Resources, Inc. of Kalamazoo County	MI	309,260
Catholic Family Services	MI	103,000
Advent House Ministries, Inc	MI	172,900
The Salvation Army—Capital Area	MI	100,432
Gateway Community Services	MI	62,842
The Salvation Army—Capital Area	MI	250,000
Lansing Housing Commission	MI	261,360
The Salvation Army—Capital Area	MI	71,933
Haven House	MI	45,255
Greater Lansing Housing Coalition	MI	97,081
Capital Area Community Services, Inc	MI	285,394
St. Vincent Catholic Charities	MI	62,843
The Salvation Army—Capital Area	MI	247,395
City of Lansing	MI	39,334
Michigan Ability Partners	MI	51,100
Avalon Housing, Inc	MI	86,534
SOS Community Services, Inc	MI	394,731
SOS Community Services, Inc	MI	248,415
Michigan Ability Partners	MI	297,216
SOS Community Services, Inc	MI	1,181,942
Shelter Association of Washtenaw County	MI	233,100
Michigan Ability Partners	MI	41,316
Michigan Ability Partners	MI	401,551
Ozone House, Inc	MI	109,931
SOS Community Services, Inc	MI	433,994
POWER Inc	MI	165,991
Michigan Ability Partners	MI	71,376
Avalon Housing, Inc	MI	157,872
Avalon Housing, Inc	MI	83,334
Saginaw County Youth Protection Council	MI	79,785
Saginaw Catholic Mustard Seed Foundation, D.B.A. Mustard Seed Shelter	MI	212,700
Saginaw County Youth Protection Council	MI	162,764
Saginaw Catholic Mustard Seed Foundation, D.B.A. Mustard Seed Shelter	MI	156,000
Saginaw County Community Mental Health Authority	MI	203,472
Homes From Heaven	MI	223,639

APPENDIX A—Continued

Recipient	State	Amount
Restoration Community Outreach	MI	109,025
Underground Railroad, Inc	MI	231,493
Restoration Community Outreach	MI	118,980
Emmaus House of Saginaw, Inc	MI	31,200
Saginaw County Community Mental Health Authority	MI	68,640
Lenawee Emergency and Affordable Housing Corporation (LEAHC)	MI	86,511
Family Counseling & Childrens Services of Lenawee County	MI	3,000
Foundation for Mental Health—Grand Traverse/Leelanau	MI	153,312
Foundation for Mental Health—Grand Traverse/Leelanau	MI	58,186
Foundation for Mental Health—Grand Traverse/Leelanau	MI	63,000
Goodwill Industries of Northern Michigan, Inc	MI	51,923
Goodwill Industries of Northern Michigan, Inc	MI	25,620
Lutheran Social Services of Wisconsin and Upper Michigan, Inc	MI	88,069
Lutheran Social Services of Wisconsin and Upper Michigan, Inc	MI	104,026
Summit Pointe	MI	71,332
Haven of Rest Ministries Inc	MI	85,166
S.A.F.E. Place	MI	85,000
Haven of Rest Ministries Inc	MI	175,162
Monroe County Opportunity Program	MI	100,125
West Michigan Therapy, Inc	MI	13,333
West Michigan Therapy, Inc	MI	62,000
Community Mental Health Services of Muskegon County	MI	99,112
Community Mental Health Services of Muskegon County	MI	15,989
West Michigan Therapy, Inc	MI	234,168
Florence Crittenton Services	MI	54,750
Community Action Agency	MI	56,131
Community Action Agency	MI	186,627
Community Action Agency	MI	263,356
Training and Treatment Innovations, Inc	MI	112,876
Florence Crittenton Services	MI	63,394
Community Action Agency	MI	54,933
Oakland Livingston Human Service Agency	MI	24,411
Livingston County Community Mental Health Services Board	MI	37,000
Oakland Livingston Human Service Agency	MI	22,324
Livingston County Community Mental Health Services Board	MI	28,404
Oakland Livingston Human Service Agency	MI	16,080
Good Samaritan Ministries	MI	394,100
County of Ottawa	MI	93,508
Center for Women in Transition	MI	85,795
Center for Women in Transition	MI	23,220
County of Ottawa	MI	211,036
Center for Women in Transition	MI	37,517
Southwest Michigan Community Action Agency	MI	21,403
Shelter, Inc	MI	42,894
SIREN/Eaton Shelter, Inc	MI	113,400
Peckham, Inc	MI	146,877
SIREN/Eaton Shelter, Inc	MI	163,000
Capital Area Community Services, Inc	MI	106,791
Housing Services for Eaton County	MI	197,007
Community Mental Health Authority of Clinton, Eaton, and Ingham Counties	MI	49,875
CIP	MN	59,136
Freeport West, Inc	MN	406,283
Metropolitan Council	MN	719,220
Hennepin County HSPHD Dept	MN	503,868
Hennepin County HSPHD Dept	MN	347,549
Central Community Housing Trust	MN	77,005
Emerge Community Development	MN	561,263
Perspective, Inc	MN	171,500
Central Community Housing Trust	MN	236,803
Simpson Housing Services, Inc	MN	102,319
RS Eden	MN	149,100
The Salvation Army	MN	246,784
Families Moving Forward	MN	33,510
Freeport West, Inc	MN	242,886
Pillsbury United Communities—Emerge	MN	128,625
Tubman Family Alliance	MN	97,085
Mental Health Resources, Inc	MN	350,709
Community Involvement Programs	MN	25,479
Amherst H. Wilder Foundation	MN	49,994
LivingWorks Ventures	MN	55,999
Hearth Connection AKA Supportive Housing Project	MN	826,080
Plymouth Housing LLC	MN	267,946

APPENDIX A—Continued

Recipient	State	Amount
Families Moving Forward	MN	40,765
Indigenous Peoples Task Force	MN	7,991
Zion Originated Outreach Ministry	MN	75,185
Lutheran Social Services of Minnesota	MN	166,023
American Indian Community Development Corporation	MN	81,111
Perspective, Inc	MN	171,173
Cabrini House	MN	177,976
Mental Health Resources, Inc	MN	206,557
Resource	MN	571,623
Our Savior's Outreach Ministries	MN	69,906
Perspectives, Inc	MN	111,444
Catholic Chartiies	MN	514,133
Metropolitan Council/HRA	MN	703,404
New Foundations, Inc	MN	298,090
Face to Face Health and Counseling Services, Inc	MN	103,670
East Metro Women's Council	MN	67,814
Breaking Free, Inc	MN	90,000
Amherst H. Wilder Foundation	MN	42,649
Emma Norton Services	MN	71,251
Theresa Living Center	MN	84,650
Emma Norton Services	MN	136,212
St. Paul Urban League	MN	26,136
People Incorporated	MN	119,700
Theresa Living Center	MN	54,912
Women's Advocates. Inc	MN	72,030
Freeport West, Inc	MN	77,658
The Family Place	MN	53,208
RS Eden	MN	45,486
Amherst H. Wilder Foundation	MN	934,276
Lutheran Social Services of Minnesota	MN	119,464
Model Cities of St. Paul, Inc	MN	141,382
People Incorporated	MN	35,000
Young Women's Christian Association of St. Paul MN	MN	80,585
Partners for Affordable Housing	MN	12,098
Houston County Women's Resources	MN	35,332
Amherst H. Wilder Foundation	MN	20,554
Zumbro Valley Mental Health Center Housing Options Program	MN	86,856
Zumbro Valley Mental Health Center, Fright to Recovery	MN	47,424
The Salvation Army	MN	145,166
Steele County Transitional Housing, Inc	MN	22,942
Three Rivers Community Action, Inc	MN	146,699
Southwest Minnesota Housing Partnership	MN	149,520
Three Rivers Community Action, Inc	MN	175,916
Southwest Minnesota Housing Partnership	MN	138,720
Minnesota Assistance Council for Veterans	MN	152,250
Supportive Housing and Managed Care Pilot aka Hearth Connection	MN	33,012
Mental Health Resources, Inc	MN	169,931
Dakota County Community Development Agency	MN	112,620
Dakota County	MN	395,767
Amherst H. Wilder Foundation	MN	49,999
The Salvation Army	MN	45,108
American Indian Community Housing Organization	MN	24,868
Amherst H. Wilder Foundation	MN	19,999
Arrowhead Economic Opportunity Agency	MN	20,248
Human Development Center	MN	16,417
Kootasca Community Action	MN	31,971
Arrowhead Economic Opportunity Agency	MN	25,856
Minnesota Assistance Council for Veterans	MN	57,929
New Pathways, Inc	MN	89,292
The Salvation Army	MN	141,536
HRA of Morrison County	MN	114,900
The Salvation Army Twin Cities Social Services	MN	245,460
New Pathways, Inc	MN	105,265
Volunteers of America of Minnesota	MN	103,237
Amherst H. Wilder Foundation	MN	18,000
Housing & Redevelopment Authority of St. Cloud, MN	MN	94,884
New Pathways, Inc	MN	146,280
Amherst H. Wilder Foundation	MN	5,829
Bi-County Community Action Programs, Inc	MN	76,038
Northwestern Mental Health Center, Inc	MN	47,400
Violence Intervention Project, Inc	MN	21,560
Violence Intervention Project, Inc	MN	21,249

APPENDIX A—Continued

Recipient	State	Amount
Elim Transitional Housing, Inc	MN	27,967
Metropolitan Council	MN	88,152
Elim Transitional Housing, Inc	MN	87,488
Amherst H. Wilder Foundation	MN	12,070
Lutheran Social Services of Minnesota	MN	32,272
People Incorporated	MN	36,782
Elim Transitional Housing, Inc	MN	59,738
Lakes & Prairies Community Action Partnership, Inc	MN	95,332
HRA of Clay County, MN	MN	83,125
Amherst H. Wilder Foundation	MN	5,756
Churches United for the Homeless	MN	46,305
Churches United for the Homeless	MN	42,752
Listening Ear Crisis Center Project, Inc	MN	56,961
Life House, Inc	MN	20,011
The Salvation Army	MN	158,545
American Indian Community Housing Organization	MN	40,954
Virginia, MN	MN	151,656
Human Development Center	MN	77,280
Range Transitional Housing, Inc	MN	231,950
Women's Community Development Organization	MN	42,022
Range Mental Health Center	MN	37,842
YWCA of Duluth	MN	16,800
Range Mental Health Center	MN	74,880
Lutheran Social Services	MN	49,668
Housing & Redevelopment Authority of Duluth, MN	MN	95,160
Range Transitional Housing, Inc	MN	130,616
Amherst H. Wilder Foundation	MN	16,040
The Salvation Army	MN	192,588
Minnesota Assistance Council for Veterans	MN	28,003
The Salvation Army	MN	75,644
Range Transitional Housing, Inc	MN	89,844
The Salvation Army	MN	50,429
Arrowhead Economic Opportunity Agency	MN	51,143
Human Development Center	MN	43,260
Women's Community Development Organization	MN	87,761
American Indian Community Housing Organization	MN	21,560
Range Mental Health Center	MN	41,312
Women's Community Development Organization	MN	59,903
Human Development Center	MN	34,912
Scott-Carver-Dakota CAP Agency, Inc	MN	109,856
Amherst H. Wilder Foundation	MN	19,999
Scott County, Minnesota	MN	87,456
Scott-Carver-Dakota CAP Agency, Inc	MN	20,514
H R A in a for the City of Willmar, Minnesota	MN	23,705
Heartland Community Action Agency Inc. Western Community Action Agency, Inc	MN	95,088
The Salvation Army	MN	86,596
Amherst H.Wilder Foundation	MN	25,000
Amherst H. Wilder Foundation	MN	4,754
SH Managed Care Pilot, aka Hearth Connection	MN	53,449
Human Services, Inc. in Washington County MN	MN	41,874
Amherst H. Wilder Foundation	MN	18,588
Redevelopment Opportunities for Women, Inc	MO	196,488
Missouri Department of Mental Health	MO	374,112
Missouri Department of Mental Health	MO	1,716,000
Missouri Department of Mental Health	MO	616,632
Humanitri (fromerly Good Samaritan Services Center for the Homeless)	MO	200,587
St. Louis Transitional Hope House	MO	766,669
Missouri Department of Mental Health	MO	1,312,536
Queen of Peace Center	MO	599,565
St. Patrick Center	MO	304,723
Peter & Paul Community Services	MO	298,832
Peter & Paul Community Services	MO	2,442,108
Missouri Department of Mental Health	MO	335,136
Humanitary (Formerly Good Samaritan Services Center for the Homeless)	MO	158,811
Catholic Family Services	MO	173,370
The Salvation Army	MO	227,686
The Salvation Army	MO	650,325
United Methodist Metro Ministry d/b/a Metro Homeless Center	MO	239,054
YWCA Metro St. Louis	MO	156,931
The Salvation Army	MO	148,882
The Kitchen, Inc	MO	393,750
The Kitchen, Inc	MO	110,028

APPENDIX A—Continued

Recipient	State	Amount
Ozarks Area Community Action Corporation	MO	26,655
The Kitchen, Inc	MO	79,000
Catholic Charities of Kansas City—St. Joseph, Inc	MO	37,356
Economic Security Corporation of Southwest Area	MO	66,638
Economic Security Corporation of Southwest Area	MO	68,603
Jasper County Public Housing Agency	MO	50,568
Economic Security Corporation of Southwest Area	MO	37,426
The Salvation Army	MO	80,000
Missouri Department of Mental Health	MO	165,228
Family Self Help Center Inc. dba Lafayette House	MO	63,000
Interfaith Community Services Inc. (InterServ)	MO	47,170
Catholic Charities of Kansas City—St. Joseph, Inc	MO	536,287
Missouri Department of Mental Health	MO	195,984
The Kansas City Metropolitan Lutheran Ministry	MO	213,515
Swope Health Services	MO	185,281
United Services Community Action Agency	MO	130,063
Community LINC	MO	125,890
Truman Medical Center, Inc	MO	513,246
reStart, Inc	MO	48,300
Newhouse	MO	32,935
Mental Health Association of the Heartland	MO	64,099
reStart, Inc	MO	202,115
SAVE Inc	MO	201,153
SAVE Inc	MO	289,003
Sheffield Place	MO	163,079
Rose Brooks Center, Inc	MO	203,610
reStart, Inc	MO	226,306
Community LINC	MO	110,058
Missouri Department of Mental Health	MO	512,460
Greater Kansas City Housing Information Center	MO	24,857
reStart, Inc	MO	197,815
Mid America Assistance Coalition	MO	43,358
The Salvation Army	MO	232,321
Missouri Department of Mental Health	MO	916,176
Missouri Department of Mental Health	MO	235,440
Missouri Department of Mental Health	MO	237,240
Benilde Hall Program	MO	51,350
The Helping Hand of Goodwill Industries	MO	36,131
Swope Health Services	MO	114,450
Missouri Department of Mental Health	MO	477,348
Missouri Department of Mental Health	MO	1,522,500
reStart, Inc	MO	121,390
Benilde Hall Program	MO	100,380
Johnson County HELP	MO	107,293
Missouri Department of Mental Health	MO	104,784
Missouri Valley Community Action Agency	MO	183,689
Petits County Community Partnership, Inc	MO	114,759
Housing Authority of the City of Columbia	MO	311,652
Phoenix Programs, Inc	MO	71,122
Missouri Department of Mental Health	MO	96,624
Missouri Department of Mental Health	MO	133,092
Missouri Department of Mental Health	MO	127,920
Missouri Department of Mental Health	MO	89,484
Salvation Army, Jefferson City	MO	104,668
Church Army, Inc	MO	68,906
Missouri Department of Mental Health	MO	114,780
The Salvation Army, Columbia	MO	37,450
Missouri Department of Mental Health	MO	126,792
Delta Area Economic Opportunity Corporation	MO	147,121
Delta Area Economic Opportunity Corporation	MO	113,992
Hinds County Human Resource	MS	118,650
Catholic Charities, Inc	MS	169,047
New Life for Women, Inc	MS	200,000
Victory Community Resource	MS	150,480
New Dimensions Development Foundation	MS	159,238
Stewpot Community Services, Inc	MS	49,392
Catholic Charities, Inc	MS	342,329
Bolivar County Community Action Agency, Inc	MS	469,831
Recovery House	MS	212,448
Country Oaks Recovery Center/HUD	MS	155,579
Bolivar County Community Action Agency, Inc	MS	175,000
Recovery House	MS	108,727

APPENDIX A—Continued

Recipient	State	Amount
Forrest General Hospital Pine Grove Behavioral Health Services Division	MS	250,000
The University of Southern Mississippi	MS	336,000
AIDS Services Coalition	MS	132,605
Multi-County Community Service Agency, Inc	MS	349,999
Sanctuary Hospice House, Inc	MS	262,500
Gulf Coast Women's Center for Nonviolence, Inc	MS	37,296
Back Bay Mission, Inc	MS	65,063
Pearl River Information & Drug Education, Inc	MS	23,940
Gulf Coast Women's Center for Nonviolence, Inc	MS	50,260
God's Love, Inc	MT	150,470
Helena Housing Authority	MT	166,992
State of Montana	MT	66,980
District 7 Human Resources Development Council	MT	127,736
YWCA of Missoula	MT	101,001
Human Resources Council, District XII	MT	90,958
Missoula Housing Authority	MT	488,880
Mountain Home Montana, Inc	MT	76,798
Florence Crittenton Home and Services	MT	124,546
Public Housing Authority of Butte	MT	75,960
Supporters of Abuse Free Environments (S.A.F.E.), Inc	MT	35,700
Poverello Center, Inc	MT	72,000
Western Montana Mental Health Center—Turning Point	MT	196,665
The Salvation Army	MT	61,579
The Samaritan House, Inc	MT	63,000
Missoula Housing Authority	MT	168,300
Housing Authority of Billings	MT	88,200
The Salvation Army	NC	70,206
Winston-Salem	NC	90,511
Family Services, Inc	NC	14,663
City of Winston-Salem	NC	181,716
Center Point Human Services	NC	112,020
City of Winston-Salem	NC	124,812
Mental Health Association in Nort Carolina	NC	220,920
The Bethesda Center for the Homeless Inc	NC	18,355
Next Step Ministries, Inc	NC	37,800
Samaritan Ministries, Inc	NC	56,829
Experiment in Self-Reliance, Inc	NC	98,122
The Salvation Army	NC	47,545
City of Winston-Salem	NC	19,252
The Bethesda Center for the Homeless Inc	NC	46,475
Family Services, Inc	NC	49,614
City of Winston-Salem	NC	25,000
Hosanna House of Transition, Inc	NC	113,778
CenterPoint Human Services	NC	113,778
Homeward Bound of Asheville, Inc	NC	44,678
Homeward Bound	NC	182,886
Western NC Community Health Services	NC	302,292
Western NC Community Health Services, Inc	NC	167,736
Affordable Housing Coalition	NC	260,360
Housing for New Hope	NC	65,284
Urban Ministries of Durham, Inc	NC	187,034
Genesis Home, Inc	NC	524,998
Greenville Housing Development Corporation	NC	90,000
Piedmont Behavioral Healthcare (PBH)	NC	75,516
Christians United Outreach Center	NC	42,043
Rockingham County Help for Homeless, Inc	NC	142,443
The New Reidsville Housing Authority	NC	273,660
Tideland Mental Health Center MH/DD/SAS	NC	23,616
Elizabeth City Housing Authority	NC	249,360
Graham Housing Authority	NC	103,500
Greenville Community Life Center dba Greenville Community Shelter, Inc	NC	216,531
Community Link, Programs of Travelers Aid	NC	297,780
United Community Ministries	NC	264,600
North Carolina Housing Coalition, Inc	NC	30,000
North Carolina Housing Coalition, Inc	NC	25,341
Five County Mental Health Authority	NC	287,100
Housing Authority of the City of Greenville	NC	303,600
Tideland Mental Health Center MH/DD/SAS	NC	350,640
Foothills Area MH/DD/SA Authority LME	NC	273,780
Piedmont Behavioral Healthcare (PBH)	NC	368,940
Foothills Area MH/DD/SA Authority LME	NC	218,400
Neuse Mental Health	NC	150,384

APPENDIX A—Continued

Recipient	State	Amount
Five County Mental Health Authority	NC	77,676
Alamance-Caswell Area Mental Health Developmental Disabilities, Substance Abuse Authority	NC	134,400
North Carolina Housing Coalition, Inc	NC	52,582
Community Link, Programs of Travelers Aid	NC	238,912
United Community Ministries	NC	262,710
Eastpointe, LME	NC	388,440
Five County Mental Health Authority	NC	89,484
Catawba County Government	NC	133,800
Neuse Mental Health	NC	91,284
North Carolina Housing Coalition, Inc	NC	462,280
Youth Focus, Inc	NC	51,700
Greensboro Housing Authority	NC	116,100
Family Service of the Piedmont, Inc	NC	34,276
Greensboro Urban Ministry	NC	27,930
Greensboro Urban Ministry	NC	31,920
Mary's House, Inc	NC	135,982
Open Door Ministries of High Point, Inc	NC	48,919
Joseph's House, Inc	NC	43,730
Greensboro Housing Authority	NC	124,260
The Salvation Army, A Georgia Corporation, for the Salvation Army, High Point, NC	NC	19,274
The Christian Counseling and Wellness Group, Inc	NC	467,384
Family Service of the Piedmont, Inc	NC	35,943
The Servant Center, Inc	NC	47,586
Alcohol and Drug Services of Guilford, Inc	NC	34,996
Carolina Medical Center—Randolph	NC	44,363
Hope Haven Inc	NC	52,867
Community Link, Programs of Travelers Aid	NC	234,983
Mecklenburg County Area Mental Health, DD & SA Authority	NC	305,544
Mecklenburg County Area Mental Health, DD & SA Authority	NC	426,480
The Salvation Army, A Georgia Corporation	NC	226,646
Mecklenburg County Homeless Support Services	NC	145,136
The Salvation Army, A Georgia Corporation	NC	87,499
Hope Haven Inc	NC	63,000
Mecklenberg County Area Mental Health, DD & SA Authority	NC	262,812
Carolina Medical Center	NC	316,764
Hope Haven Inc	NC	53,980
Community Link, Programs of Travelers Aid	NC	224,682
St. Peter's Homes, Inc	NC	33,333
Hope Haven Inc	NC	383,500
Wilmington Housing Finance and Department, Inc	NC	102,432
Cape Fear Housing for Independent Living	NC	95,381
Coastal Horizons Center, Inc	NC	78,975
NAMI—Wilmington	NC	62,333
First Fruit Ministries	NC	120,716
Volunteers of America of the Carolinas, Inc	NC	86,997
Good Shepard Ministries of Wilmington, Inc	NC	56,073
Brunwick Family Assistance Agency, Inc	NC	21,040
Wake County Human Services	NC	578,880
Community Alternatives for Supportive Abodes, Inc. (dba CASA)	NC	376,496
Passage Home, Inc	NC	220,615
Wake County Human Services	NC	330,227
Wake County Human Services	NC	860,436
Sandhills Community Action Program, Inc	NC	240,792
Gaston Residential Services, Inc	NC	215,916
Cleveland County Abuse Prevention Council, Inc	NC	37,158
Gaston County Interfaith Hospitality Network, Inc	NC	38,850
Gaston Residential Services, Inc	NC	92,208
As One Ministries, Inc	NC	63,840
Cumberland Interfaith Hospitality Network, Inc	NC	257,628
Cumberland Interfaith Hospitality Network, Inc	NC	120,588
The Salvation Army	NC	35,470
The Salvation Army, A Georgia Corporation, for The Salvation Army, Fayetteville, NC	NC	147,788
The Salvation Army, A Georgia Corporation, for The Salvation Army, Fayetteville, NC	NC	82,340
Cumberland County, NC	NC	84,134
UNC Horizons	NC	28,044
Inter-Faith Council for Social Service	NC	9,000
Chrysalis Foundation for Mental Health, Inc	NC	27,273
Chrysalis Foundation for Mental Health, Inc	NC	50,878
OPC Mental Health, Developmental Disabilities and Substance Abuse Area Authority	NC	121,128
OPC Mental Health, Developmental Disabilities and Substance Abuse Area Authority	NC	42,600
Hospitality House of the Boone Area, Inc	NC	31,928
New River Service Authority	NC	27,593

APPENDIX A—Continued

Recipient	State	Amount
New River Service Authority	NC	33,018
Hospitality House of the Boone Area, Inc	NC	29,179
New River Service Authority	NC	69,517
Hospitality House of the Boone Area, Inc	NC	31,181
Community Action Program Region VII, Inc	ND	94,176
North Dakota Association for the Disabled, Inc	ND	33,753
Grand Lodge of North Dakota, I.O.O.F	ND	46,676
Prairie Harvest Human Services Foundation	ND	84,999
Fargo Housing and Redevelopment Authority	ND	193,380
Abused Adult Resource Center	ND	78,682
Society of St. Vincent de Paul	ND	15,277
YWCA Cass Clay	ND	133,015
YWCA Cass Clay	ND	80,504
Sharehouse	ND	150,000
Fargo Housing and Redevelopment Authority	ND	140,400
North Dakota Department of Commerce	ND	30,000
Women's Alliance, Inc. DBA: Domestic Violence and Rape Crisis Center	ND	37,600
Communtiy Action Program VII, Inc	ND	106,344
Community Violence Intervention Center	ND	94,772
Central Nebraska Community Services	NE	193,864
Central Nebraska Community Services	NE	127,085
Heartland Family Service	NE	71,523
Stephen Center, Inc	NE	52,238
Community Alliance Rehabilitation Services	NE	196,430
The Salvation Army	NE	138,897
Hope of Glory Ministries, Inc	NE	76,822
Heartland Family Service	NE	266,954
Iowa Institute for Community Alliance	NE	121,537
The Salvation Army	NE	58,020
Salvation Army for the 37th Street Project	NE	146,694
Catholic Charities of the Archdiocese of Omaha, Inc	NE	213,234
CenterPointe, Inc	NE	443,273
Catholic Social Services	NE	93,683
Lincoln Action Program	NE	449,539
CenterPointe, Inc	NE	187,612
St. Monica's	NE	140,456
CenterPointe, Inc	NE	185,591
CEDARS Youth Services	NE	130,707
R.A.F.T., Inc. (Residential Assistance to Families in Transition)	NE	90,718
Community Action Partnership of Mid-Nebraska	NE	25,643
Blue Valley Community Action, Inc	NE	195,342
Blue Valley Community Action, Inc	NE	24,677
Catholic Social Services	NE	113,345
Panhandle Partnership for Health and Human Services	NE	31,896
Panhandle Community Services	NE	31,064
Goldenrod Hills Community Action, Inc	NE	27,171
Stratford County Community Action Committee, Inc	NH	85,865
Lakes Region Mental Health Center, Inc. dba Genesis Behavioral Health	NH	99,632
West Central Services, Inc	NH	66,037
Community Services Council of New Hampshire	NH	79,047
Belknap-Merrimack CAP	NH	394,854
My Friend's Place	NH	54,239
The Housing Partnership	NH	143,815
Tri-County Community Action Program, Inc	NH	188,568
Behavioral Health & Development Services of Stratford County, Inc. (d/b/a Community Partners)	NH	42,097
Northern Human Services	NH	132,011
Families in Transition	NH	71,766
Southwestern Community Services, Inc	NH	88,497
Southwestern Community Services, Inc	NH	80,640
Seacoast Mental Health Center	NH	14,154
New Hampshire Hospital	NH	236,866
Southwestern Community Services, Inc	NH	112,951
Mental Health Center for Southern NH d/b/a Center for Life Management (CLM)	NH	247,279
Community Services Council of New Hampshire	NH	116,524
Families in Transition	NH	111,300
Families in Transition	NH	67,183
The Mental Health Center of Greater Manchester	NH	72,590
Community Services Council of New Hampshire	NH	52,838
Liberty House Shelter, Inc	NH	50,000
Families in Transition	NH	122,500
Harbor Homes, Inc	NH	100,929
Harbor Homes, Inc	NH	54,283

APPENDIX A—Continued

Recipient	State	Amount
Greater Nashua Council on Alcoholism, Inc	NH	60,083
Harbor Homes, Inc	NH	26,243
Harbor Homes, Inc	NH	166,666
Harbor Homes, Inc	NH	195,285
Marguerite's Place, Inc	NH	58,480
Southern New Hampshire Services, Inc	NH	32,191
Community Services Council of New Hampshire	NH	12,778
Nashua Soup Kitchen & Shelter, Inc	NH	59,545
Harbor Homes, Inc	NH	862,121
New Jersey Housing and Mortgage Finance Agency	NJ	17,000
Catholic Charities—Behavioral Health Services	NJ	151,080
Shelter Our Sisters	NJ	23,212
Bergen County Community Action Partnership, Inc	NJ	63,702
Bergen County Community Action Partnership, Inc	NJ	93,712
Bergen County Community Action Partnership, Inc	NJ	92,748
AAH of Bergen County, Inc	NJ	88,322
NNJ HOME, Inc	NJ	125,429
Vantage Health System, Inc	NJ	217,402
Care Plus NJ INc	NJ	93,068
Shelter Our Sisters	NJ	16,382
NNJ HOME, Inc	NJ	237,065
Comprehensive Behavioral Healthcare, Inc	NJ	110,434
Vantage Health System, Inc	NJ	90,896
The United Way of Bergen County	NJ	1,478,400
Advance Housing, Inc	NJ	167,735
AAH of Bergen County, Inc	NJ	78,925
Advance Housing, Inc	NJ	817,900
Vantage Health System, Inc	NJ	480,480
The Lcster A. Drenk Behavioral Health Center	NJ	31,127
Catholic Charities. Diocese of Trenton	NJ	38,989
New Jersey Housing and Mortgage Finance Agency	NJ	2,560
Catholic Charities. Diocese of Trenton	NJ	69,218
The Lcster A. Drenk Behavioral Health Center	NJ	66,183
Catholic Charities—Behavioral Health Services	NJ	74,976
Burlington County Community Action Program	NJ	10,667
Burlington County Community Action Program	NJ	14,172
Catholic Charities. Diocese of Trenton	NJ	24,507
Southern New Jersey Housing Corporation (ACSNJ)	NJ	33,597
The Lcster A. Drenk Behavioral Health Center	NJ	89,520
Family Service	NJ	42,000
Camden County Council On Economic Opportunity, Inc	NJ	311,627
Center for Family Services	NJ	84,215
Volunteers of America Delaware Valley, Inc	NJ	140,222
AIDS Coalition of Southern New Jersey	NJ	18,822
South Jersey Behavioral Health Resources, Inc	NJ	73,120
Our Lady of Lourdes Health Foundation, Inc	NJ	186,466
Volunteers of America Delaware Valley, Inc	NJ	209,473
Camden County Council On Economic Opportunity, Inc	NJ	166,225
Interfaith Homeless Outreach Council	NJ	20,516
Volunteers of America Delaware Valley, Inc	NJ	84,790
Camden County Council On Economic Opportunity, Inc	NJ	207,724
Dooley House Inc	NJ	228,967
Camden County Council On Economic Opportunity, Inc	NJ	257,107
New Jersey Department of Millitary and Veterans Affairs	NJ	284,395
AIDS Resource Foundation for Children	NJ	800,000
Project Live, Inc	NJ	1,158,000
East Orange General Hospital	NJ	242,400
Project Live, Inc	NJ	420,000
Easter Seals NJ, Inc	NJ	139,992
Isaiah House, Inc	NJ	431,180
New Jersey Housing and Mortgage Finance Agency	NJ	85,667
Mental Health Association of Essex County, Inc	NJ	868,500
Covenant House New Jersey	NJ	1,123,500
Isaiah House	NJ	99,384
Urban Youth Development Corporation	NJ	238,728
Isaiah House, Inc	NJ	748,487
NCC Harmony House Corporation	NJ	143,014
NCC Harmony House Corporation	NJ	142,356
Center for Family Services	NJ	30,935
Center for Family Services	NJ	35,437
Volunteers of America Delaware Valley, Inc	NJ	88,970
Center for Family Services	NJ	18,130

APPENDIX A—Continued

Recipient	State	Amount
Center for Family Services	NJ	64,750
New Jersey Housing and Mortgage Finance Agency	NJ	3,000
Catholic Charities of the Archdiocese of Newark	NJ	248,664
Saint Joseph's Home	NJ	558,534
The House of Faith, Inc	NJ	293,475
WomenRising, Inc	NJ	644,268
Catholic Charities of the Archdiocese of Newark	NJ	160,000
The Doe Fund, Inc	NJ	315,875
North Hudson Community Action Corporation	NJ	424,888
New Jersey Housing and Mortgage Finance Agency	NJ	69,000
Jersey City Episcopal Community Development Corporation	NJ	391,797
The Doe Fund, Inc	NJ	906,769
North Hudson community Action Corporation	NJ	68,420
MIPH (Making it Possible to end Homelessness)	NJ	168,581
Catholic Charities, Diocese of Metuchen	NJ	236,776
MIPH (Making it Possible to end Homelessness)	NJ	66,499
University of Medicine and Dentistry of NJ—University Behavioral Health Care	NJ	820,080
University of Medicine and Dentistry New Jersey	NJ	155,172
New Jersey Housing and Mortgage Finance Agency	NJ	16,687
O.C.E.A.N., Inc	NJ	103,717
180, Turning Lives Around, Inc	NJ	172,256
New Jersey Housing and Mortgage Finance Agency	NJ	56,727
County of Monmouth	NJ	433,020
Collaborative Support Programs of New Jersey	NJ	132,972
County of Monmouth	NJ	241,020
New Jersey Housing and Mortgage Finance Agency	NJ	25,000
180, Turning Lives Around, Inc	NJ	169,577
Monmouth Housing Alliance	NJ	43,923
O.C.E.A.N., Inc	NJ	67,864
HABcore, Inc	NJ	89,354
Easter Seals New Jersey, Inc	NJ	55,172
HABcore, Inc	NJ	179,286
Mental Health Association of Morris County, Inc	NJ	60,060
Homeless Solutions, Inc	NJ	219,397
Mental Health Association of Morris County	NJ	133,920
Homeless Solutions, Inc	NJ	64,299
Homeless Solutions, Inc	NJ	396,965
Jersey Battered Women's Service, Inc	NJ	198,137
Ocean's Harbor House	NJ	23,625
Vetgroup, Inc	NJ	25,200
O.C.E.A.N., Inc	NJ	50,850
Catholic Charities, Diocese of Trenton	NJ	30,318
Counseling and Referral Services of Ocean, Inc	NJ	356,613
O.C.E.A.N., Inc	NJ	303,445
Ocean Mental Health Services, Inc	NJ	101,400
Passaic County Department of Human Services	NJ	1,411,200
New Jersey Housing and Mortgage Finance Agency	NJ	22,667
Hispanic Multi Purpose Service Center	NJ	69,976
Strengthen Our Sisters	NJ	197,916
St. Philip's Ministry of the United Methodist Church	NJ	80,989
Paterson YMCA	NJ	799,140
New Jersey Housing and Mortgage Finance Agency	NJ	25,000
Salem County Inter-Agency Council of Human Services, Inc	NJ	137,550
New Jersey Housing and Mortgage Finance Agency	NJ	2,000
Alternatives, Inc	NJ	101,279
Volunteers of America Delaware Valley, Inc	NJ	117,344
Alternatives, Inc	NJ	98,478
Greater Trenton Behavioral Health Care	NJ	831,480
HomeFront, Inc	NJ	138,086
Volunteers of America Delaware Valley	NJ	77,585
New Jersey Housing and Mortgage Finance Agency	NJ	19,970
Catholic Charities, Diocese of Trenton	NJ	127,542
Catholic Charities, Diocese of Trenton—Behavioral Health Services	NJ	36,170
Greater Trenton Behavioral Health Care	NJ	164,000
Catholic Charities, Diocese of Trenton, Behavioral Health Services	NJ	145,392
YWCA of Trenton	NJ	160,512
HomeFront, Inc	NJ	137,280
Collaborative Supprot Programs of New Jersey PHA NJ880/Bridgeway Rehabilitation Services, Inc	NJ	636,900
Community Access Unlimited	NJ	49,020
Bridgeway Rehabilitation Service, Inc	NJ	25,836
YMCA of Eastern Union County	NJ	279,210
Homefirst, Interfaith Housing and Family Services	NJ	418,788

APPENDIX A—Continued

Recipient	State	Amount
Plainfield Housing Authority	NJ	298,728
Bridgeway/Elizabeth Housing Authority	NJ	556,884
New Jersey Housing and Mortgage Finance Agency	NJ	40,656
Elizabeth Coalition to House the Homeless	NJ	13,300
Community Access Unlimited	NJ	97,503
Homefirst Interfaith Housing and Family Services/Housing Authority of Plainfield	NJ	248,160
Community Access institute	NJ	279,000
Homefirst Interfaith Housing and Family Services	NJ	36,120
Homefirst Interfaith Housing and Family Services	NJ	18,654
Homefirst Interfaith Housing and Family Services	NJ	26,917
Easter Seals New Jersey, Inc	NJ	7,464
Domestic Abuse and Rape Crisis Center (D.A.R.C.C.) of Warren County	NJ	51,240
Domestic Abuse and Rape Crisis Center, Inc	NJ	111,120
New Jersey Housing and Mortgage Finance Agency	NJ	3,000
Cape May County Board of Social Services	NJ	110,040
New Jersey Housing and Mortgage Finance Agency	NJ	2,667
Cape May County Board of Social Services	NJ	87,480
Advance Housing, Inc	NJ	71,239
New Jersey Housing and Mortgage Finance Agency	NJ	2,457
Advance Housing, Inc	NJ	76,848
New Jersey Housing and Mortgage Finance Agency	NJ	2,000
Albuquerque Health Care for the Homeless	NM	1,029,408
Catholic Charities	NM	216,750
Albuquerque Health Care for the Homeless, Inc	NM	135,267
Barrett Foundation, Inc	NM	23,780
Catholic Charities	NM	51,371
Barrett Foundation, Inc	NM	97,447
Albuquerque Health Care for the Homeless	NM	241,153
Crossroads for Women	NM	186,900
St. Martins Hospitality Center	NM	115,500
Supportive Housing Coalition of New Mexico	NM	165,140
S.A.F.E. House	NM	42,096
Catholic Charities	NM	197,868
Cuidando Los Ninos	NM	223,709
Catholic Charities	NM	862,948
Crossroads for Women	NM	109,530
Transitional Living Services	NM	326,340
Transitional Living Services, Inc	NM	105,000
Transitional Living Services, Inc	NM	276,300
NewLife Homes	NM	224,521
Saint Elizabeth Shelter Corporation	NM	218,141
San Juan County Partnership, San Juan Co	NM	210,145
Eastern Plains Council of Governments	NM	115,728
The Life Link	NM	203,928
San Juan Catholic Charities	NM	160,250
Samaritan House, Inc	NM	193,420
Haven House, Inc. (Formerly Project Sandoval County)	NM	150,000
Esperanza Shelter for Battered Families, Inc	NM	283,500
The Life Link	NM	306,660
The Life Link	NM	204,696
Santa Fe Community Housing Inest	NM	122,052
Resources for Children and Youth Inc	NM	245,739
Valencia Shelter for Victims of Domestic Violence	NM	320,000
Navajo United Methodist Center—New Beginnings	NM	160,250
Haven House, Inc. (Formerly Project Sandoval County)	NM	160,250
Clark County Social Service	NV	3,525,720
State of Nevada	NV	273,876
Catholic Charities of Southern Nevada	NV	360,207
United States Veterans Initiative	NV	243,635
The Salvation Army, A California Corporation	NV	984,758
State of Nevada	NV	839,508
State of Nevada	NV	172,860
Women's Development Center	NV	130,876
ReStart	NV	310,745
ReStart	NV	110,292
Northern Nevada Community Housing Resource Board	NV	51,955
ReStart	NV	501,744
Northern Nevada Adult Mental Health Services	NV	451,356
ReStart	NV	69,400
Churchill County on Alcohol and Other Drugs DBA New Frontier Treatment Center	NV	50,177
Douglas County	NV	60,000
Rural Clinics Community Mental Health Centers	NV	223,332

APPENDIX A—Continued

Recipient	State	Amount
Churchill County Social Services	NV	140,000
Catholic Charities of the Diocese of Rochester d/b/a Ctholic Family Center	NY	246,941
Catholic Charities of the Diocese of Rochester d/b/a Ctholic Family Center	NY	401,679
DePaul	NY	156,924
Monroe County Department of Human Services	NY	1,898,472
Rochester Housing Authority	NY	738,828
Providence Housing Development Corporation	NY	404,448
Young Women's Christian Association of Rochester and Monroe County	NY	371,343
Legal Assistance of Western New York, Inc. (Monroe County Legal Assistance Center)	NY	100,800
The Center for Youth Services, Inc	NY	99,754
The Center for Youth Services, Inc	NY	380,613
The Salvation Army	NY	975,974
Rochester-Monroe County Youth Bureau	NY	218,035
Sojourner Hall for Women, Inc	NY	406,920
Spiritus Christi Prison Outreach, Inc	NY	240,000
Sojourner Hall for Women, Inc	NY	267,819
Veterans Outreach Center, Inc	NY	228,383
Volunteers of America of Western New York, Inc	NY	615,000
Catholic McAuley Housing, dba Mercy Residential Services	NY	178,077
Steuben Churchpeople Against Poverty, Inc	NY	194,688
Catholic Charties/Gateway S+C Program	NY	205,680
Stueben Churchpeople Against Poverty, Inc	NY	206,412
Option for Independence	NY	76,967
Cayuga/Seneca Community Action Agency, Inc	NY	59,870
Equinox, Inc	NY	81,640
Albany Housing Coalition Inc	NY	29,970
St. Peter's Addication Recovery Center (SPARC)	NY	206,520
Equinox, Inc	NY	63,123
Rehabilitation Support Services, Inc	NY	60,119
Albany Housing Authority	NY	41,820
Equinox, Inc	NY	84,241
Albany Housing Coalition Inc	NY	21,000
Equinox, Inc	NY	98,210
Homeless and Travelers Aid Society of the Capital District, Inc	NY	227,396
Support Ministries, Inc	NY	111,321
Support Ministries, Inc	NY	89,999
Homeless Action Committee, Inc	NY	69,974
Albany Housing Coalition Inc	NY	250,920
Homeless and Travelers Aid Society of the Capital District, Inc	NY	134,207
The Addictions Care Center of Albany, Inc	NY	131,250
Rehabilitation Support Services, Inc	NY	103,167
Albany Housing Authority	NY	222,372
Albany Housing Authority	NY	105,912
Hope House, Inc	NY	126,336
Corporation for AIDS Research, Education and Services, Inc	NY	33,333
Legal Aid Society of Northeastern New York, Inc	NY	33,184
Legal Aid Society of Northeastern New York, Inc	NY	35,595
Homeless Action Committee, Inc	NY	46,417
Homeless Action Committee, Inc	NY	33,330
Cattaraugus County Council on Alcoholism and Substance Abuse, Inc	NY	98,748
Housing Options Made Easy, Inc	NY	105,475
Cattaraugus Community Action, Inc	NY	94,315
Housing Options Made Easy, Inc	NY	56,011
Southern Tier Environments for Living, Inc	NY	55,392
Catholic Charities of the Roman Catholic Diocese of Syracuse	NY	306,028
Syracuse Housing Authority	NY	671,328
Central New York Services, Inc	NY	87,500
Onondaga Case Management Services, Inc	NY	234,486
Syracuse Housing Authority	NY	1,630,644
Catholic Charities of the Roman Catholic Diocese of Syracuse	NY	565,593
Syracuse Brick House, Inc	NY	215,884
Syracuse Brick House, Inc	NY	187,426
The Salvation Army of Syracuse	NY	83,703
Chadwick Residence, Inc	NY	31,957
Central New York Services, Inc	NY	100,000
Chadwick Residence, Inc	NY	185,473
Chadwick Residence, Inc	NY	117,841
Syracuse Brick House, Inc	NY	544,900
The Salvation Army of Syracuse	NY	115,449
Catholic Charities of the Roman Catholic Diocese of Syracuse	NY	431,441
The Salvation Army of Syracuse	NY	99,999
Mohawk Opportunities, Inc	NY	122,196

APPENDIX A—Continued

Recipient	State	Amount
Corporation for AIDS Research, Education and Services, Inc. (CARES)	NY	10,000
Corporation for AIDS Research, Education and Services, Inc. (CARES)	NY	25,000
Legal Aid Society of Northeastern New York, Inc	NY	30,120
Bethesda House of Schenectady, Inc	NY	22,300
Mohawk Opportunities, Inc	NY	112,715
Bethesda House of Schenectady, Inc	NY	152,738
Mohawk Opportunities, Inc	NY	145,223
Capital District YMCA	NY	60,480
Capital District YMCA	NY	120,960
New Choices Recovery Center/Shelter Plus Care (Formerly ASACSC)	NY	301,044
New Choices Recovery Center/Shelter Plus Care (Formally ASACSC)	NY	247,896
Bethesda House of Schenectady, Inc	NY	63,564
Bethesda House of Schenectady, Inc	NY	48,083
Schenectady Community Action Program, Inc	NY	220,409
Schenectady Community Action Program, Inc	NY	159,894
Living Opportunities of DePaul dba McKinley Square	NY	162,251
Community Services for the Development Disabled	NY	269,043
Housing Options Made Easy	NY	157,392
YWCA of Western New York	NY	141,088
Restoration Society, Inc	NY	220,280
Hispanic Unidos de Buffalo, Inc	NY	252,577
Filmore-Leroy Area Residents, Inc	NY	67,417
Gerard Place Housing Development Fund Company, Inc	NY	533,729
Housing Options Made Easy, Inc	NY	683,319
Homeless Alliance of Western New York, Inc	NY	540,225
Lake Shore Behavioral Health, Inc	NY	2,302,266
Specturm Human Services	NY	1,731,056
Living Opprtunities of DePaul, Inc. (LODP)	NY	299,952
WNY Veteran's Housing Coalition	NY	288,300
Living Opportunities of DePaul, Inc. (LODP)	NY	659,496
Living Opportunities of DePaul, Inc	NY	807,168
Cazenovia Recovery Systems, Inc	NY	482,916
Tompkins Community Action	NY	83,333
Tompkins Community Action	NY	60,126
Community Housing of Ithaca, Inc	NY	115,674
YWCA of Binghamton/Broome County	NY	159,670
Opportunities for Broome, Inc	NY	675,600
Fairview Recovery Services Inc	NY	188,112
YWCA of Binghamton/Broome County	NY	198,080
Fairview Recovery Services, Inc	NY	246,000
Unity House of Troy, Inc	NY	185,320
Unity House	NY	74,472
Joseph's House & Shelter, Inc	NY	61,493
Joseph's House	NY	96,768
Joseph's House	NY	134,700
Corporation for AIDS Research, Education and Services, Inc	NY	16,667
Joseph's House & Shelter, Inc	NY	70,000
Joseph's House & Shelter, Inc	NY	55,491
Unity House of Troy, Inc	NY	60,586
YWCA Troy—Cohoes	NY	75,000
Unity House of Troy, Inc	NY	56,194
Unity House of Troy, Inc	NY	102,729
Unity House of Troy, Inc	NY	453,404
Troy Housing Authority	NY	250,044
Joseph's House	NY	54,432
Troy Housing Authority	NY	218,424
Unity House of Troy, Inc	NY	181,431
Wayne County Action Program, Inc	NY	22,256
Housing Options Made Easy, Inc	NY	44,423
Chautauqua Opportunities, Inc	NY	21,667
Housing Options Made Easy, Inc	NY	61,121
Behavioral Health Services North (HHSN)	NY	8,128
Behavioral Health Services North (HHSN)	NY	8,296
Rural Opportunities, Inc	NY	65,450
Rural Opportunities, Inc	NY	16,687
Oneida County Department of Mental Health	NY	37,483
Oneida County Workforce Development	NY	39,900
New York State Office of Alcoholism & Substance Abuse Services (NYS OASAS)	NY	207,876
New York State Office of Alcoholism & Substance Abuse Services (NYS OASAS)	NY	450,480
New York State Office of Alcoholism & Substance Abuse Services (NYS OASAS)	NY	205,932
Oneida County Department of Mental Health	NY	14,927
Oneida County Department of Mental Health	NY	185,034

APPENDIX A—Continued

Recipient	State	Amount
New York State Office of Alcoholism & Substance Abuse Services (NYS OASAS)	NY	191,448
Community Action of Greene County, Inc	NY	29,859
The Mental Health Association of Columbia-Greene Counties, Inc	NY	156,421
Columbia Opportunities, Inc	NY	2,145
The Mental Health Association of Columbia-Greene Counties, Inc	NY	40,966
ComLink CAA	NY	51,269
Warren-Washington Association for Mental Health	NY	366,240
City of Saratoga Springs	NY	241,272
Coproration for AIDS Research, Education and Services, Inc	NY	16,666
Coproration for AIDS Research, Education and Services, Inc	NY	18,000
Transitional Services Association, Inc	NY	34,721
Saratoga County Rural Preservation Company	NY	43,997
Warren-Washington Association for Mental Health	NY	74,040
Adirondack Vets House, Inc	NY	75,417
New York State Office of Alcoholism & Substance Abuse Services (NYS OASAS)	NY	89,736
Covenant House New York/Under 21, Inc	NY	166,948
Postgraduate Center for Mental Health	NY	472,677
The YMCA of Greater New York	NY	570,505
Center for Urban Community Services, Inc	NY	226,800
Urban Pathways	NY	174,673
H.O.M.E.E. Clinic, Inc	NY	334,968
Argus Community, Inc	NY	370,278
University Consulation & Treatment Center for Mental Hygiene, Inc	NY	525,600
Institute for Community Living, Inc	NY	656,838
Faces NY, Inc. (Formerly Minority Task Force on AIDS, Inc.)	NY	184,553
Covenant House New York/Under 21, Inc	NY	504,647
Lutheran Social Services of Metropolitan New York	NY	210,000
Common Ground Community IV HDFC	NY	401,814
Goddard Riverside Community Center	NY	153,696
Goddard Riverside Community Center	NY	279,336
The Doe Fund, Inc	NY	348,447
Palladia, Inc	NY	823,775
Lower Eastside Service Center, Inc	NY	492,100
Bowery Resident's Committee, Inc	NY	319,691
Daytop Village, Inc	NY	203,304
Palladia, Inc	NY	227,520
Pathways to Housing, Inc	NY	555,840
Pathways to Housing, Inc	NY	168,480
Palladia, Inc	NY	425,016
Odyssey House, Inc	NY	192,276
Odyssey House, Inc	NY	220,596
United Bronx Parents, Inc	NY	135,960
Institute for Community Living, Inc	NY	318,456
Institute for Community Living, Inc	NY	420,648
United Bronx Parents, Inc	NY	178,380
Project Renewal, Inc	NY	142,200
The Fortune Society, Inc	NY	718,416
Bowery Resident's Committee, Inc	NY	368,496
The Fortune Society, Inc	NY	448,157
The Bridge, Inc	NY	358,861
Palladia, Inc	NY	760,944
Institute for Community Living, Inc	NY	377,444
Federation Employment and Guidance Service, Inc	NY	676,767
Heritage Health and Housing, Inc	NY	108,332
Palladia, Inc	NY	423,636
Covenant House New York/Under 21, Inc	NY	419,148
The Lantern Group	NY	946,080
Federation Employment and Guidance Service, Inc	NY	558,906
Palladia, Inc	NY	282,790
Community Lantern Corporation	NY	630,000
Good Shepherd Services	NY	414,000
Praxis Housing Initiatives, Inc	NY	795,229
Federation Employment and Guidance Service, Inc	NY	595,000
Urban Justice Center	NY	109,686
Services for the UnderServed Mental Health Services, Inc	NY	74,812
Community, Counseling & Mediation Services	NY	238,951
Common Ground Community IV HDFC	NY	141,382
B.A.S.I.C.S., Inc	NY	353,208
Veritas Therapeutic Community, Inc	NY	98,910
Friends Home group	NY	657,000
Goddard Riverside Community Center	NY	94,233
Institute for Community Living, Inc	NY	26,496

APPENDIX A—Continued

Recipient	State	Amount
Addicts Rehabilitation Center Foundation, Inc	NY	302,220
Anchor House, Inc	NY	240,648
The Educational Alliance, Inc	NY	240,318
The Doe Fund	NY	446,760
Citizens Advice Bureau	NY	1,200,000
CREATE, Inc	NY	121,740
Phase Piggy Back, Inc	NY	305,947
Queens Village Committee for Mental Health/J–CAP Inc	NY	188,052
Pibly Residential Programs, Inc	NY	463,234
Pibly Residential Programs, Inc	NY	283,320
El Regreso Foundation	NY	253,855
Services for the UnderServed Mental Health Services, Inc	NY	404,203
Fountain House, Inc	NY	144,712
Project Renewal, Inc	NY	312,840
Services for the UnderServed Mental Health Services, Inc	NY	344,820
Mental Health Association of New York City, Inc	NY	581,091
Housing Works, Inc	NY	285,959
Institute for Community Living, Inc	NY	109,319
Citizens Advice Bureau	NY	105,000
Phase Piggy Back	NY	78,840
Phase Piggy Back, Inc	NY	137,118
East New York Urban Youth Core	NY	446,760
Covenant House New York/Under 21, Inc	NY	594,542
Services for the UnderServed Mental Health Services, Inc	NY	578,160
Phase Piggy Back	NY	78,840
Covenant House New York/Under 21, Inc	NY	376,444
Urban Pathways	NY	357,451
Community Action for Human Services	NY	420,480
Project Renewal	NY	1,241,352
Heritage Health and Housing, Inc	NY	249,494
Fifth Avenue Committee, c/o Community Access	NY	446,760
Women In Need, Inc	NY	114,348
Bowery Resident's Committee, Inc	NY	497,954
HELP Social Service Corporation	NY	690,314
Bowery Resident's Committee, Inc	NY	511,358
Brooklyn Bureau of Community Service	NY	249,674
Institute for Community Living, Inc	NY	141,627
Community Access, Inc	NY	404,974
Covenant House New York/Under 21, Inc	NY	129,654
Jewish Board of Family and Children's Services, Inc	NY	415,395
Bowery Resident's Committee, Inc	NY	360,106
Women In Need, Inc	NY	353,881
CAMBA, Inc	NY	166,666
Project Renewal, Inc	NY	670,770
Heritage Health and Housing, Inc	NY	159,339
Goddard Riverside Community Center	NY	169,644
The Bridge, Inc	NY	297,162
Odyssey HDFC	NY	844,020
Community Action For Human Services, Inc	NY	436,241
Institute for Community Living, Inc	NY	240,060
Services for the UnderServed Mental Health Services, Inc	NY	141,516
Services for the UnderServed Mental Health Services, Inc	NY	345,362
Federation Employment and Guidance Service, Inc	NY	238,319
Helping Hands Unlimited, Inc	NY	160,454
VIP Community Services, Inc	NY	278,854
Services for the UnderServed Mental Health Serivices, Inc	NY	210,728
Project Renewal, Inc	NY	515,699
Brooklyn Bureau of Community Service	NY	474,924
Fifth Avenue Committee	NY	394,200
Palladia, Inc	NY	458,242
Women In Need, Inc	NY	318,286
Community, Counseling & Mediation Services	NY	232,181
Women In Need, Inc	NY	318,070
West Side Federation for Senior and Supportive Housing, Inc	NY	110,205
Community Action For Human Services, Inc	NY	129,207
Center for Urban Community Services, Inc	NY	238,140
Violence Intervention Program, Inc	NY	324,920
Federation Employment and Guidance Service, Inc	NY	582,961
The Bridge Inc	NY	115,431
Project Renewal, Inc	NY	421,655
Center for Urban Community Services, Inc	NY	103,950
Lutheran Social Services of Metropolitan New York	NY	397,950

APPENDIX A—Continued

Recipient	State	Amount
Housing Works, Inc	NY	469,535
VIP Community Services, Inc	NY	420,480
Argus Community, Inc	NY	430,101
Bowery Resident's Committee, Inc	NY	354,176
163rd Street Improvement Council, Inc	NY	297,675
Daytop Village, Inc	NY	344,796
Palladia, Inc	NY	713,412
Institute for Community Living, Inc	NY	179,281
Pathways to Housing, Inc	NY	149,499
Heritage Health and Housing, Inc	NY	328,214
Palladia, Inc	NY	556,583
United Bronx Parents, Inc	NY	367,500
United Bronx Parents, Inc	NY	124,488
Project Hospitality, Inc	NY	126,528
Veritas Therapeutic Community, Inc	NY	273,347
John Heuss Corporation	NY	77,030
Center for Urban Community Services, Inc	NY	298,736
Columba Kavanagh House, Inc	NY	388,163
Fountain House, Inc	NY	639,296
The Educational Alliance, Inc	NY	224,210
Safe Space a.k.a Center for Children and Families	NY	225,610
The Bridge, Inc	NY	101,909
The Doe Fund, Inc	NY	1,062,269
Weston United Community Renewal, Inc	NY	224,900
Institute for Community Living, Inc	NY	126,394
The Bridge, Inc	NY	218,478
Comunilife, Inc	NY	635,623
Services for the UnderServed Mental Health Services, Inc	NY	527,259
Institute for Community Living, Inc	NY	126,395
Project Hospitality	NY	370,556
Palladia, Inc	NY	265,060
Faces NY, Inc. (Formerly Minority Task Force on AIDS, Inc.)	NY	133,913
Common Ground Management	NY	4,007,700
University Consultation and Treatment Center for Mental Hygiene, Inc	NY	244,998
Bailey House, Inc	NY	629,300
Pathways to Housing, Inc	NY	269,421
United Bronx Parents	NY	419,528
Urban Justice Center	NY	34,245
Pathways to Housing, Inc	NY	418,643
The Doe Fund, Inc	NY	1,951,512
East New York Urban Youth Corps	NY	96,756
VIP Community Services, Inc	NY	90,017
Veritas Therapeutic Community, Inc	NY	164,424
Metropolitan Council on Jewish Poverty	NY	262,800
El Regreso	NY	144,312
Veritas Therapeutic Community, Inc	NY	140,352
The Bridge, Inc	NY	118,260
Project Hospitality, Inc	NY	210,480
El Regreso Residential Treatment	NY	231,228
West Side Federation for Senior and Supportive Housing, Inc	NY	155,715
Palladia Inc	NY	223,320
Services for the UnderServed Mental Health Services, Inc	NY	588,490
Palladia, Inc	NY	265,599
Mental Health Association of New York City, Inc	NY	288,063
Samaritan Village, Inc	NY	183,750
Bowery Resident's Committee, Inc	NY	364,883
Institute for Community Living, Inc	NY	230,945
HELP Social Service Corporation	NY	791,172
Women In Need, Inc	NY	436,376
Project Renewal, Inc	NY	316,708
Comunilife, Inc	NY	663,215
The Jericho Project	NY	49,671
HELP Social Service Corporation	NY	1,008,349
VIP Community Services, Inc	NY	227,666
Palladia, Inc	NY	492,830
Housing Works, Inc	NY	333,635
Kenmore Housing Development Funding Corp	NY	390,577
Faces NY, Inc. (Formerly Minority Task Force on AIDS, Inc.)	NY	148,971
Palladia, Inc	NY	158,957
Samaritan Village, Inc	NY	342,709
Metropolitan Council on Jewish Poverty	NY	99,942
West Side Federation for Senior and Supportive Housing, Inc	NY	362,197

APPENDIX A—Continued

Recipient	State	Amount
Coalition for the Homeless/Rental Assistance Program	NY	367,553
Damon House New York Inc	NY	262,479
Neighborhood Coalition for Shelter, Inc	NY	240,287
Project Renewal, Inc	NY	407,838
Housing + Solutions, Inc	NY	153,229
Ali Forney Center	NY	525,832
Center for Urban Community Services, Inc	NY	199,999
Center for Urban Community Services, Inc	NY	1,302,539
Women In Need, Inc	NY	318,070
Urban Resource Institute	NY	250,294
Argus Community, Inc	NY	371,322
Association to Benefit Children	NY	115,706
Pathways to Housing, Inc	NY	527,647
Pathways to Housing, Inc	NY	573,041
Covenant House New York/Under 21, Inc	NY	177,978
Women In Need, Inc	NY	396,422
Institute for Community Living, Inc	NY	315,787
Lenox Hill Neighborhood House, Inc	NY	283,845
Urban Pathways	NY	148,108
The Bridge, Inc	NY	112,163
Palladia, Inc	NY	704,884
H.O.M.E.E. Clinic, Inc	NY	131,936
Banana Kelly Community Improvement Association, Inc	NY	376,756
Harlem United Community AIDS Center	NY	354,616
Urban Justice Center	NY	108,466
The Lantern Group	NY	473,040
Mental Health Association in Dutchess County	NY	54,250
Hudson River Housing	NY	123,228
Gateway Community Industries, Inc	NY	45,210
Grace Smith House, Inc	NY	11,208
Gateway Community Industries, Inc	NY	39,997
Hudson River Housing, Inc	NY	138,842
Rehabilitation Support Services, Inc	NY	162,180
Newburgh Interfaith Emergency Housing, Inc	NY	102,234
Regional Economic Community Action Program, I	NY	65,809
Independent Living, Inc	NY	127,401
Safe Harbors of the Hudson, Inc	NY	157,500
Newburgh Community Improvement Corporation	NY	75,066
Crystal Run Village	NY	133,350
Rehabilitation Support Services, Inc	NY	68,116
Mental Health Association in Orange County, Inc	NY	244,250
Regional Economic Community Action Program, Inc	NY	485,784
Crystal Run Village, Inc	NY	64,872
Emergency Housing Group, Inc	NY	186,615
Mental Health Association in Orange County, Inc	NY	94,356
Ecclesia Ministries of Newburgh, Inc	NY	62,952
Nassau/Suffolk Law Services Committee, Inc	NY	54,090
Mercy Haven Inc	NY	30,583
Catholic Charities Diocese of Rockville Centre	NY	667,754
Transitional Services of New York for Long Island, Inc	NY	172,368
Society of St. Vincent de Paul, Diocesan Council of Rockville Centre	NY	310,714
Nassau-Suffolk Coalition for the Homeless	NY	336,157
Hands Across Long Island, Inc	NY	36,696
Concern for Independent Living, Inc	NY	313,896
Community Housing Innovations, Inc	NY	126,247
Community Housing Innovations, Inc	NY	144,279
Phoenix Houses of Long Island	NY	211,500
Phoenix House of Long Island	NY	182,940
Concern for Independent Living, Inc	NY	149,976
Nassau-Suffolk Coalition for the Homeless	NY	63,000
HELP Suffolk, Inc	NY	127,897
Options for Community Living, Inc	NY	149,415
Suffolk County United Veterans	NY	209,727
Mercy Haven, Inc	NY	233,100
Family Services League of Suffolk County, Inc	NY	92,344
CDCLI Housing Development Fund Corporation	NY	85,510
Federation of Organizations for the New York State Mentally Disabled, Inc	NY	163,824
Julia Dyckman Andrus Memorial, Inc	NY	44,999
Lexington Center for Recovery	NY	938,952
The Sharing Community, Inc	NY	438,720
Mount Vernon Neighborhood Health Center	NY	73,049
My Sisters' Place	NY	15,365

APPENDIX A—Continued

Recipient	State	Amount
City of Mount Vernon (NY)	NY	49,749
The Renaissance Project, Inc	NY	43,260
Westhab, Inc	NY	33,273
City of Mount Vernon (NY)	NY	171,675
The Sharing Community, Inc	NY	236,659
Tarrytown YMCA	NY	30,000
Human Development Services of Westchester	NY	121,776
Westchester County	NY	571,440
Family Service Society of Yonkers	NY	177,497
Westhab, Inc	NY	420,000
Westhab, Inc	NY	420,000
St. John's Riverside Hospital	NY	98,520
Westhab, Inc	NY	205,485
Westchester County Department of Social Services	NY	345,652
Westchester County Department of Social Services	NY	1,050,370
City of Mount Vernon (NY)	NY	142,369
YMCA of Yonkers, Inc	NY	246,300
City of Mount Vernon (NY)	NY	235,080
Legal Services of the Hudson Valley	NY	52,753
Greyston Health Services, Inc	NY	251,111
The Julia Dyckman Andrus Memorial, Inc., Mental Health Division (formerly known as The Center for P	NY	26,978
Lexington Center for Recovery	NY	1,126,152
Greyston Family Inn of Yonkers, Inc	NY	66,474
YWCA of Yonkers	NY	46,034
Lexington Center for Recovery	NY	644,796
Westhab, Inc	NY	46,941
Westhab, Inc	NY	32,333
Westhab, Inc	NY	102,274
Human Development Services of Westchester	NY	227,292
Helping Out People Everywhere (H.O.P.E)	NY	442,128
Grace Church Commmunity Center	NY	1,199,184
Lexington Center for Recovery	NY	974,784
MTV United Tenants	NY	30,450
MTI Residential Services, Inc. (Formerly known as Multi-Talent Inc.)	NY	172,879
Society of St. Vincent de Paul, Diocesan Council of Rockville Centre	NY	505,119
Nassau County Coalition Against Domestic Violence	NY	119,016
HELP—Equity Homes, Inc	NY	132,720
South Shore Association for Independent Living, Inc	NY	92,922
Nassau/Suffolk Law Services Committee, Inc	NY	69,616
Family and Children's Association	NY	347,609
Central Nassau Guidance and Counseling Services	NY	103,740
Nassau-Suffolk Coalition for the Homeless	NY	808,500
Federation Employment and Guidance Services, Inc	NY	107,407
MTI Residential Services, Inc. (Formerly known as Multi-Talent Inc.)	NY	154,158
Community Housing Innovations, Inc	NY	253,206
Nassau County Coalition Against Domestic Violence	NY	210,405
Mental Health Association of Nassau County	NY	616,439
South Shore Association for Independent Living, Inc	NY	186,480
Angelo J. Melillo Center for Mental Health	NY	310,800
Nassau-Suffolk Coalition for the Homeless	NY	70,000
Nassau County Coalition Against Domestic Violence	NY	133,031
Community Housing Innvations, Inc	NY	137,665
Central Nassau Guidance and Couseling Services	NY	168,638
Education and Assistance Corporation, Inc	NY	70,316
Society of St. Vincent de Paul, Diocesan Council of Rockville Centre	NY	771,903
Education and Assistance Corporation, Inc	NY	178,627
HELP Suffolk, Nassau County Coalition Against Domestic Violence	NY	166,684
Options For Community Living, Inc	NY	171,740
Nassau County Coalition Against Domestic Violence	NY	512,874
Council on Alcoholism & Drug Abuse of Sullivan County, Inc./Recovery Center	NY	100,716
Council on Alcholoism & Drug Abuse of Sullivan County, Inc./Recovery Center	NY	137,304
Council on Alcoholism and Drug Abuse Services of Sullivan County, Inc	NY	13,079
Council on Alcoholism and Drug Abuse Services of Sullivan County, Inc	NY	144,154
Council on Alcoholism and Drug Abuse Services of Sullivan County, Inc	NY	39,897
Mental Health Association in Ulster County, Inc	NY	57,944
Family of Woodstock, Inc	NY	7,333
Gateway Community Industries, Inc	NY	91,069
Family of Woodstock, Inc	NY	91,667
Gateway Community Industries, Inc	NY	40,198
Multi-County Community Development Corporation	NY	164,976
Gateway Community Industries, Inc	NY	39,270
YWCA of Greater Cincinnati, Inc	OH	438,203

APPENDIX A—Continued

Recipient	State	Amount
N/A TRA per HUD HQ	OH	914,700
N/A TRA per HUD HQ	OH	3,603,936
Interfaith Hospitality Network of Greater Cincinnati, Inc	OH	160,858
N/A TRA per HUD HQ	OH	246,120
Lighthouse Youth Services	OH	63,616
Tom Geiger Guest House, Inc	OH	157,500
Center for Independent Living Options	OH	294,307
Ohio Valley Goodwill Industries	OH	189,324
Tom Geiger Guest House, Inc	OH	151,760
Freestore Foodbank, Inc	OH	340,898
Hamilton County Mental Health & Recovery Services Board	OH	793,334
The Salvation Army	OH	59,288
Freestore Foodbank, Inc	OH	180,878
Hamilton County Government	OH	330,000
Over-the-Rhine Community Housing	OH	168,111
Joseph House, Inc	OH	231,147
Shelterhouse Volunteer Group, Inc	OH	279,000
Tender Mercies, Inc	OH	898,473
Joseph House, Inc	OH	322,980
Shelterhouse Volunteer Group, Inc	OH	88,750
Lighthouse Youth Services	OH	202,380
Ohio Valley Goodwill Industries	OH	276,262
Mental Health and Recovery Services Board of Lucus County	OH	95,400
Harbor House/300 Beds Inc	OH	117,551
Neighborhood Properties, Inc	OH	241,752
Aurora Project, Inc	OH	103,773
Family Outreach Community United Services	OH	116,756
Neighborhood Properties, Incorporated	OH	77,676
Catholic Charities Diocese of Toledo	OH	128,108
Neighborhood Properties, Incorporated	OH	229,250
Neighborhood Properties, Incorporated	OH	108,889
St. Paul's Community Center	OH	183,816
Emerald Development & Economic Network (EDEN), Inc	OH	374,340
Mental Health Services for Homeless Persons, Inc. (MHS)	OH	446,546
Cuyahoga County	OH	270,705
Mental Health Services for Homeless Persons, Inc. (MHS)	OH	467,714
Continue Life Inc	OH	212,973
Emerald Development & Economic Network (EDEN), Inc	OH	694,904
Family Transitional Housing, Inc	OH	126,149
Family Transitional Housing, Inc	OH	97,182
Family Transitional Housing, Inc	OH	120,901
Cuyahoga Metropolitan Housing Authority	OH	386,373
YMCA of Greater Cleveland	OH	342,158
Joseph's Home, Inc	OH	546,113
The Salvation Army	OH	537,741
Emerald Development & Economic Network (EDEN), Inc	OH	555,843
Domestic Violence Center	OH	154,335
YWCA of Greater Cleveland	OH	187,351
YWCA of Greater Cleveland	OH	563,045
Mental Health Services for Homeless Persons, Inc. (MHS)	OH	229,897
Hitchcock Center for Women Inc	OH	275,403
Cogswell Hall, Inc	OH	195,470
Hitchcock Center for Women Inc	OH	236,841
New Life Community	OH	111,287
Mental Health Services for Homeless Persons, Inc. (MHS)	OH	1,019,292
Mental Health Services for Homeless Persons, Inc. (MHS)	OH	262,851
The Salvation Army	OH	174,731
Emerald Development & Economic Network (EDEN), Inc	OH	367,500
Mental Health Services for Homeless Persons, Inc. (MHS)	OH	453,778
Emerald Development & Economic Network (EDEN)	OH	158,928
Emerald Development & Economic Network Inc	OH	1,678,320
Mental Health Services for Homeless Persons, Inc. (MHS)	OH	78,065
Volunteers of America of Greater Ohio, Inc	OH	246,967
Lakewood Christian Services Center	OH	82,796
Emerald Development & Economic Network (EDEN), Inc	OH	453,745
Emerald Development & Economic Network (EDEN), Inc	OH	546,445
Mental Health Services for Homeless Persons, Inc. (MHS)	OH	276,577
Cleveland Housing Network, Inc	OH	58,019
Emerald Development & Economic Network (EDEN), Inc	OH	9,126,144
Community Housing Network, Inc	OH	35,233
Community Shelter Board	OH	166,413
Young Women's Christian Association of Columbus	OH	162,559

APPENDIX A—Continued

Recipient	State	Amount
Volunteers of America of Greater Ohio	OH	353,432
Southeast, Inc	OH	260,680
Community Housing Network, Inc	OH	87,316
Community Housing Network, Inc	OH	260,672
Community Housing Network, Inc	OH	184,834
Community Housing Network, Inc	OH	83,283
Community Housing Network, Inc	OH	236,416
Community Housing Network	OH	1,119,564
Columbus AIDS Task Force	OH	519,624
Amethyst, Inc	OH	86,160
Young Women's Christian Association of Columbus	OH	99,015
National Church Residences	OH	250,092
Huckleberry House, Inc	OH	229,539
Community Housing Network, Inc	OH	97,293
Community Housing Network, Inc	OH	59,060
Community Housing Network, Inc	OH	637,479
Community Housing Network, Inc	OH	226,315
Amethyst Incorporated	OH	161,171
National Church Residences	OH	422,927
Faith Mission/Faith Housing	OH	228,960
Columbus AIDS Task Force	OH	114,360
Amethyst, Inc	OH	678,012
Community Housing Network	OH	981,456
Turning Point Counseling Services	OH	45,470
Beatitude House	OH	132,921
Meridian Services, Inc	OH	136,786
Beatitude House	OH	71,251
Youngstown State University	OH	50,308
Meridian Services, Inc	OH	113,300
Meridian Services, Inc	OH	221,760
Youngstown City Health District	OH	52,083
Community Legal Aid Services, Inc	OH	52,792
Youngstown Area Goodwill Industries, Inc	OH	72,063
Potential Development Program, Inc	OH	22,138
Young Women's Christian Association of Youngstown, Ohio	OH	134,368
Meridian Services, Inc	OH	124,640
Meridian Services, Inc	OH	35,945
Catholic Charities Regional Agency	OH	51,888
Young Women's Christian Association of Youngstown, Ohio	OH	89,353
St. Vincent Hotel	OH	180,000
Miami Valley Housing Opportunities, Inc	OH	50,364
Places, Inc	OH	429,563
Montgomery County Board of County Commissioners	OH	137,898
Miami Valley Housing Opportunities, Inc	OH	174,394
YWCA of Dayton	OH	405,799
YWCA of Dayton	OH	859,750
Daybreak	OH	188,683
Places, Inc	OH	199,998
Places, Inc	OH	71,081
Miami Valley Housing Opportunities, Inc	OH	127,106
Mercy Manor, Inc	OH	101,718
Miami Valley Housing Opportunities	OH	421,620
Miami Valley Housing Opportunities, Inc	OH	1,394,256
Places, Inc	OH	735,220
Ohio Multi-County Development Corporation	OH	378,658
Community Health Center	OH	219,496
Community Support Services	OH	273,480
Community AIDS Network	OH	73,512
Oriana House, Inc	OH	238,276
Community Health Center	OH	349,426
Battered Women's Shelter	OH	140,711
H.M. Life Opportunity Services	OH	538,755
Legacy III, Inc	OH	227,849
Summit County Children Services	OH	346,932
Community Support Services Inc	OH	487,155
State of Ohio Department of Development	OH	735,000
Wayne Metropolitan Housing Authority	OH	283,800
Volunteers of America NW Ohio	OH	289,999
YWCA of Hamilton Ohio Inc	OH	119,320
Family Recovery Center	OH	156,780
Clermont Metropolitan Housing Authority	OH	168,000
Community Action Commission of Fayette County	OH	63,978

APPENDIX A—Continued

Recipient	State	Amount
Pickaway Metro Housing Authority	OH	319,800
Jefferson County Community Action Council, Inc	OH	540,000
Butler County, OH	OH	672,000
Springfield District Council of the St. Vincent de Paul Society	OH	25,200
New Sunrise Properties, Inc	OH	506,136
Volunteers of America NW Ohio	OH	286,661
Wooster Interfaith Housing Corporation	OH	262,999
Mental Health & Recovery Board of Union County	OH	60,580
Pickaway County Community Action Organization, Inc	OH	123,145
Family Violence Prevention Center of Greene County, Inc	OH	66,761
Community Action Agency of Columbiana County, Inc	OH	94,846
Project Woman	OH	210,935
Zanesville Metroplitan Housing Authority	OH	44,256
Ironton-Lawrence County Area CAO, Inc	OH	101,333
Coleman Professional Services	OH	89,462
Greene Metropolitan Housing Authority	OH	140,376
Moundbuilders Guidance Center	OH	186,636
New Sunrise Properties, Inc	OH	44,316
Jefferson County Community Action Commission	OH	218,304
Geauga Community Board of Mental Health, Drug & Alcohol Services	OH	89,640
Warren Metropolitan Housing Authority	OH	179,775
Springfield Metropolitan Housing Authority	OH	102,276
Butler County, OH	OH	553,800
Family & Community Services, Inc	OH	115,391
Catholic Charities Diocese of Toledo, Inc	OH	86,552
Family & Community Services, Inc	OH	45,933
Volunteers of America of Greater Ohio, Inc	OH	262,500
Family Abuse Shelter of Miami County, Inc	OH	16,800
Columbiana County Mental Health Clinic dba The Counseling Center	OH	36,667
Project Woman	OH	35,679
Family Recovery Center	OH	70,608
Jefferson County Community Action Council, Inc	OH	138,432
Licking County Coalition for Housing	OH	582,448
WSOS Community Action Commission	OH	290,579
MRMTOAP, Inc	OH	32,555
WSOS Community Action Commission	OH	53,774
Coleman Professional Services	OH	70,000
State of Ohio Department of Development	OH	380,023
Family & Community Services, Inc	OH	184,701
St. Vincent DePaul Society	OH	30,144
Transitional Living, Inc	OH	33,239
The Center for Individiual and Family Services	OH	55,456
Coleman Professional Services	OH	70,927
Project Woman	OH	40,615
YWCA of Elyria	OH	116,706
Residential Administrators, Inc	OH	295,920
Family Violence Prevention Center of Greene County, Inc	OH	56,293
Community Action Partnership of the Greater Dayton Area	OH	55,566
Ironton-Lawrence County Area CAO, Inc	OH	277,560
Beatitude House	OH	141,334
Family Abuse Shelter of Miami County, Inc	OH	44,100
YWCA of Elyria	OH	120,932
Residential Administrators, Inc	OH	40,348
Crisis Intervention and Recovery Center, Inc	OH	62,132
Community Services of Stark County, Inc	OH	133,333
Western Stark Medical Clinic, Inc	OH	124,951
Young Women's Christian Association, Inc	OH	47,957
United Way of Greater Stark County	OH	105,437
Community Services of Stark County, Inc	OH	127,959
Integrated Consumer Assistance Network (ICAN)	OH	169,440
Stark Metropolitan Housing Authority	OH	204,048
Multi-Development Services of Stark County	OH	48,330
Young Women's Christian Association, Inc	OH	47,951
Central Oklahoma Community Action Agency	OK	203,648
The Salvation Army, A Georgia Corporation for The Salvation Army of Panca City, OK	OK	71,295
United Way of Ponca City, Inc	OK	85,530
Domestic Violence Intervention Services, Inc	OK	149,370
Mental Health Association in Tulsa, Inc	OK	87,500
Mental Health Association in Tulsa, Inc	OK	88,456
Mental Health Association in Tulsa, Inc	OK	252,008
Community Service Council of Greater Tulsa	OK	129,113
Volunteers of America of Oklahoma, Inc	OK	122,457

APPENDIX A—Continued

Recipient	State	Amount
Mental Health Association in Tulsa, Inc	OK	119,073
Volunteers of America of Oklahoma, Inc	OK	77,914
Mental Health Association in Tulsa, Inc	OK	116,663
Volunteers of America of Oklahoma, Inc	OK	207,326
The Salvation Army, A Georgia Corporation	OK	336,679
The Salvation Army, A Georgia Corporation	OK	110,431
Legal Aid Services of Oklahoma, Inc	OK	111,919
Mental Health Association in Tulsa, Inc	OK	222,768
Volunteers of America of Oklahoma, Inc	OK	207,664
Community Enhancement Corporation	OK	752,803
HOPE Community Services, Inc	OK	15,384
HOPE Community Services, Inc	OK	63,360
Latino Community Development Agency	OK	79,999
Red Rock Behavioral Health Services	OK	474,944
HOPE Community Services, Inc	OK	158,400
Red Rock Behavioral Health Services	OK	132,847
Community Health Centers, Inc	OK	73,001
Red Rock Behavioral Health Services	OK	249,998
City Care Inc	OK	299,999
Oklahoma Mental Health Council	OK	162,175
HOPE Community Services, Inc	OK	164,640
Waynoka Mental Health Authority	OK	224,440
East Main Place, Inc	OK	45,000
Food and Shelter for Friends	OK	52,850
HOPE Community Services	OK	74,160
Freedom From Addiction Through Christ	OK	43,632
Housing Authority of the City of Lawton, Oklahoma	OK	62,015
State of Oklahoma	OK	44,352
KI BOIS Community Action Foundation, Inc	OK	119,402
Housing and Community Services Agency of Lane County	OR	144,000
Housing and Community Services Agency of Lane County	OR	201,600
St. Vincent de Paul Society of Lane County, Inc	OR	88,470
Lane County	OR	24,622
St. Vincent de Paul Society of Lane County, Inc	OR	249,736
Lane County	OR	82,208
Lane County	OR	58,566
Lane County	OR	143,307
St. Vincent de Paul Society of Lane County, Inc	OR	222,219
Lane County	OR	33,333
Lane County	OR	94,458
Lane County	OR	134,737
Lane County	OR	378,850
Lane County	OR	191,815
Lane County	OR	108,973
Housing Authority of Portland	OR	202,380
Multnomah County, Oregon	OR	452,742
Cascadia Behavioral Healthcare	OR	543,745
Multnomah County, Oregon	OR	139,485
Transition Projects, Inc	OR	112,033
Multnomah County, Oregon	OR	12,171
Human Solutions, Inc	OR	50,000
Neighborhood House	OR	276,770
Housing Authority of Portland	OR	428,604
Central City Concern	OR	104,772
Multnomah County, Oregon	OR	272,553
Cascadia Behavioral Healthcare & Transition Projects, Inc	OR	263,940
Cascadia Behavioral Healthcare	OR	698,336
Cascadia Behavioral Healthcare	OR	14,817
Multnomah County, Oregon	OR	790,314
Cascadia Behavioral Healthcare	OR	125,582
Central City Concern	OR	223,014
City of Portland	OR	241,074
Northwest Pilot Project, Inc	OR	118,370
Bradley-Angle House	OR	71,272
Portland Impact, Inc	OR	115,737
Central City Concern	OR	160,602
Multnomah County, Oregon	OR	338,745
The Salvation Army	OR	125,769
Transition Projects, Inc	OR	243,041
Multnomah County, Oregon	OR	45,801
The Salvation Army, A Calfornia Corp	OR	50,000
Rogue Valley Council of Governments	OR	133,665

APPENDIX A—Continued

Recipient	State	Amount
Community Works	OR	119,700
ACCESS, Inc	OR	10,901
NeighborImpact	OR	296,759
Mid-Willamette Valley Community Action Agency	OR	300,812
Shangri-La Corporation	OR	37,800
Northwest Human Services, Inc	OR	235,025
The Salvation Army	OR	39,375
Mid-Willamette Valley Community Action Agency	OR	30,394
YWCA Salem	OR	83,572
Women's Safety and Resource Center	OR	2,694
Oregon Housing and Community Services	OR	35,128
Umpqua Community Action Network	OR	27,031
Community Connection of Northeast Oregon, Inc	OR	54,954
Klamath Lake Community Action Services (KLCAS)	OR	52,961
Mid Columbia Community Action Council (MCCAC)	OR	33,533
Community Action Program of East Central Oregon	OR	4,971
Community Action Program of East Central Oregon	OR	33,044
Community Service Consortium	OR	27,500
HMCAA	OR	11,335
CSC/LCCOADA—Trueman Recovery Center	OR	43,311
HMCAA	OR	40,940
Women's Safety and Resource Center	OR	11,620
Oregon Coast Community Action	OR	14,910
Oregon Coast Community Action	OR	25,523
Umpqua Community Action Network	OR	46,870
Umpqua Community Action Network	OR	42,525
Community Action Team (CAT)	OR	26,250
Community Action Team (CAT)	OR	17,500
Washington County Department of Housing Services	OR	247,800
Washington County Department of Housing Services	OR	150,048
Washington County Department of Housing Services	OR	353,700
Lutheran Community Service Northwest	OR	133,634
Washington County Department of Housing Services	OR	603,432
Boys and Girls Aid Society	OR	247,178
Housing Authority of Clackamas County	OR	278,256
Central City Concern	OR	236,968
Clackamas County Community Development Division	OR	29,977
Clackamas Women's Services	OR	79,370
Clackamas County Department of Human Services Social Services Division	OR	179,909
The Inn—Home for Boys	OR	170,384
The Inn—Home for Boys	OR	70,910
Clackamas County Department of Human Services Social Services Division	OR	63,454
Housing Authority of Clackamas County	OR	71,886
Project H.O.M.E	PA	2,701,680
Resources For Human Development, Inc	PA	221,211
Travelers Aid Society of Philadelphia The Kirkbride Center	PA	131,429
Associacion De. Puertorriqueno En Marcha, Inc. (APM)	PA	254,568
Project H.O.M.E	PA	221,184
Bethesda Project	PA	223,761
1260 Housing Development Corporation	PA	260,604
People's Emergency Center	PA	53,384
Bethesda Project	PA	30,720
Project Home	PA	329,520
Pennsylvania Community Real Estate Corporation	PA	702,360
Associaion Puertorriquenos en Marcha, Inc. (APM)	PA	129,778
Project H.O,M.E	PA	420,000
People's Emergency Center	PA	78,997
City of Philadelphia Office of Supportive Housing	PA	280,161
Committee for Dignity and Fairness for the Homeless Housing Development, Inc	PA	22,924
Carson Valley School	PA	347,982
COMHAR, Inc	PA	285,805
Horizon House, Inc	PA	620,928
Calcutta House, Inc	PA	115,943
Committee for Dignity and Fairness for the Homeless Housing Development, Inc	PA	189,382
Methodist Family Services of Philadelphia	PA	250,354
Horizon House, Inc	PA	347,215
Actions AIDS, Inc	PA	249,416
The Philadelphia Veterans Multi-Service & Education Center	PA	301,698
People's Emergency Center Community Development Corporation	PA	753,394
Commitee for Dignity and Fairness for the Homeless Housing Development, Inc. (Dignity Housing)	PA	30,569
Catholic Social Services	PA	202,085
Volunteers of America Delaware Valley, Inc	PA	154,317

APPENDIX A—Continued

Recipient	State	Amount
People's Emergency Center	PA	34,815
Family Planning Council	PA	122,976
COMHAR, Inc	PA	509,646
Impact Services Corporation	PA	615,384
Project H.O.M.E	PA	124,922
Horizon House, Inc	PA	219,825
1260 Housing Development Corporation	PA	192,351
City of Philadelphia Office of Supportive Housing	PA	255,735
Episcopal Community Services	PA	647,203
Friends Rehabilitation Program, Inc	PA	157,368
The Philadelphia Veterans Multi-Service & Education Center	PA	275,220
Pennsylvania Community Real Estate Corporation	PA	810,288
Bethesda Project	PA	113,820
1260 Housing Development Corporation	PA	753,348
Achieve Ability	PA	161,700
Women Against Abuse, Inc	PA	181,225
Achieve Ability	PA	210,000
People's Emergency Center	PA	241,084
Horizon House, Inc	PA	346,069
HELP USA	PA	485,522
Travelers Aid Society of Philadelphia The Kirkbride Center	PA	354,411
Resources For Human Development, Inc	PA	483,819
Salvation Army	PA	278,869
1260 Housing Development Corporation	PA	67,686
Bethesda Project	PA	160,900
Impact Services Corporation	PA	268,304
1260 Housing Development Corporation	PA	528,524
Overington House, Inc	PA	225,963
Project H.O.M.E	PA	772,564
Committee for Dignity and Fairness for the Homeless Housing Development, Inc	PA	122,253
Associaion Puertorriquenos en Marcha, Inc. (APM)	PA	149,711
Project H.O.M.E	PA	1,432,200
1260 Housing Development Corporation	PA	606,816
Project H.O.M.E	PA	61,440
Project H.O.M.E	PA	36,864
Project H.O.M.E	PA	61,440
1260 Housing Development Corporation	PA	187,440
People's Emergency Center	PA	369,810
People's Emergency Center	PA	496,362
City of Philadelphia Office of Supportive Housing	PA	147,924
Drueding Center	PA	1,081,414
Actions AIDS, Inc	PA	152,677
City of Philadelphia Office of Supportive Housing	PA	99,272
Actions AIDS, Inc	PA	26,073
Valley Youth House Committee, Inc	PA	497,322
1260 Housing Development Corporation	PA	201,685
Dauphin County Mental Health/Mental Retardation	PA	221,268
YWCA of Greater Harrisburg	PA	176,188
YWCA of Greater Harrisburg	PA	96,199
YWCA of Greater Harrisburg	PA	241,893
Shalom House, Inc	PA	76,605
YWCA of Greater Harrisburg	PA	218,284
DELTA Housing, Inc	PA	84,067
Dauphin County Mental Health/Mental Retardation	PA	137,520
Family and Community Services of Delaware County	PA	136,133
Delaware County Housing Authority	PA	113,232
Delaware County Housing Authority	PA	137,520
County of Delaware	PA	205,800
Mental Health Association of South Eastern Pennsylvania	PA	187,474
Community Action Agency of Delaware County, Inc	PA	364,946
Wesley House Community Corporation, Inc	PA	26,199
Community Action Agency of Delaware County, Inc	PA	451,654
The Salvation Army, a New York Corporation	PA	107,318
Catholic Social Services of Delaware County, Archdiocese of Philadelphia	PA	92,400
Holcomb Behavioral Health Systems	PA	133,923
Domestic Abuse Project of Delaware County, Inc	PA	146,907
Horizon House	PA	468,015
Horizon House	PA	233,219
Family and Community Services of Delaware County, Inc	PA	112,440
Catholic Social Services of Delaware County, Archdiocese of Philadelphia	PA	107,609
Mental Health Association of South Eastern Pennsylvania	PA	136,578
Commission on Economic Opportunity	PA	260,819

APPENDIX A—Continued

Recipient	State	Amount
Luzerne Intermediate Unit # 18	PA	63,210
Commission on Economic Opportunity	PA	179,870
Domestic Violence Service Center, Inc	PA	57,015
Wyoming Valley Catholic Youth Center	PA	318,101
Housing Development Corporation of NEPA	PA	97,856
Catholic Social Services	PA	120,750
Catholic Social Services	PA	88,200
Community Housing Services	PA	92,209
Family Services of Montgomery County	PA	181,692
Hedwig House, Inc	PA	181,201
Indian Valley Housing Corporation	PA	44,989
The Salvation Army, a New York Company	PA	181,941
Montgomery County Community Action Development Commission	PA	59,216
Montgomery County, PA. Office of MH/MR/D&A/BH	PA	271,341
County of Montgomery, Pennsylvania	PA	136,639
Mental Health Association of South Eastern Pennsylvania	PA	186,635
Community Housing Services	PA	116,539
Community Housing Services	PA	44,982
Community Housing Services	PA	113,761
The Salvation Army	PA	206,215
The Salvation Army	PA	95,485
Mental Health Association of South Eastern Pennsylvania	PA	196,791
Horizon House, Inc	PA	134,640
The Salvation Army, a New York Corporation	PA	70,024
Human Services, Inc	PA	112,907
Chester County	PA	105,000
Human Services, Inc	PA	100,000
Human Services, Inc	PA	83,868
Chester County Opportunities Industrialization Center (OIC)	PA	17,304
Chester County	PA	44,593
Human Services, Inc	PA	49,152
Holcomb, Inc	PA	91,260
Gaudenzia, Inc	PA	65,953
W.C. Atkinson Memorial Community Service Center, Inc	PA	15,925
Domestic Violence Center of Chester County	PA	87,174
Holcomb Behavioral Health Systems	PA	114,424
Horizon House	PA	263,340
Easy Does It, Inc	PA	68,599
Berks Counseling Center, Inc	PA	132,326
Berks Counseling Center, Inc	PA	168,227
The Salvation Army, a New York Corporation	PA	197,925
Berks Counseling Center, Inc	PA	78,415
Berks Counseling Center, Inc	PA	70,571
Easy Does It, Inc	PA	32,592
The Salvation Army, a New York Corporation	PA	172,238
Blair County Community Action Program	PA	104,630
Commonwealth of Pennsylvania	PA	242,200
Huntingdon House: A Program for Victims of Domestic Violence, Inc	PA	80,214
PHiL Haven	PA	352,412
Northern Cambria Community Development Corporation	PA	534,817
Northern Cambria Community Development Corporation	PA	153,627
Tableland Services, Inc	PA	273,428
NHS Human Services of PA, Inc	PA	202,629
Blair County Community Action Program	PA	354,304
Shelter Services, Inc	PA	202,179
Turning Point Interfaith Mission Inc	PA	226,222
York County Human Services	PA	122,063
Housing Authority of the County of Cumberland	PA	687,600
New Visions, Inc	PA	328,320
Lebanon County Human Services Community Action Partnership	PA	52,468
Housing Authority of the City of York	PA	499,500
Housing Authority of Centre County	PA	64,224
Housing Authority of the County of Cumberland	PA	333,804
County of Franklin	PA	288,660
Maranatha	PA	210,278
United Neighborhood Centers of Northeastern Pennsylvania	PA	272,874
St. Joseph's Center	PA	214,150
Catholic Social Services of the Diocese of Scranton, Inc	PA	241,248
United Neighborhood Centers of Northeastern Pennsylvania	PA	59,556
United Neighborhood Centers of Northeastern Pennsylvania	PA	20,000
The Community Intervention Center of Lackawanna County	PA	275,467
Catholic Social Services of the Diocese of Scranton, Inc	PA	79,742

APPENDIX A—Continued

Recipient	State	Amount
Catherine McAuley Center	PA	227,400
United Neighborhood Centers of Northeastern Pennsylvania	PA	210,763
The Program for Women and Families, Inc	PA	110,408
Resources for Human Development	PA	253,278
The Salvation Army, a New York Corporation	PA	159,570
Valley Housing Development Corporation	PA	241,252
Resources for Human Development	PA	319,646
Housing Development Corporation NEPA	PA	272,174
Valley Youth House Committee, Inc	PA	226,284
Bradford County Human Service Agency Unite # 2	PA	292,417
Valley Youth House Committee, Inc	PA	241,672
Growth Horizons, Inc	PA	201,558
Catholic Social Services of the Diocese	PA	251,857
United Christian Ministries	PA	90,403
Lehigh County Conference of Churches	PA	168,236
Lehigh County Housing Authority	PA	186,552
Community Action Committee of the Lehigh Valley, Inc	PA	69,999
Fitzmaurice Community Services, Inc	PA	130,807
Community Action Program of Lancaster County	PA	242,717
Lancaster City Housing Authority	PA	122,592
Lancaster County Housing Authority	PA	314,520
Tabor Community Services, Inc	PA	255,348
County of Lancaster	PA	307,684
The Lodge, Inc. of Pensylvania	PA	161,860
Tabor Community Services, Inc	PA	206,932
Lancaster County Redevelopment Authority	PA	206,932
MidPenn Legal Services	PA	39,999
Buck County Housing Group	PA	160,407
Penndel Mental Health Center, Inc	PA	71,670
Penn Foundation, Inc	PA	66,272
Penndel Mental Health Center, Inc	PA	81,958
American Red Cross Lower Bucks Center	PA	80,905
Bucks County	PA	108,797
ACTION Housing Inc	PA	457,700
Western Psychiatric Institute and Clinic, UPMC	PA	77,148
Western Psychiatric Institute and Clinic, UPMC	PA	684,170
Sisters Place Inc	PA	727,836
House of the Crossroads	PA	103,770
Goodwill Industries of Pittsburgh	PA	129,405
Alle-Kiski Area Hope Center, Inc	PA	631,675
Miryam's	PA	326,446
Veterans Leadership Program of Western PA, Inc	PA	431,052
North Hills Affordable Housing dba HEARTH	PA	293,040
Sisters Place, Inc	PA	267,983
Community Human Services Corporation	PA	341,550
Hosanna House Inc	PA	616,419
Bethlehem Haven of Pittsburgh	PA	502,572
Operation Safety Net/Mercy Behavioral Health	PA	68,355
Primary Care Health Services/First Step Recovery Homes, Inc	PA	128,632
YWCA Greater Pittsburgh	PA	183,725
YMCA of Greater Pittsburgh	PA	1,027,200
House of the Crossroads	PA	88,542
Mercy Behavioral Health	PA	1,503,900
Alle-Kiski Area HOPE Center, Inc	PA	26,300
Women's Center & Shelter of Greater Pittsburgh	PA	20,934
Women's Center & Shelter of Greater Pittsburgh	PA	29,989
Allegheny Valley Association of Churches, Inc	PA	27,384
Miryam's	PA	64,890
Northside Common Ministries	PA	212,100
Bethlehem Haven of Pittsurgh	PA	173,158
Womansplace	PA	392,923
Western Psychiatric Institute and Clinic, UPMC	PA	310,860
Mercy Behavioral Health/Operation Safety Net	PA	298,740
House of the Crossroads	PA	244,332
Womanspace East, Inc	PA	571,407
Pittsburgh AIDS Task Force	PA	215,683
YWCA of Greater Pittsburgh	PA	754,545
Pittsburgh AIDS Task Force	PA	159,716
Community Human Services Corporation	PA	350,870
East End Cooperative Ministry	PA	198,756
Connect, Inc	PA	143,027
Indiana County Community Action Program, Inc	PA	13,393

APPENDIX A—Continued

Recipient	State	Amount
Try-Again Homes Inc	PA	164,509
Connect, Inc	PA	140,607
Armstrong County Community Action Agency	PA	121,083
Victim Outreach Intervention Center	PA	292,898
Connect, Inc	PA	131,683
Indiana County Community Action Program, Inc	PA	80,802
The Lighthouse Foundation	PA	39,274
Connect, Inc	PA	92,020
Connect, Inc	PA	197,919
Community Action Southwest	PA	36,228
Westmoreland Human Opportunities, Inc	PA	496,713
Fayette County Community Action Agency, Inc	PA	65,695
Mechling Shakley Veterans Center	PA	28,551
Butler County Community Action & Development	PA	161,013
Residential Recovery Services	PA	97,776
The Lighthouse Foundation	PA	222,892
Washington Women's Shelter, Inc	PA	222,356
City Mission—Living Stones, Inc	PA	108,582
County of Butler	PA	81,681
Greene County	PA	181,440
Westmoreland Human Opportunities, Inc	PA	51,408
Indiana County Community Action Program, Inc	PA	31,896
Armstrong County Community Action Agency	PA	124,412
Connect, Inc	PA	119,668
Victim Outreach Intervention Center	PA	87,178
Connect, Inc	PA	64,755
Westmoreland Human Opportunities, Inc	PA	458,000
Housing Authority of the County of Butler	PA	141,750
Fayette County Community Action Agency, Inc	PA	62,982
City Mission—Living Stones, Inc	PA	133,417
Armstrong County Community Action Agency	PA	109,430
County of Washington	PA	61,765
DuBois Housing Authority Consortium	PA	156,204
Crawford County Mental Awareness Program, Inc. (CHAPS)	PA	91,784
Crawford County Mental Awareness Program, Inc. (CHAPS)	PA	365,400
Lawrence County Social Services, Inc	PA	42,593
Clearfield-Jefferson MH/MR Program	PA	264,713
Lawrence County Social Services, Inc	PA	229,950
DuBois Housing Authority Consortium	PA	83,436
Crawford County Coalition on Housing Needs, Inc	PA	122,277
Lawrence County Social Services, Inc	PA	380,809
Harbor Point Housing, Inc	PA	79,758
Supportive Services, Inc	PA	389,910
Supportive Services, Inc	PA	164,430
Supportive Services, Inc	PA	175,561
Housing Authority of the County of Beaver	PA	55,597
City Mission of the Evangelical Churches of Erie DBA: Erie City Mission	PA	355,630
Mercy Center for Women	PA	492,320
Erie United Methodist Alliance, Inc	PA	341,712
Stairways Behavioral Health	PA	240,000
Erie County Care Management	PA	123,420
Erie County Care Management	PA	281,100
Casa Nuestra gente	PR	300,354
Office for the Integral Development of Women Municipality of San Juan	PR	314,286
Lucha Contra el SIDA, Inc	PR	180,963
Corporacion La Fondita de Jesus	PR	657,040
Estancia Corazon, Inc	PR	286,739
Corporacion La Fondita de Jesus	PR	281,667
Fundacion Chana and Samuel Levis, Inc	PR	258,760
Casa Protegida Julia de Burgos	PR	405,460
Municipality of San Juan—Family and Community Department	PR	330,768
Lucha Contra el SIDA, Inc	PR	77,086
Hogar Del Buen Pastor, Inc	PR	237,609
Corporacion La Fondita de Jesus	PR	181,333
Municipality of San Juan—Family and Community Department	PR	298,030
La Tierra Prometida, Inc	PR	267,579
Estancia Corazon Inc	PR	99,855
Estancia Corazon Inc	PR	197,803
Coalicion Occidental Pro Bienestar del Deambulante, Inc	PR	73,500
Proyecto Amor Que Sana, Inc	PR	73,500
Fundacion de Desarrollo Comunal de P.R., Inc. "FUNDESCO"	PR	154,795
Corporacion Milagros del Amor	PR	226,500

APPENDIX A—Continued

Recipient	State	Amount
Casa del Peregrino Aguadilla, Inc	PR	58,250
Fundacion de Desarrollo Comunal de P.R., Inc. "FUNDESCO"	PR	135,494
Estancia Corazon Inc	PR	232,745
OMNI Development Corporation	RI	612,248
House of Hope Community Development Corporation	RI	113,101
YWCA of Greater Rhode Island	RI	47,563
Family Resource Community Action	RI	34,048
Crossroads Rhode Island	RI	94,530
Advent House	RI	64,454
The Providence Center	RI	174,999
Rhode Island Coalition of the Homeless	RI	34,440
MAP Alcohol & Drug Rehabilitative Services, Inc	RI	33,460
Amos House	RI	131,791
Lucy's Hearth	RI	18,480
Crossroads Rhode island	RI	166,607
Blackstone Valley Advocacy Center	RI	32,470
Urban League of Rhode Island	RI	266,440
Amos House	RI	81,900
RI Housing and Mortgage Finance Corporation	RI	982,620
Advent House	RI	39,025
Family Resources Community Action	RI	130,455
Crossroads Rhode Island	RI	32,976
Nickerson Community Center	RI	123,856
Urban League of Rhode Island	RI	186,991
Operation Stand Down Rhode Island	RI	98,467
Newport County Community Mental Health Center	RI	8,204
New Hope for Families Inc	RI	11,810
Crossroads Rhode Island	RI	136,120
Advent House	RI	68,952
Advent House	RI	28,040
Crossroads Rhode Island	RI	33,956
The Providence Center	RI	41,133
House of Hope Community Development Corporation	RI	57,750
House of Hope Community Development Corporation	RI	71,311
Washington Square Services Corp	RI	103,217
Lucy's Hearth	RI	23,423
Rhode Island Coalition for the Homeless	RI	100,000
The Mental Health Association of Rhode Island	RI	199,997
Advent House	RI	27,842
Advent House	RI	71,289
Weatbay Community Action, Inc	RI	60,295
The House of Compassion	RI	24,785
Operation Stand Down Rhode Island	RI	74,898
Crossroads Rhode Island	RI	157,286
The Urban League of RI	RI	31,656
Advent House	RI	49,856
Sstar of Rhode Island	RI	126,231
Welcome House of South County	RI	67,926
Rhode Island Housing	RI	524,400
East Bay Community Action Program	RI	60,897
Crisis Ministries	SC	45,765
Crisis Ministries	SC	63,000
Charleston County Human Services Commission	SC	104,053
The Housing Authority of the City of Charleston	SC	84,064
The Housing Authority of the City of Charleston	SC	41,834
Crisis Ministries	SC	202,272
Crisis Ministries	SC	155,505
Charleston County Human Services Commission	SC	151,827
Family Services, Inc	SC	286,144
The Access Network, Inc	SC	200,152
The Access Network, Inc	SC	104,181
Crisis Ministries	SC	81,484
Project Care	SC	321,133
Upstate Homeless Coalition of S.C	SC	184,305
Upstate Homeless Coalition of S.C	SC	158,818
Upstate Homeless Coalition of South Carolina	SC	108,756
Spartanburg County	SC	160,164
Greenville Area Interfaith Hospitality Network	SC	21,775
Homes of Hope, Inc	SC	55,866
Rosewood House of Recovery, Inc	SC	57,085
Rosewood House of Recovery, Inc	SC	178,488
Meg's House	SC	218,656

APPENDIX A—Continued

Recipient	State	Amount
Sunbelt Human Advancement Resources, Inc (SHARE)	SC	98,673
Sunbelt Human Advancement Resources, Inc (SHARE)	SC	545,315
Upstate Homeless Coalition of S.C	SC	642,151
Upstate Homeless Coalition of S.C	SC	133,875
Project Care	SC	166,667
Mental Health Association of Greenville County Housing Corporation	SC	126,720
Sistercare, Inc	SC	232,995
The Housing Authority of the City of Columbia, South Carolina	SC	206,989
The Housing Authority of the City of Columbia, South Carolina	SC	434,476
Sistercare, Inc	SC	274,100
United Way of Kershaw County	SC	166,200
Samaritan House of Orangeburg, SC	SC	101,813
Healing Properties, Inc	SC	36,750
Mental Illness Recovery Center, Inc. (MIRCI)	SC	259,812
Healing Properties, Inc	SC	137,291
Waccamaw Housing Inc	SC	193,596
Wateree Community Actions, Inc (WCAI)	SC	121,150
Home Alliance, Inc	SC	44,780
Any Length Recovery, Inc	SC	78,746
Home Alliance, Inc	SC	68,606
Home Alliance, Inc	SC	98,650
Williamsburg Enterprise Community Commission, Inc	SC	127,190
The Naomi Project Inc	SC	68,865
Pee Dee Community Actions Agency (PDCAA)	SC	179,098
Lighthouse Ministries	SC	60,294
Pee Dee Community Actions Agency (PDCAA)	SC	48,879
Pee Dee Coalition Against Domestic and Sexual Assault	SC	68,691
Sioux Falls HR Commission	SD	116,508
Lewis & Clark Behavioral Health Services, Inc	SD	253,956
Inter-Lakes Community Action Partnership (ICAP)	SD	138,330
South Dakota Housing Development Authority	SD	121,330
Sioux Falls HR Commission	SD	156,708
Cumberland Apartments II United Partnership	SD	500,416
Partnership for Families, Children and Adults	TN	29,376
Chattanooga Church Ministries, Inc	TN	94,827
Chattanooga Homeless Coalition	TN	35,952
Chattanooga Church Ministries, Inc	TN	105,874
The Council for Alcohol and Drug Abuse Services, Inc. (CADAS)	TN	41,637
City of Chattanooga	TN	179,748
The Council for Alcohol and Drug Abuse Services, Inc. (CADAS)	TN	211,254
Chattanooga Church Ministries, Inc	TN	90,873
Chattanooga Homeless Coalition	TN	106,033
The Council for Alcohol and Drug Abuse Services, Inc. (CADAS)	TN	27,433
Fortwood Center, Inc	TN	138,649
Alpha Omega Veterans Services, Inc	TN	232,636
Whitehaven Southwest Mental Health Center	TN	107,173
Catholic Charities, Inc	TN	296,565
Catholic Charities, Inc	TN	495,350
The Salvation Army	TN	385,192
Catholic Charities, Inc	TN	455,355
Metropolitan Inter-Faith Association (MIFA)	TN	497,674
Memphis Family Shelter	TN	197,886
Metropolitan Inter-Faith Association (MIFA)	TN	153,615
AGAPE Child & Family Services, Inc	TN	193,040
Family Tree Destiny Center	TN	239,117
Partners for the Homeless	TN	37,572
Alpha Omega Veterans Services, Inc	TN	165,900
Behavioral Health Initiatives, Inc	TN	78,750
Lowenstein House, Inc	TN	172,507
Tennessee Mental Health Consumers' Association	TN	435,593
Family Services of the Mid South	TN	309,924
Whitehaven Southwest Mental Health Center	TN	13,537
Alpha Omega Veterans Services, Inc	TN	93,424
Cocaine & Alcohol Awareness Program, Inc	TN	168,748
The Regional Medical Center (The Med)	TN	135,686
Child and Family Tennessee	TN	268,697
Catholic Charities	TN	114,102
Knoxville-Knox County Community Action Committee	TN	90,096
Knoxville-Knox County Community Action Committee	TN	139,050
The Salvation Army, A Georgia Corporation	TN	207,648
Knoxville-Knox County Community Action Committee	TN	104,580
Helen Ross McNabb Center	TN	65,972

APPENDIX A—Continued

Recipient	State	Amount
The University of Tennessee	TN	138,895
Positively Living	TN	70,204
Buffalo Valley, Inc	TN	24,850
Buffalo Valley, Inc	TN	73,047
Buffalo Valley, Inc	TN	131,539
Hope House, Maury County Center Against Domestic Violence	TN	73,330
Buffalo Valley, Inc	TN	49,575
Buffalo Valley, Inc	TN	72,392
Buffalo Valley, Inc	TN	228,444
Buffalo Valley, Inc	TN	445,650
Buffalo Valley, Inc	TN	442,659
Buffalo Valley, Inc	TN	71,375
YWCA of Nashville and Middle Tennessee	TN	347,541
Oasis Center, Inc	TN	309,000
Renewal House, Inc	TN	29,307
Renewal House, Inc	TN	31,136
Safe Haven Family Shelter	TN	56,910
Metropolitan Government of Nashville-Davidson County	TN	58,161
Operation Stand Down Nashville, Inc	TN	50,000
Urban Housing Solutions	TN	168,705
The Salvation Army, A Georgia Corporation	TN	229,565
Campus for Human Development	TN	325,500
Campus for Human Development	TN	133,000
Metropolitan Development and Housing Agency	TN	1,344,084
Matthew 25	TN	37,041
Campus for Human Development	TN	18,385
Park Center	TN	39,960
Park Center	TN	124,080
Catholic Charities of East Tennessee, Inc	TN	82,602
Genesis House, Inc	TN	63,849
Upper Cumberland Development District	TN	19,202
Jackson Housing Authority	TN	55,956
Wo/Men's Resource and Rape Assistance Program	TN	71,661
T.A.M.B. of Jackson	TN	79,098
Carey Counseling Center, Inc	TN	98,595
Jackson Area Council on Alcoholism and Drug Dependency	TN	69,035
Jackson Area Council on Alcoholism and Drug Dependency	TN	76,091
Damascus Road, Inc	TN	65,352
Pathways of Tennesse, Inc	TN	110,040
Damascus Road, Inc	TN	110,468
Professional Care Services of West TN, Inc	TN	105,840
Quinco Community Mental Health Centers, Inc	TN	98,595
Carey Counseling Center, Inc	TN	24,150
Kingsport Housing & Redevelopment Authority	TN	82,009
Interfaith Hospitality Network of Greater Johnson City	TN	163,216
Catholic Charities of East Tennessee	TN	63,840
Fairview Housing Management Corporation	TN	117,759
The Salvation Army, a Georgia Corporation	TN	70,099
Appalachian Regional Coalition on Homelessness	TN	102,952
Appalachian Regional Coalition on Homelessness	TN	19,252
Legal Aid of Tennessee Inc	TN	16,870
Murfreesboro Housing Authority	TN	97,968
Murfreesboro Housing Authority	TN	106,200
Murfreesboro Housing Authority	TN	47,166
Greenhouse Ministries	TN	79,154
Domestic Violence Program, Inc	TN	63,579
East Tennessee Development District	TN	65,026
City of San Antonio	TX	138,909
City of San Antonio	TX	268,738
The Salvation Army	TX	216,048
Family Violence Prevention Services, Inc	TX	97,937
City of San Antonio	TX	350,936
Family Violence Prevention Services Inc	TX	194,864
Girls and Boys Town of San Antonio	TX	287,509
The Center for Health Care Services	TX	364,296
The Center for Health Care Services	TX	385,718
American GI Forum National Veterans Outreach Program, Inc	TX	210,000
American GI Forum National Veterans Outreach Program, Inc	TX	387,273
The Salvation Army	TX	136,335
The Salvation Army	TX	91,975
Family Violence Prevention Services Inc	TX	89,460
San Antonio AIDS Foundation	TX	57,583

APPENDIX A—Continued

Recipient	State	Amount
Family Violence Prevention Services Inc	TX	61,448
House of Hope	TX	142,344
Family Violence Prevention Services, Inc	TX	131,250
City of San Antonio	TX	392,021
The Salvation Army	TX	172,094
Hope Action Care (HAC)	TX	147,894
Seton Home	TX	15,059
Seton Home	TX	74,746
American GI Forum National Veterans Outreach Program, Inc	TX	352,562
The Salvation Army, A Georgia Corp	TX	137,776
San Antonio Metropolitan Ministry, Inc	TX	614,811
San Antonio Metropolitan Ministry, Inc	TX	104,596
The Salvation Army, a Georgia Corporation	TX	181,144
The Salvation Army, a Georgia Corporation	TX	128,394
Coastal Bend Alcohol and Drug Rehab Center, dbs Charlie's Place	TX	142,569
Nueces County Mental Health & Mental Retardation Community Center	TX	119,706
Goodwill Industries of South Texas, Inc	TX	142,720
Wesley Community Center	TX	134,971
Corpus Christi Metro Ministries	TX	160,255
Austin Travis County Mental Health Retardation Center	TX	78,532
Austin Travis County Mental Health Retardation Center	TX	348,007
Caritas of Austin	TX	303,216
The Housing Authority of the City of Austin	TX	350,112
The Housing Authority of Travis County	TX	487,656
Travis County Domestic Violence & Sexual Assault Survival Center d/b/a/ SafePlace	TX	792,857
Caritas of Austin	TX	196,492
The Salvation Army, A Georgia Corporation	TX	738,081
Youth and Family Alliance, Inc., dba Life Works	TX	141,082
Front Steps	TX	94,669
Youth and Family Alliance	TX	211,213
Mid-Coast Family Services, Inc	TX	161,091
Perpetual Help Home, Inc	TX	33,111
Central Dallas Food Pantry, d/b/a Central Dallas Ministries, Inc	TX	1,245,908
Family Gateway, Inc	TX	150,701
New Beginning Center, Inc	TX	188,949
PWA Coalition of Dallas, Inc. d/b/a AIDS Services of Dallas	TX	371,712
Central Dallas Food Pantry, d/b/a Central Dallas Ministries, Inc	TX	182,546
Promise House, Inc	TX	219,538
Promise House, Inc	TX	265,848
The Family Place	TX	976,567
ABC Behavioral Health, L.L.C	TX	56,883
Dallas Metrocare Services	TX	271,702
LifeNet Community Behavioral Healthcare	TX	23,095
LifeNet Community Behavioral Healthcare	TX	1,262,605
Housing Crisis Center	TX	518,400
PWA Coalition of Dallas, Inc., d/b/a AIDS Services of Dallas	TX	574,389
City of Dallas	TX	1,403,812
ABC Behavioral Health, L.L.C	TX	374,776
Operation Relief Center, Inc	TX	86,160
City of Dallas	TX	879,960
Dallas Jewish Coalition dba Vogel Alcove Childcare Center for the Homeless	TX	166,441
City of Dallas	TX	458,760
Legal Aid of NorthWest Texas	TX	142,932
Housing Crisis Center	TX	103,194
Shared Housing Center, Inc	TX	90,510
Housing Crisis Center	TX	188,007
City of Dallas	TX	250,598
City of Dallas	TX	149,912
Family Gateway, Inc	TX	42,439
Family Gateway, Inc	TX	198,018
Brighter Tomorrows, Inc	TX	176,360
Rainbow Days, Inc	TX	257,237
Dental Health Programs, Inc. dba Community Dental Care	TX	146,632
Community Council of Greater Dallas	TX	183,648
Housing Crisis Center	TX	182,252
The Salvation Army, A Georgia Corporation—Dallas	TX	146,465
SafeHaven of Tarrant County	TX	27,981
Presbyterian Night Shelter of Tarrant County	TX	449,236
Legal Aid of North West Texas	TX	14,879
Housing Authority of the City of Fort Worth	TX	1,931,064
Arlington Life Shelter	TX	63,471
Samaritan House	TX	223,856

APPENDIX A—Continued

Recipient	State	Amount
Safe Haven of Tarrant County	TX	22,963
Cornerstone Assistance Network	TX	175,162
Tarrant County ACCESS for the Homeless	TX	149,805
Housing Authority of the City of Arlington	TX	253,783
Volunteers of America Texas, Inc	TX	116,717
Cornerstone Assistance Network	TX	102,942
Texas Inmate Services, Inc	TX	109,468
Day Resource Center for the Homeless	TX	108,889
SaveHaven of Tarrant County	TX	53,347
MHMR of Tarrant County—Homeless Services	TX	120,090
MHMR of Tarrant County—Homeless Services	TX	286,291
Tarrant County Samaritan Housing, Inc	TX	85,617
Housing Authority of the City of Arlington	TX	110,916
Housing Authority of the City of Fort Worth	TX	276,720
Housing Authority of the City of Fort Worth	TX	796,860
YWCA	TX	102,414
MHMR of Tarrant County—Homeless Services	TX	70,984
Dental Health for Arlington, Inc	TX	26,433
Safe Haven of Tarrant County	TX	108,491
Community Enrichment Center, Inc	TX	212,888
Tarrant County	TX	1,067,602
All Church Home for Children, Inc	TX	113,922
The Salvation Army, A Georgia Corporation	TX	322,293
Grapevine Relief And Community Exchange	TX	24,237
Presbyterian Night Shelter of Tarrant County	TX	181,077
Tarrant County	TX	9,958
MHMR of Tarrant County—Homeless Services	TX	93,536
Housing Authority of the City of Fort Worth	TX	1,598,064
Arlington Life Shelter	TX	88,091
Volunteers of America Texas, Inc	TX	165,601
El Paso MHMR	TX	203,982
La Posada Home, Inc	TX	89,026
La Posada Home Inc	TX	53,544
Rescue Mission of El Paso, Inc	TX	46,796
Opportunity Center for the Homeless	TX	249,966
Young Women's Christian Association of El Paso	TX	229,729
Opportunity Center for the Homeless	TX	78,720
Opportunity Center for the Homeless	TX	124,908
Centro San Vicente	TX	139,999
Opportunity Center for the Homeless	TX	115,135
El Paso Coalition for the Homeless	TX	107,902
Opportunity Center for the Homeless	TX	171,922
El Paso MHMR	TX	176,761
Opportunity Center for the Homeless	TX	132,865
El Paso Center for Children, Inc	TX	145,577
Young Women's Christian Association of El Paso	TX	176,657
Young Women's Christian Association of El Paso	TX	92,783
Opportunity Center for the Homeless	TX	161,091
Opportunity Center for the Homeless	TX	108,551
Family Abuse Center, Inc	TX	84,000
Abilene Hope Haven, Inc	TX	185,577
Texas Homeless Network	TX	348,715
Denton County Mental Health Mental Retardation Center	TX	264,318
HOPE, Inc	TX	33,232
AIDS Services of North Texas	TX	237,732
Legal Aid of NorthWest Texas	TX	56,638
City of Amarillo	TX	172,128
Sabine Valley Center	TX	123,480
Sabine Vallety Center	TX	263,712
Mental Health Mental Retardation Authority of Harris County	TX	350,466
Fort Bend County Women's Center, Inc	TX	650,140
Catholic Charities of the Archdiocese of Galveston-Houston	TX	53,776
Covenant House Texas	TX	195,604
HELP Development Corporation	TX	439,456
Career and Recovery Resources, Inc	TX	117,111
Coalition for the Homeless of Houston/Harris County, Inc	TX	185,491
SEARCH	TX	330,673
SEARCH	TX	404,233
The Women's Home	TX	126,717
The Bridge Over Troubled Waters, Inc	TX	398,955
Catholic Charities of the Archdiocese of Galveston-Houston	TX	127,190
The Salvation Army, a Georgia Corporation	TX	349,188

APPENDIX A—Continued

Recipient	State	Amount
Martin Luther King Jr. Community Center	TX	160,656
Fort Bend County Women's Center	TX	1,062,600
SEARCH	TX	96,520
Bay Area Homeless Services, Inc	TX	468,010
Houston Area Women's Center	TX	283,080
Star of Hope Mission	TX	734,400
Covenant House Texas	TX	199,328
AIDS Foundation Houston, Inc	TX	141,429
United States Veterans Initiative	TX	110,441
Volunteers of America Texas, Inc	TX	212,069
Star of Hope Mission	TX	207,406
SEARCH	TX	301,200
AIDS Foundation Houston, Inc	TX	75,816
AIDS Foundation Houston, Inc	TX	33,696
AIDS Foundation Houston, Inc	TX	955,912
DePelchin Children's Center	TX	357,141
Harmony House, Inc	TX	133,571
Health Care for Homeless Veterans	TX	173,208
MHMRA	TX	281,232
MHMRA	TX	430,200
MHMRA	TX	457,200
MHMRA	TX	505,440
AIDS Foundation Houston, Inc	TX	170,400
Volunteers of America Texas, Inc	TX	144,360
Star of Hope Mission	TX	307,406
Houston Area Women's Center	TX	610,858
MHMRA	TX	505,440
Families Under Urban and Social Attack, Inc	TX	93,838
SEARCH	TX	146,160
Health Care for Homeless Veterans	TX	256,980
Northwest Assistance Ministries	TX	601,460
SEARCH	TX	390,429
The Women's Home	TX	477,692
Northwest Assistance Ministries	TX	491,562
Volunteers of America Texas, Inc	TX	122,496
SEARCH	TX	113,520
SEARCH	TX	92,196
Bay Area Turning Point, Inc	TX	107,210
Harmony House, Inc	TX	358,470
The Bridge Over Troubled Waters, Inc	TX	448,211
Bonita House of Hope	TX	487,280
Career and Recovery Resources, Inc	TX	423,968
Wellsprings, Inc	TX	154,587
Temenos Community Development Corporation	TX	1,267,331
Families Under Urban and Social Attack, Inc	TX	86,223
Montrose Counseling Center, Inc	TX	102,344
The Bridge Over Troubled Waters, Inc	TX	88,727
Houston Area Women's Center	TX	76,656
The Bridge Over Troubled Waters, Inc	TX	382,734
Wellsprings, Inc	TX	165,014
Twin City Mission, Inc	TX	161,288
Twin City Mission, Inc	TX	61,363
Twin City Mission, Inc	TX	32,332
Montgomery County Emergency Assistance, Inc	TX	146,312
Port Cities Rescue Mission Ministries	TX	175,037
Buckner Children and Family Services, Inc	TX	35,016
Triangle AIDS Network	TX	89,004
Family Services of Southeast Texas, Inc	TX	150,977
Some Other Place, Inc	TX	111,888
South East Texas Regional Planning Commission	TX	23,008
The Gulf Coast Center	TX	199,781
The Gulf Coast Center	TX	120,271
Women Opting for More Affordable Housing Now, Inc. (WOMAN, Inc.)	TX	104,168
The Gulf Coast Center	TX	147,926
Resource and Crisis Center of Galveston County	TX	220,943
The Gulf Coast Center	TX	216,499
The Gulf Coast Center	TX	173,695
Family Support Center	UT	203,280
Housing Authority of the County of Salt Lake	UT	699,396
The Road Home	UT	333,627
Housing Authority of the County of Salt Lake	UT	375,300
Volunteers of America, Utah	UT	299,250

APPENDIX A—Continued

Recipient	State	Amount
Utah Nonprofit Housing Corporation	UT	104,742
The Road Home	UT	76,486
Valley Mental Health, Inc	UT	157,635
Tooele County Housing Authority	UT	562,560
Family Support Center	UT	193,124
Utah Department of Community and Culture	UT	95,345
Housing Authority of Salt Lake City	UT	156,720
Family Support Center	UT	98,532
Housing Authority of Salt Lake City	UT	333,564
Volunteers of America, Utah	UT	356,087
Utah Department of Community and Culture	UT	30,050
Iron County Care and Share	UT	37,229
Four Corner Community Behavioral Health, Inc	UT	144,729
Davis Citizens' Coalition Against Violence	UT	70,750
Homeless Veterans Fellowship	UT	33,216
Cedar City Housing Authority	UT	13,913
Davis Family Support Center, Inc. DBA Family Connection Center	UT	172,074
Bear River Association of Governments	UT	48,383
Mountainlands Community Housing Trust	UT	72,000
Community Action Services	UT	228,653
Center for Women and Children in Crisis	UT	16,252
Utah Department of Community and Culture	UT	8,242
Utah Department of Community and Culture	UT	17,500
Housing Authority of Utah County	UT	152,328
Provo City Housing Authority	UT	123,336
Community Action Services	UT	69,852
Provo City Housing Authority	UT	21,397
Mountainlands Community Housing Trust	UT	101,639
Emergency Shelter, Inc	VA	146,011
Homeward	VA	26,745
Virginia Supportive Housing	VA	61,832
St. Joseph's Villa	VA	272,000
Daily Planet, Inc	VA	192,257
Daily Planet, Inc	VA	204,479
Emergency Shelter, Inc	VA	99,960
Hillard House	VA	262,917
Virginia Supportive Housing	VA	955,452
Daily Planet, Inc	VA	189,105
City of Richmond	VA	60,480
Emergency Shelter, Inc	VA	190,846
Emergency Shelter, Inc	VA	346,500
St. Joseph's Villa	VA	155,749
The Planning Council	VA	50,533
Residential Options, Inc	VA	661,479
ForKids, Inc	VA	149,166
St. Columba Ecumenical Ministries, Inc	VA	130,179
Barrett Haven, Inc	VA	144,913
CANDII, Inc	VA	173,510
ForKids, Inc	VA	103,804
CANDII, Inc	VA	164,183
ForKids, Inc	VA	125,038
ForKids, Inc	VA	242,043
Norfolk Community Services Board	VA	517,956
Norfolk Community Services Board	VA	71,531
YWCA of South Hampton Roads	VA	38,516
City of Roanoke	VA	137,669
Council of Community Services	VA	80,232
City of Roanoke	VA	159,408
Trust House	VA	56,552
Total Action Against Poverty in Roanoke Valley	VA	265,261
Judeo-Christian Outreach Center	VA	126,000
Virginia Beach Community Development Corporation	VA	371,407
Community Alternatives Management Group, Inc	VA	346,666
Community Alternatives Management Group, Inc	VA	20,288
Samaritan House	VA	36,887
Samaritan House	VA	115,340
Community Alternatives Management Group, Inc	VA	11,713
Community Alternatives Management Group, Inc	VA	67,336
Virginia Beach Community Development Corporation	VA	54,075
Virginia Beach Community Development Corporation	VA	75,084
Community Alternatives Management Group, Inc	VA	111,014
Region Ten Community Services Board	VA	143,946

APPENDIX A—Continued

Recipient	State	Amount
AIDS/HIV Services Group	VA	60,581
The Planning Council	VA	54,090
Avalon: A Center for Women and Children	VA	64,454
LINK	VA	249,989
Transitions	VA	137,874
Hampton-Newport News Community Services Board	VA	143,321
LINK	VA	314,709
CANDII, Inc	VA	265,640
Hampton-Newport News Community Services Board	VA	84,352
Hampton-Newport News Community Services Board	VA	115,476
Portsmouth Area Resources Coalition, Inc	VA	102,312
City of Portsmouth	VA	69,013
City of Portsmouth	VA	372,984
Oasis Commission on Social Ministry of Portsmouth/Chesapeake	VA	250,069
Portsmouth Volunteers for the Homeless, Inc	VA	55,650
Portsmouth Area Resources Coalition, Inc	VA	120,421
Portsmouth Christian Outreach Ministries	VA	79,309
Portsmouth Area Resources Coalition, Inc	VA	53,550
Lynchburg Neighborhood Development Foundation	VA	64,748
Rush Lifetime Homes, Inc	VA	21,357
Miriam's House, Inc	VA	87,252
Rush Lifetime Homes, Inc	VA	51,100
The Salvation Army, a Georgia Corporation	VA	106,213
Urban League	VA	70,350
Waynesboro Redevelopment and Housing Authority	VA	48,450
Our House Families	VA	52,034
Our House Families	VA	57,762
Northwestern Community Services	VA	220,128
Danville Redevelopment and Housing Authority	VA	48,450
Community Resource Center	VA	42,000
Commonwealth of Virginia	VA	60,855
Arlington Street People's Assistance Network, Inc	VA	164,986
Arlington Street People's Assistance Network (ASPAN)	VA	100,112
Arlington-Alexandria Coalition for the Homeless, Inc	VA	217,245
Community Residences, Inc	VA	244,468
Arlington Street People's Assistance Network, Inc	VA	205,460
Pathway Homes, Inc	VA	291,788
Fairfax County Department of Family Services	VA	424,715
Fairfax-Falls Church Community Services Board	VA	253,332
Kurdish Human Rights Watch, Inc	VA	426,356
Pathway Homes, Inc	VA	135,673
Pathway Homes, Inc	VA	216,780
Pathway Homes, Inc	VA	157,788
Pathway Homes, Inc	VA	307,314
Christian Relief Services Charities, Inc	VA	24,885
Homestretch, Inc	VA	146,699
Christian Relief Services Charities, Inc	VA	120,676
Pathway Homes, Inc	VA	143,904
Pathway Homes, Inc	VA	463,488
Pathway Homes, Inc	VA	415,824
PRS, Inc	VA	168,450
Christian Relief Services Charities, Inc	VA	30,943
Christian Relief Services Charities, Inc	VA	76,220
New Hope Housing, Inc	VA	58,850
New Hope Housing, Inc	VA	219,043
Christian Relief Services Charities, Inc	VA	24,885
United Community Ministries, Inc	VA	134,731
Fairfax County Department of Family Services	VA	440,271
NOVACO Inc	VA	111,492
County of Loudoun	VA	61,910
County of Loudoun	VA	106,429
Sheltered Homes of Alexandria	VA	89,288
Sheltered Homes of Alexandria	VA	77,748
Alexandria Community Services Board	VA	98,150
Alexandria Community Services Board	VA	29,813
Alexandria Community Services Board	VA	131,643
Arlington-Alexandria Coalition for the Homeless	VA	139,440
Prince William County Department of Social Services	VA	143,585
Good Shepherd Housing Foundation	VA	138,641
Benedictine Sister of Virginia—Transitional Housing BARN, Inc	VA	36,230
Methodist Training & Outreach Center, Inc	VI	168,424
Rutland County Housing Coalition	VT	37,247

APPENDIX A—Continued

Recipient	State	Amount
Town of Brattleboro	VT	185,604
Vermont State Housing Authority	VT	338,100
Vermont State Housing Authority	VT	282,912
Northeast Kingdom Community Action, Inc	VT	71,642
Northeast Kingdom Community Action, Inc	VT	55,939
State of Vermont, Department of Health, Division of Mental Health	VT	30,000
Northwestern Counseling & Support Services	VT	122,136
Bennington Coalition for the Homeless	VT	62,733
Addison County Community Action Group	VT	145,045
Twin Pine Housing Trust	VT	38,535
Northeast Kingdom Human Services	VT	90,455
Central Vermont Community Land Trust	VT	8,427
Clara Martin Center	VT	148,815
Windham County Homeless Outreach	VT	55,524
Good Neighbors	VT	69,904
Champlian Housing Trust	VT	63,636
Champlain Valley Office of Economic Opportunity	VT	222,440
Howard Center	VT	181,146
Champlain Housing Trust	VT	98,460
Howard Center	VT	200,073
El Centro de la Raza	WA	17,603
Development Association of the Goodwill Baptist Church	WA	56,642
King County Department of Community and Human Services—MHCADSD	WA	624,566
AIDS Housing of Washington	WA	387,191
Plymouth Housing Group	WA	752,172
Housing Authority of the City of Seattle	WA	9,896
Plymouth Housing Group	WA	161,784
Plymouth Housing Group	WA	934,848
Plymouth Housing Group	WA	3,330,792
City of Seattle Human Services Department	WA	303,975
Low Income Housing Institute	WA	116,397
City of Seattle Human Service's Department	WA	838,688
Solid Ground of Washington	WA	158,620
Public Health—Seattle and King County	WA	696,732
YWCA of Seattle-King County-Snohomish County	WA	42,540
Low Income Housing Institute (LIHI)	WA	105,000
Downtown Emergency Service Center	WA	500,000
Consejo Counseling and Referral Service	WA	74,613
Archdiocesan Housing Authority	WA	201,576
YWCA of Seattle-King County-Snohomish County	WA	85,614
Safe Haven Associates/Community Psychiatric Clinic	WA	75,171
Low Income Housing Institute (LIHI)	WA	299,047
YouthCare	WA	548,598
Seattle Vietnam Veterans Leadership Program	WA	23,579
Downtown Emergency Service Center	WA	925,000
Workforce Development Council of Seattle King County	WA	1,149,355
YouthCare	WA	181,306
Archdioceasan Housing Authority	WA	25,422
YouthCare	WA	151,856
New Beginnings for Battered Women and Their Children	WA	326,054
Eastside Domestic Violence Program	WA	251,744
Seattle Vietnam Veterans Leadership Program	WA	63,258
Plymouth Housing Group	WA	492,048
Solid Ground	WA	507,350
Hopelink	WA	57,320
The Compass Center	WA	26,284
Archdiocesan Housing Authority	WA	105,422
Archdiocesan Housing Authority	WA	197,739
Safe Haven Associates/Community Psychiatric Clinic	WA	348,156
Downtown Emergency Service Center	WA	443,471
Kent Youth and Family Services	WA	38,134
Hopelink	WA	121,939
Child Care Resources	WA	529,095
Salvation Army,William Booth Center	WA	77,838
YWCA of Seattle-King County-Snohomish County	WA	29,683
Salvation Army,William Booth Center	WA	253,988
United Indians of All Tribes Foundation	WA	343,565
Auburn Youth Resources	WA	123,286
City of Seattle Human Services Department	WA	99,750
Downtown Emergency Service Center	WA	586,377
The Church Council of Greater Seattle	WA	80,680
Multi-Service Center	WA	26,724

APPENDIX A—Continued

Recipient	State	Amount
Low Income Housing Institute	WA	36,141
Low Income Housing Institute	WA	398,285
Youth and Outreach Services	WA	121,545
YWCA of Seattle-King County-Snohomish County	WA	167,867
Development Association of the Goodwill Baptist Church	WA	28,596
Church Council of Greater Seattle	WA	57,278
Public Health—Seattle & King County	WA	545,049
YWCA of Seattle-King County-Snohomish County	WA	114,450
Friends of Youth	WA	123,062
City of Seattle Human Service's Department	WA	80,012
YWCA of Seattle-King County-Snohomish County	WA	78,878
Urban League of Metropolitan Seattle	WA	84,906
Catholic Community Services	WA	140,085
YouthCare	WA	105,602
Community Psychiatric Clinic	WA	168,153
Sisyphus II Housing Project—Agape Unlimited	WA	34,392
Benton Franklin Community Action Committee	WA	360,738
Housing Authority of Thurston County	WA	133,921
Sun Community Service	WA	35,466
Olympic Community Action Programs	WA	135,599
The Family Support Center of South Sound	WA	54,810
Mason County Shelter	WA	98,209
Benton Franklin Community Action Committee	WA	123,116
Skagit County Community Action	WA	50,054
Washington Gorge Action Programs	WA	108,095
Opportunity Council	WA	84,130
Serenity House of Clallam County	WA	142,951
Northwest Youth Services	WA	261,785
Opportunity Council	WA	140,868
Serenity House of Clallam County	WA	138,769
Columbia Gorge Housing Authority	WA	27,768
Community Action Center	WA	19,152
Bellingham Housing Authority	WA	199,152
Benton & Franklin Counties Department of Human Services	WA	82,308
Sisyphus II Housing Project—Agape Unlimited	WA	95,820
Benton Franklin Community Action Committee	WA	71,739
Housing Authority of the City of Bremerton	WA	132,450
Blue Mountain Action Council	WA	139,322
Sisphus II Housing Project—Agape Unlimited	WA	43,380
Low Income Housing Institute	WA	56,103
Bread and Roses of Olympia	WA	38,745
Kitsap County Consolidated Housing Authority	WA	24,938
Walla Walla County	WA	66,101
Compass Health	WA	33,330
Housing Authority City of Kelso	WA	81,396
Lewis County Shelter	WA	106,775
WA State Department of Community, Trade and Economic Development	WA	143,082
Low Income Housing Institute	WA	31,500
Joint City of Republic-Ferry County Housing Authority	WA	36,316
Bellingham Housing Authority	WA	774,336
Community Youth Services	WA	149,623
HopeSource	WA	45,399
City of Spokane	WA	279,010
Catholic Charities Spokane	WA	137,568
Volunteers of America	WA	58,584
YWCA of Spokane	WA	76,526
Volunteers of America	WA	27,739
Transitional Programs for Women	WA	88,698
Transitional Programs for Women	WA	106,003
Transitional Programs for Women (dba Transitions)	WA	38,803
YWCA or Spokane	WA	43,419
Catholic Charities dba House of Charity	WA	117,195
Community Detox Services of Spokane	WA	56,251
Catholic Charities Spokane	WA	42,621
City of Spokane	WA	311,976
YWCA of Spokane	WA	62,396
YWCA of Spokane	WA	27,536
Spokane Neighborhood Action Programs (SNAP)	WA	27,799
Catholic Charities	WA	67,164
Volunteers of America	WA	77,175
Catholic Charities dba House of Charity	WA	14,917
YWCA of Spokane	WA	93,161

APPENDIX A—Continued

Recipient	State	Amount
Spokane Neighborhood Action Programs (SNAP)	WA	165,064
Volunteers of America	WA	103,692
Volunteers of America	WA	85,391
Salem Arms	WA	83,333
Salem Arms	WA	15,491
Volunteers of America	WA	51,424
Tacoma Rescue Mission	WA	34,106
Metropolitan Development Council	WA	52,320
Pierce County	WA	259,033
Exodus Housing	WA	136,799
Tacoma Rescue Mission	WA	59,886
Metropolitan Development Council	WA	340,986
Pierce County	WA	167,339
Pierce County	WA	143,477
Pierce County	WA	89,568
Pierce County	WA	45,150
Lakewood Area Shelter Association	WA	29,512
Faith Homes	WA	94,036
Network Services	WA	24,324
Helping Hand House	WA	66,539
Pierce County	WA	89,527
Helping Hand House	WA	164,453
Greater Mental Healthcare	WA	158,052
Compass Health	WA	23,609
Catholic Community Services WW–NE	WA	35,338
Catholic Community Service WW–NW	WA	70,368
Housing Hope	WA	81,523
YWCA of Seattle-King County-Snohomish County	WA	72,245
Snohomish County center for Battered Women	WA	109,270
YWCA of Seattle-King County-Snohomish County	WA	43,635
Compass Health	WA	57,259
Cocoon House	WA	163,659
YWCA of Seattle-King County-Snohomish County	WA	100,099
The Salvation Army	WA	174,610
Archdiocesan Housing Authority	WA	161,705
Housing Hope	WA	164,820
Housing Hope	WA	29,828
YWCA of Seattle-King County-Snohomish County	WA	112,752
Housing Hope	WA	80,315
Compass Health	WA	41,393
Compass Health	WA	189,598
Volunters of America Western Washington	WA	73,780
YWCA of Seattle-King County-Snohomish County	WA	2,233,944
Spokane Neighborhood Action Programs	WA	131,517
Spokane Neighborhood Action Programs	WA	133,279
Spokane Housing Ventures	WA	39,243
Triumph Treatment Services	WA	158,792
Yakima Neighborhood Health Services	WA	48,188
Yakima Neighborhood Health Services	WA	10,815
Central Washington Comprehensive Mental Health	WA	69,191
Next Step Housing	WA	46,835
Community Services NW	WA	25,000
Share	WA	61,267
Columbia River Mental Health Services	WA	25,431
Community Services NW	WA	89,396
Housing Authority of the City of Vancouver	WA	33,166
Housing Authority of the City of Vancouver	WA	81,419
Council for the Homeless	WA	72,697
YW Housing	WA	92,365
YW Housing	WA	164,102
Columbia River Mental Health Services	WA	96,983
Housing Partnership of the Fox Cities	WI	51,513
West Central Wisconsin Community Action Agency, Inc	WI	427,008
Hebron House of Hospitality, Inc	WI	116,535
CAP Services, Inc	WI	105,025
Family Services of Northeast Wisconsin	WI	156,988
American Red Cross in Southeastern Wisconsin	WI	163,901
ADVOCAP, Inc	WI	108,768
Starting Points, Inc	WI	499,864
Richard's Place, Inc	WI	144,841
Starting Points, Inc	WI	116,007
Couleecap, Inc	WI	249,237

APPENDIX A—Continued

Recipient	State	Amount
Richard's Place, Inc	WI	112,555
Kenosha Human Development Services, Inc	WI	137,832
Wisconsin Department of Commerce/Division of Housing and Community Development	WI	230,748
Western Dairyland Economic Opportunity Council, Inc	WI	264,926
ADVOCAP, Inc	WI	197,658
North Central Community Action Program, Inc	WI	82,526
North Central Community Action Program, Inc	WI	32,461
North Central Community Action Program, Inc	WI	60,247
Young Women's Christian Association of La Crosse, Wisconsin	WI	72,643
Northwest Wisconsin Community Services Agency, Inc	WI	52,605
Kenosha Human Development Services, Inc	WI	123,879
Coomunity Action Inc. of Rock and Walworth Counties	WI	508,552
Starting Points, Inc	WI	179,374
Central Wisconsin Community Action Council, Inc	WI	256,902
Lakeshore CAP, Inc	WI	117,663
Wisconsin Department of Commerce/Division of Housing and Community Development	WI	364,486
Legal Action of Wisconsin	WI	111,300
ADVOCAP, Inc	WI	158,583
Women and Children's Horizon's Inc	WI	215,142
Coommunity Action Inc. of Rock and Walworth Counties	WI	124,476
Forward Service Corporation	WI	393,740
Northwest Wisconsin Community Services Agency, Inc	WI	111,123
Housing Partnership of the Fox Cities	WI	176,577
Couleecap, Inc	WI	359,804
Northwest Wisconsin Community Services Agency, Inc	WI	37,920
Community Action Coalition for South Central Wisconsin, Inc	WI	161,644
Community Advocates, Inc	WI	344,544
Health Care for the Homeless of Milwaukee	WI	82,834
Center for Veterans Issues, Ltd	WI	415,911
Walker's Point Youth and Family Center	WI	20,273
Community Advocates, Inc	WI	84,000
Hope House of Milwaukee, Inc	WI	30,679
Community Advocates, Inc	WI	120,514
Center for Veterans Issues, Ltd	WI	132,021
YWCA of Greater Milwaukee	WI	82,969
The Guest House of Milwaukee, Inc	WI	180,454
Meta House, Inc	WI	130,385
Meta House, Inc	WI	328,031
Milwaukee County Behavioral Health Division	WI	2,607,084
Community Development Partners, Inc	WI	85,714
Matt Talbot Recovery Center, Inc	WI	235,625
Community Development Partners, Inc	WI	103,410
American Red Cross in Southern Wisconsin	WI	301,446
Community Relations—Social Development Commission	WI	441,341
Hope House of Milwaukee, Inc	WI	579,715
Meta House, Inc	WI	121,092
YWCA of Greater Milwaukee	WI	33,580
St. Catherine Residence, Inc	WI	144,379
The Guest House of Milwaukee, Inc	WI	105,878
The Guest House of Milwaukee, Inc	WI	137,266
Hope House of Milwaukee, Inc	WI	41,964
The Guest House of Milwaukee, Inc	WI	420,000
Community Relations—Social Development Commission	WI	196,230
Mercy Housing Lakefront	WI	1,104,840
Hope House of Milwaukee, Inc	WI	47,104
Milwaukee County Behavioral Health Division	WI	416,016
My Home Your Home, Inc	WI	183,547
The Guest House of Milwaukee, Inc	WI	573,626
Health Care for the Homeless of Milwaukee	WI	49,000
Walker's Point Youth and Family Center	WI	175,508
The Salvation Army	WI	31,474
Homeless Assistance Leadership Organization, Inc	WI	57,127
Legal Action of Wisconsin, Inc	WI	80,536
Center for Veterans Issues, Ltd	WI	38,118
Homeless Assistance Leadership Organization, Inc	WI	241,717
Catherine Marian Housing, Inc	WI	55,053
Center for Veterans Issues, Ltd	WI	94,686
Project New Life, CDC	WI	149,810
Racine Vocational Ministry	WI	30,088
Transitional Living Services	WI	132,450
Transitional Living Services	WI	112,234
Women's Resource Center of Racine, Inc	WI	18,466

APPENDIX A—Continued

Recipient	State	Amount
Family Service of Racine	WI	51,968
Women's Resource Center of Racine, Inc	WI	16,963
Housing Initiatives, Inc	WI	123,390
The Salvation Army	WI	42,500
Porchlight, Inc	WI	162,742
Interfaith Hospitality Network of the Madison Area	WI	366,002
Community Action Coalition for South Central Wisconsin, Inc	WI	222,075
YWCA of Madison	WI	54,995
Porchlight, Inc	WI	50,768
Housing Initiatives, Inc	WI	715,008
Tellurian UCAN, Inc	WI	151,605
Legal Action of Wisconsin Inc	WI	16,000
Tellurian UCAN, Inc	WI	64,575
The Salvation Army	WI	38,193
Housing Initiatives, Inc	WI	11,659
Tellurian UCAN, Inc	WI	249,165
Tellurian UCAN, Inc	WI	55,749
Porchlight, Inc	WI	343,028
Porchlight, Inc	WI	111,373
Greater Wheeling Coalition for the Homeless, Inc	WV	135,796
Greater Wheeling Coalition for the Homeless, Inc	WV	11,200
Greater Wheeling Coalition for the Homeless, Inc	WV	26,536
The Huntington West Virginia Housing Authority	WV	37,495
The Huntington West Virginia Housing Authority	WV	505,440
Prestera Center for Mental Health Services, Inc	WV	392,540
The Huntington West Virginia Housing Authority	WV	38,274
The Huntington West Virginia Housing Authority	WV	308,952
Roark Sullivan Lifeway Center	WV	279,171
Young Women's Christian Association of Charleston, WV	WV	174,126
Religious Coalition for Community Renewal	WV	72,513
Young Women's Christian Association of Charleston, WV	WV	62,697
Kanawha Valley Collective Inc	WV	14,000
Stop Abusive Family Enviroments, Inc. (SAFE)	WV	135,799
Worthington Mental Health Services, Inc	WV	56,976
WV Governor's Office Economic Opportunity	WV	32,500
Women's Self Help Ctr., Inc. dba Self Help Ctr., Inc	WY	97,665
Housing Authority—City of Casper	WY	66,666
Council of Community Services, Inc	WY	61,016
Community Action Partnership of Natrona Cty	WY	112,455
Total		1,327,573,959

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Federal Register

Wednesday,
September 24, 2008

Part III

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Parts 679 and 680

Pacific Halibut Fisheries; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Recordkeeping and Reporting; Permits; Proposed Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 679 and 680

[Docket No. 080302360–8575–03]

RIN 0648–AT91

Pacific Halibut Fisheries; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Recordkeeping and Reporting; Permits

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

ACTION: Supplemental proposed rule; reopening of comment period.

SUMMARY: This supplemental proposed rule provides specific information and further explanation regarding a June 29, 2007 (72 FR 35748) NMFS proposed rule that set out new recordkeeping and reporting requirements; a new electronic groundfish catch reporting system, Interagency Electronic Reporting System, and its data entry component, eLandings; the integration of eLandings with existing logbook requirements and future electronic logbooks; a variety of fisheries permits provisions and revisions to regulations governing the Bering Sea and Aleutian Islands Management Area Crab Rationalization Program, including fee calculations; a revision to a Sitka Pinnacles Marine Reserve closure provision; and a revision to a groundfish observer provision regarding at-sea vessel-to-vessel transfers.

DATES: Comments must be received on or before on October 24, 2008.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by ''RIN 0648–AT91'' by any of the following methods:

- Webform at the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions at that site for submitting comments.
- *Mail:* P.O. Box 21668, Juneau, AK 99802.
- *Hand Delivery to the Federal Building:* 709 West 9th Street, Room 420A, Juneau, AK.
- *Fax:* 907–586–7557.

Instructions: All comments received are a part of the public record and generally will be posted to *http://www.regulations.gov* without change. NMFS will accept anonymous comments. NMFS will accept attachments to electronic comments if they are in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) file formats. All comments submitted on the original proposed rule for RIN 0648–AT91, published June 29, 2007 (72 FR 35748) will still be considered in the rulemaking process and do not need to be resubmitted.

Copies of the Categorical Exclusion (CE), Regulatory Impact Review (RIR), and Initial Regulatory Flexibility Analysis (IRFA) prepared for the original proposed rule may be obtained from the NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian, or by calling the Alaska Region, NMFS, at 907–586–7228, or from the NMFS Alaska Region Web site at *http://www.alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION: NMFS published a proposed rule in the **Federal Register** on June 29, 2007 (72 FR 35748). The original proposed rule is available via the Internet (*http://www.alaskafisheries.noaa.gov*) and from NMFS (see **ADDRESSES**). A detailed description of the original proposed rule was provided in the preamble to the original proposed rule and is not repeated here. This supplemental proposed rule explains the reorganization of materials within the current recordkeeping and reporting (R&R) regulatory text to integrate electronic and non-electronic requirements.

Comments and Responses

NMFS received two e-mails containing nine comments on the original proposed rule. Responses to all nine comments follow:

Comment 1: The commenter pointed out that no East or West component is requested in regulations and logbooks when describing position coordinates in latitude and longitude and that an East or West component is necessary to describe both the beginning position and the end position of gear.

Response: NMFS agrees. Regulations governing the information requirements of logbooks in § 679.5(c) are proposed in this supplement to include an East or West component.

Comment 2: The commenter pointed out that in the logbooks, the space allocated for the date and time of gear retrieval is only big enough for either the date or the time, but not both, and requests that the logbooks be redesigned to provide more space to record this information.

Response: NMFS agrees. NMFS will adjust the format of the logbooks at the next printing. No change to the regulatory text in the proposed rule is needed to respond to this comment.

Comment 3: In the daily fishing logbook, it is not clear what NMFS is requesting when asking for the target species code and the estimated total round weight. The commenter suggests that it be made very clear that only a single Target Species Code is to be used (and that it be the species code of the desired target) and also that the Estimated Total Round Catch Weight either refers to that single Target Species Code or else refers to the entire catch, whichever is the intent of the recordkeeping form.

Response: NMFS agrees. Regulations governing the information requirements of logbooks in § 679.5(c) are proposed in this supplement to add the requirement to ''Enter only a single target species code of the desired target.'' In addition, the data element ''estimated total round catch weight'' was changed to ''total hail weight.'' This change was intended to make it clear that the estimated quantity of the entire catch is to be recorded in that space.

Comment 4: On the daily cumulative production logbook (DCPL), the operator frequently tries to put two or even three improved retention/improved utilization (IR/IU) Species Codes in a single box and a like number of IR/IU Species Weights in a single box. These are often unreadable and of no value. The commenter suggests that it be made very clear that only a single IR/IU Species Code is to be used (and that it be the species code associated with the largest amount of catch) and that the IR/IU Species Weight either refers to that single IR/IU or else refers to the combined total IR/IU catch, whichever is the intent of the recordkeeping form.

Response: NMFS requires all species to be recorded, not just the largest catch, and would adjust the logbook requirements at § 679.5(c) to be more clear on that point by adding the requirements ''Use one line to record information for each IR/IU species, including species code and amount of catch. If more than one IR/IU species is to be recorded, the operator must use a separate line for each species.''

Comment 5: Several vessel operators, when filling out the DCPL Total Haul Weight, first subtract the IR/IU weight and fill the remainder in the Total Haul Weight column (they first record the true Total Haul Weight, cross it out and put in a lesser value that is always the

remainder). Clearer instructions on how to fill out these fields are necessary.

Response: The transition between older and new NMFS logbooks caused this to happen. In current DCPLs, the information requested is the total hail weight, which is the estimated total weight of the entire catch. No change to the regulatory text in the proposed rule is needed to respond to this comment.

Comment 6: Cut all quotas allowed by 50 percent this year and by 10 percent each subsequent year.

Response: This rule would implement revisions to electronic recordkeeping and reporting and several miscellaneous adjustments to the regulations at 50 CFR part 679. These revisions have no relationship to the establishment of harvest specifications or the assignment of quotas or allocations in the North Pacific groundfish fisheries, so this comment is outside the scope of this rulemaking.

Comment 7: Establish marine sanctuaries where no ships can go to fish and do it now [sic].

Response: The proposed rule did not address the establishment of marine sanctuaries, so this comment is outside the scope of this rulemaking.

Comment 8: Get satellite inspections of what these commercial fishing profiteers are actually doing out there instead of what they tell you they do [sic].

Response: In 1988, the NOAA Fisheries Office for Law Enforcement (OLE) embarked on a satellite-based vessel monitoring program using vessel monitoring systems (VMS) to locate high-seas drift-net fishing vessels and monitor compliance with area restrictions in the North Pacific Ocean. VMS allows the OLE to monitor and survey vessels over vast expanses of open water while maintaining the confidentiality of fishing positions. VMS allows the OLE to use 21st century technologies to monitor compliance, track violators, and provide substantial evidence for prosecution while maintaining the integrity of the individual fisherman's effort. Visit OLE's Web site at *http://www.nmfs.noaa.gov/ole/ak_alaska.html* for more information. Changes to VMS requirements are outside the scope of the proposed rule, and no changes were made in response to this comment.

Comment 9: The commenter incorporates The Los Angeles Times five-part series on what is happening to our seas into the comment. The commenter believes that commercial fishing is doing damage to the seas and asks NMFS to take remedial action.

Response: This comment is outside the scope of the proposed rule, and no changes were made in response to this comment.

Background and Need for Action

In addition to the changes from the original proposed rule in response to comments described in the previous section, NMFS identified the need for the changes described in this supplemental proposed rule after the original proposed rule was published. The identified additional changes are described below. These changes are necessary to fully and effectively implement regulatory revisions described in the original proposed rule.

Section 679.2 Definitions

The original proposed rule added and revised definitions at § 679.2. The supplemental proposed rule would revise the definitions for ''active/inactive periods'' to show the correct cross-reference to ''active period'' for catcher vessels using trawl gear, catcher vessels using longline or pot gear, catcher/processors using trawl gear, catcher/processors using longline or pot gear, and motherships.

The original proposed rule revised the definition for ''haul'' by removing a cross-reference and adding defining text; the supplemental proposed rule would revise that definition by removing the words ''new or repaired'' and refer only to ''a test of trawl gear.'' This would ensure that the definition of ''haul'' would include any fishing for purposes of testing gear rather than limiting the definition to testing only new or repaired trawl gear.

The original proposed rule added a definition for ''Interagency electronic reporting system (IERS)''; the supplemental proposed rule would revise that definition by adding ''named eLandings'' after ''client software'' to specify the relationship between IERS and eLandings.

The original proposed rule added a definition for ''non-individual entity'' in an effort to standardize the terms used to describe an entity other than an individual. The intention was to replace the term ''other entity'' with the new term ''other non-individual entity'' in all places in part 679 where the term ''other entity'' does not refer to an individual. Further, the intention was to add ''other non-individual entity'' in paragraphs that referred to entities of a similar nature, i.e., corporations, associations, and partnerships. However, the original proposed rule did not include additional necessary revisions to other relevant regulations. This supplemental proposed rule would make the necessary additional revisions in §§ 679.2, 679.40, 679.41, and 679.42.

The original proposed rule added a definition for ''Permit.'' The supplemental proposed rule would revise that definition by removing ''endorsement'' as a type of permit, which is incorrect, because an endorsement is not a permit but rather a limitation of a permit. It would also replace existing text with documentation granting permission to fish, and including ''license'' as a type of permit.

The original proposed rule added a definition for ''User.'' The supplemental proposed rule would revise that definition by adding ''an individual representative of a'' at the beginning of the sentence, prior to the list of entities, to specify that a User of eLandings is an individual within an entity. In addition, the supplemental proposed rule would remove ''an owner, operator, manager of a,'' as these terms are not appropriate for this definition.

Section 679.4 Permits

Section 679.4 describes most of the permit requirements available for the Exclusive Economic Zone (EEZ) off Alaska. Section 679.4(a)(1) lists the permits that are available for the EEZ off Alaska, as well as permit effectiveness information, and cross-references to additional information for each permit. The original proposed rule revised entries for Registered Buyer permit (§ 679.4(a)(1)(i)(A)), and added Scallop License Limitation Program (LLP) permit (§ 679.4(a)(1)(vii)(C)). The supplemental proposed rule would revise entries for groundfish permits (§ 679.4(a)(1)(iv)(A) and (B)), and add entries for Crab Rationalization Program permits (§ 680.4(a)(1)(xiv)(A) through (H)). These changes are necessary to correct omissions from the original proposed rule and to provide a complete list of permits.

The original proposed rule revised § 679.4(a)(3)(i) and (a)(3)(iii) to provide general permit information. The supplemental proposed rule would revise paragraph (a)(3)(iii) to be in the active voice.

The original proposed rule added a new § 679.4(a)(9) to include the circumstances under which a participant could surrender permits. The supplemental proposed rule would revise § 679.4(a)(9) by replacing paragraphs (a)(9)(i) through (iv) with text that describes generally the procedure to surrender a permit. The supplemental proposed rule would revise the following regulations to place specific surrender-of-a-permit regulations in separate paragraphs and to place a cross-reference to § 679.4(a)(9): § 679.4(b)(4)(ii) for

surrender of a Federal Fisheries Permit (FFP); § 679.4(d)(1)(iii) for surrender of an Individual Fishing Quota (IFQ) permit; § 679.4(d)(2)(iv) for surrender of an IFQ hired master permit; § 679.4(d)(3)(v) for surrender of a Registered Buyer permit; § 679.4(e)(2) for surrender of a halibut Western Alaska Community Development Quota (CDQ) permit; § 679.4(e)(3) for surrender of a CDQ hired master permit; § 679.4(f)(4)(ii) for surrender of a Federal Processor Permit (FPP); § 679.4(k)(6)(x) for surrender of a groundfish or crab LLP license; § 679.4(l)(5)(ii) for surrender of an American Fisheries Act (AFA) inshore processor permit; and redesignated § 679.4(l)(1)(ii)(C) to reformat and state that AFA permits may not be surrendered, except for AFA inshore processor permits. In addition, the supplemental proposed rule would redesignate § 679.4(g)(1) as (g)(1)(i) and add (g)(1)(ii) to describe surrender of the Scallop LLP permit.

Section 679.5 Recordkeeping and Reporting (R&R)

Section 679.5 describes most of the recordkeeping and reporting requirements for fisheries of the EEZ off Alaska. The original proposed rule reorganized and expanded this section. This supplemental proposed rule would improve the organization and presentation of the § 679.5 regulations and correct technical errors that occurred in the original proposed rule.

Section 679.5(a) General R&R Requirements. Section 679.5(a) describes the R&R general requirements and items that relate to several modes of R&R. In the original proposed rule, § 679.5 was revised. In the supplemental proposed rule, § 679.5(a)(1) heading would be revised by adding ''groundfish'' before the words ''logbooks'' and ''forms'' to denote that the logbooks and forms being discussed are for the groundfish directed fisheries. Paragraph (a)(1)(i) would be revised to add a telephone number and fax number where a participant may obtain more information.

The supplemental proposed rule would add introductory text at § 679.5(a) to summarize the different types of R&R requirements formerly found in Table 9, and indicate that additional R&R requirements are found at § 679.28. The heading of paragraph (a)(1) would be revised by adding ''groundfish'' to denote that the logbooks and forms discussed are for use with the groundfish directed fisheries. Paragraph (a)(1)(i) of § 679.5 would be revised to add a telephone number and fax number where a participant could obtain more information, and the last sentence of paragraph (a)(1)(i) would be removed because it does not contain regulatory text. Paragraph (a)(1)(ii) would be revised to add ''written'' between ''Upon'' and ''notification'' to ensure that the notification to NMFS is written. In § 679.5(a)(1)(i), (a)(2)(i), (a)(2)(ii), (a)(5)(i), (a)(5)(ii), (a)(5)(ii)(A), (a)(5)(ii)(B), and (a)(6), reference to Table 9 to part 679 would be replaced with cross-references to § 679.5 and § 679.28, as appropriate.

The original proposed rule created § 679.5(a)(1)(iii) to describe ''management programs'' in detail. This data element is required in the DFLs, DCPLs, and eLandings and, instead of repeating the detailed description of management programs, a cross reference would be added to the appropriate paragraphs referencing paragraph (a)(1)(iii). The supplemental proposed rule would revise paragraph (a)(1)(iii) by removing the last sentence ''If harvest is not under one of these management programs, leave blank''. It is correct that in the DFLs and DCPLs, the box would be left blank if not listed under one of the management programs; however eLandings requires that this field be completed and not left blank. Paragraphs (e)(5)(i)(A)(*3*) and (e)(6)(i)(A)(*3*) would be revised to add a cross-reference to § 679.5(a)(1)(iii), instead of taking the space to describe ''management programs'' again.

Paragraph (a)(3) describes fish that must be recorded and reported. Accurate and complete recording of fish ensures that catch accounting for quotas is as accurate as possible to prevent overfishing or underfishing. Several sources of fish information were inadvertently omitted from the original proposed rule and are included in the supplemental proposed rule. The supplemental proposed rule would redesignate paragraphs (a)(3)(i) through (iii) as (a)(3)(ii) through (a)(3)(iv), respectively, to add a new paragraph (a)(3)(i) entitled ''Harvest information.'' Harvest information is an essential data element for management of the fisheries, especially for the catcher/processors, and must be recorded. Proposed redesignated paragraph (a)(3)(ii) would be revised to add ''receipt of fish from a buying station'' as a method of receiving fish that must be recorded. Buying station fish is recorded in actual practice, but inadvertently was omitted from the original proposed rule. A shoreside processor, stationary floating processor (SFP), or mothership must record fish received from a buying station in order to account for all fish received. Proposed redesignated paragraph (a)(3)(iii) would be revised to add that the disposition of harvest, e.g., fish that were caught but not delivered, such as fish eaten onboard or fish used as bait onboard a vessel, must be recorded so that these amounts are counted against the quotas.

Paragraph (a)(4) describes exemptions from R&R. The supplemental proposed rule would revise paragraph (a)(4)(i) to add at the beginning of the first sentence ''Except for the vessel activity report described at § 679.5(k).'' The requirement that all vessels provide a vessel activity report under certain conditions is long-standing. The requirement was inadvertently omitted from the original proposed rule, and this proposed change would reestablish the requirement in the regulations.

The supplemental proposed rule would add new paragraph (a)(7) to provide the detailed information needed to record custom processing information. Proposed paragraph (c)(5)(ix), located in the original proposed rule in the shoreside processor DCPL section, would be redesignated as paragraph (a)(7) and further revised. The supplemental proposed rule would move the requirements from paragraph (c)(5) to paragraph (a)(7) because this information is pertinent to shoreside processors, SFPs, and motherships.

Section 679.5(c) Logbooks. The supplemental proposed rule would replace ''50 CFR 300.60 through 300.65'' with ''§§ 300.60 through 300.65'' to correct the format of this citation in paragraphs (c)(1)(vi)(B), (c)(3)(v)(G)(*2*), and (c)(3)(v)(G)(*3*)(*i*) through (*iii*).

Paragraphs (c)(3)(vi)(H), (c)(4)(vi)(H)(*1*), (c)(6)(vi)(F), and (d)(4)(ix)(E) would be revised by replacing ''total retained weight'' with ''total weight.'' This would correct the definition of hail weight, which is an estimate of the entire catch before discard without regard to species. Including the term ''retained'' incorrectly changes the meaning of hail weight.

The supplemental proposed rule would revise appropriate paragraphs in DFL and DCPL sections to add immediately before existing text ''The operator's name must be printed in the DFL or DCPL.'' This text is currently required in § 679.5(a)(5)(i) but was overlooked in the original proposed rule.

The supplemental proposed rule would revise appropriate paragraphs in DFL and DCPL sections to replace ''operator signature'' with ''Operator sign the completed logsheets.'' This would provide the signature requirement within the time limit and make the wording consistent with other

descriptions elsewhere in the regulations.

The original proposed rule would reorganize and revise logbook requirements, add sections to describe requirements for each logbook, and place logbook requirements in § 679.5(c) under the heading ''Logbooks vs. eLandings and ELBs.'' The supplemental proposed rule would revise the heading to read ''Logbooks.''

Section 679.5(c)(1) General requirements. The original proposed rule would create paragraph (c)(1) to describe general requirements for recording information in the DFL or DCPL. The original proposed rule compared the methods of recording/reporting using logbooks with eLandings and electronic logbooks (ELBs) under paragraph (c)(1) ''General requirements'' as follows: (i) Shoreside processor or SFP, (ii) Mothership, (iii) Catcher/processor, (iv) Catcher vessel, (v) Registered Buyer, and (vi) Registered Crab Receiver. The supplemental proposed rule would remove paragraphs (c)(1)(i) through (vi) and integrate that information into the sections devoted to each procedure. The purpose of this integration would be to provide an explanation of how the different elements of the R&R procedure would work together.

Paragraphs (c)(1)(vii) through (xii) would be redesignated as (c)(1)(i) through (vi), respectively. Proposed redesignated paragraph (c)(1)(v)(A) would be revised to correct the cross-reference and to replace ''the operator, manager, or any other person may not alter or change'' with ''no person may alter or change'' to ensure that no unauthorized person could make changes. Proposed redesignated paragraph (c)(1)(v)(B) would be revised to replace ''may be corrected'' with ''must be corrected'' to make clear this text is a requirement. In all the logbook data entry limit tables, the supplemental proposed rule would change the deadline for the operator to provide the completed golden DFL or DCPL logsheet to the observer before the observer leaves the vessel.

Proposed redesignated paragraph (c)(1)(vi)(B) would be revised to remove ''or manager'' because the requirement for a shoreside processor DCPL would be removed due to eLandings; therefore the term ''manager'' would no longer apply to this requirement. The table in paragraph (c)(1)(vi)(B) would be revised to remove the sub-column for ''SS/SFP'' and to remove ''SS/SFP = shoreside processor and SFP'' in the table note. This table would be further revised by correcting the citation format for §§ 300.60 through 300.65 in the last row of the ''Submit to'' column.

Section 679.5(c)(2) Recording active and inactive time periods in the DFL or DCPL. The original proposed rule created new paragraph (c)(2) to describe requirements for recording active and inactive time periods in the DFL or DCPL.

The supplemental proposed rule would revise paragraphs (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) to remove each instance of ''or manager'' because it also would remove the requirement for a shoreside processor DCPL and terms associated with that requirement. Paragraph (c)(2)(iii)(B) would be removed because it refers to Part I of the shoreside processor DCPL, and paragraphs (c)(2)(iii)(C) through (G) would be redesignated as (c)(2)(iii)(B) through (F), respectively.

Section 679.5(c)(3) Longline or pot gear catcher vessel DFL and catcher/processor DCPL. The original proposed rule created new paragraph (c)(3) to describe requirements for the longline and pot gear catcher vessel DFL and catcher/processor DCPL. The supplemental proposed rule would redesignate paragraph (c)(3)(i) introductory text as (c)(3)(i)(A) and (B) to describe separately the requirements for a catcher vessel and a catcher/processor.

The supplemental proposed rule would revise paragraphs (c)(3)(i)(A)(*1*), (c)(3)(i)(A)(*2*), (c)(3)(i)(B)(*1*), and (c)(3)(i)(B)(*2*) to describe the requirement for completing the catcher vessel longline or pot ELB, described at § 679.5(f). The statement, ''must use a combination of catcher/processor longline or pot gear DCPL and eLandings'' would replace ''must maintain a longline and pot gear DCPL'' in paragraph (c)(3)(i)(A)(*2*) as part of the integration language for the DCPL and ELB.

The original proposed rule created new paragraph (c)(3)(ii), entitled, ''Data entry time limits.'' The supplemental proposed rule would redesignate (c)(3)(ii) introductory text as (c)(3)(ii)(A) and (B) and revise these paragraphs to each have a separate table describing the data entry time limits for a catcher vessel and for a catcher/processor. The catcher/processor table under paragraph (c)(3)(ii)(B) would incorporate the use of eLandings.

The supplemental proposed rule would revise paragraph (c)(3)(iv)(A)(*2*) to identify the paragraph numbers of the information to be recorded in the catcher vessel DFL if the catcher vessel is active. It would revise paragraph (c)(3)(iv)(B)(*2*) to describe separately the information that must be recorded in the catcher/processor DCPL from that recorded in eLandings.

To reconcile with recent rule-making (see 73 FR 30876, May 29, 2008), in paragraph (c)(3)(iv)(B)(*1*), the supplemental proposed rule would revise the definition for active status of a longline or pot gear catcher/processor by removing ''checked-in'' as a reason for being active and by adding ''when all or part of the longline or pot gear is in the water or when processing.''

Paragraph (c)(3)(v)(B) would be revised to add a first sentence indicating that the operator's name must be printed in the DFL or DCPL as currently required in § 679.5(a)(5)(i) and to revise the time limit for operator signature consistent with revised paragraphs (c)(3)(ii)(A)(*6*) and (c)(3)(ii)(B)(*6*) in the supplemental proposed rule. Paragraph (c)(3)(v)(D) would be revised to replace ''of each IFQ holder aboard the vessel'' with ''each permit number of any IFQ permit on which anyone aboard is authorized to fish'' to state more clearly that all permit numbers under which persons aboard a vessel may fish must be recorded.

The original proposed rule created new paragraph (c)(3)(vi) to describe catch-by-set information in detail for harvest by longline or pot gear. The supplemental proposed rule would make a distinction between deployment of gear and the start position of the gear by revising paragraph headings for (c)(3)(vi)(B)(*1*), (*2*), and (*3*) because the gear is not catching fish until it is in position to fish and to replace ''deployment'' with ''begin position,'' and between retrieval of gear and the last position of the gear by revising paragraph headings for (c)(3)(vi)(C)(*1*), (*2*), and (*3*) because the gear is not catching fish when it is being hauled onboard.

The original proposed rule created new paragraph (c)(3)(vii) to describe requirements for recording longline or pot catcher/processor product information in the DCPL. The supplemental proposed rule would remove existing text and add a requirement for the operator of a catcher/processor using longline or pot gear to record all product information in eLandings.

The original proposed rule created new paragraph (c)(3)(ix) to describe requirements for recording longline or pot catcher/processor discard and disposition information in the DCPL. The supplemental proposed rule would remove existing text and add a requirement for the operator of a catcher/processor using longline or pot gear to record all discard and disposition information in eLandings.

Section 679.5(c)(4) Trawl gear catcher vessel DFL and catcher/processor DCPL. The original proposed rule created new paragraph (c)(4) to describe requirements for the trawl gear catcher vessel DFL and catcher/processor DCPL.

The supplemental proposed rule would redesignate paragraph (c)(4)(ii)(A) as (c)(4)(ii)(B)(*1*) and revise it by adding ''or if required to use a NMFS-approved scale, the scale weight for each haul.'' This change would provide requirements on how to record information when required to use scales (e.g., Rockfish Pilot Program, Amendment 80 Program, GRS Program).

The supplemental proposed rule would redesignate paragraph (c)(4)(vi)(H) as (c)(4)(vi)(H)(*1*) and would revise it. Paragraph (c)(4)(vi)(H)(*2*) would be added to describe use of a NMFS-approved scale on a catcher/processor. This would provide requirements on how to record information when required to use scales (e.g., Rockfish Pilot Program, Amendment 80 Program, GRS Program).

The supplemental proposed rule would redesignate paragraph (c)(4)(i) introductory text as (c)(4)(i)(A) and (B) to describe separately the requirements for a catcher vessel and a catcher/processor and to refer to the option of completing the catcher vessel trawl ELB or catcher/processor trawl ELB, described at § 679.5(f). The statement, ''must use a combination of catcher/processor trawl gear DCPL and eLandings'' would replace ''must maintain a trawl gear DCPL'' in paragraph (c)(4)(i)(A)(*2*) as part of the integration language for the DCPL and ELB.

The original proposed rule created new paragraph (c)(4)(ii), entitled, ''Data entry time limits.'' The supplemental proposed rule would redesignate (c)(4)(ii) introductory text as (c)(4)(ii)(A) and (B) and revise these paragraphs to each have a separate table to describe the data entry timing limits for a catcher vessel and for a catcher/processor. The table for the catcher/processor under paragraph (c)(4)(ii)(B) would incorporate the use of eLandings.

The original proposed rule created new paragraph (c)(4)(iv) to describe R&R requirements when active. The supplemental proposed rule would revise paragraph (c)(4)(iv)(B)(*1*) by revising the definition of ''active'' status of a trawl catcher/processor to remove ''checked-in'' as a reason for being active and by adding ''when all or part of the trawl net is in the water or when processing''. The supplemental proposed rule would revise paragraph (c)(4)(iv)(B)(*2*) to identify the paragraph numbers of the information to be recorded in the DCPL and in eLandings. Paragraph (c)(4)(v) would provide identification information that is recorded in both the DCPL and eLandings.

The original proposed rule created new paragraph (c)(4)(vii) to describe requirements for recording trawl catcher/processor product information in the DCPL. The supplemental proposed rule would remove existing text and add a requirement for the operator of a catcher/processor using trawl gear to record all product information in eLandings.

The original proposed rule created new paragraph (c)(4)(ix) to describe requirements for recording trawl catcher/processor discard and disposition information in the DCPL. The supplemental proposed rule would remove existing text and add a requirement for the operator of a catcher/processor using trawl gear to record all discard and disposition information in eLandings.

Section 679.5(c)(5) Shoreside processor DCPL. The original proposed rule created new paragraph (c)(5) to describe R&R requirements for the shoreside processor DCPL. Because eLandings would replace the shoreside processor DCPL, the supplemental proposed rule would remove that section, and replace it with a cross-reference to eLandings at § 679.5(e) and paragraphs (c)(5)(i) and (ii). Paragraph (c)(5)(i) would describe required R&R information if ''inactive.'' In paragraph (c)(5)(ii), the definition for ''active'' status of a shoreside processor or SFP would be revised to remove ''checked-in'' as a reason for being active.

Section 679.5(c)(6) Mothership DCPL. The original proposed rule created new paragraph (c)(6) to describe R&R requirements for the mothership DCPL. The supplemental proposed rule would revise (c)(6)(i) by adding a reference to the option of completing the mothership ELB, to § 679.5(f). The statement, ''is required to use a combination of mothership DCPL and eLandings to record and report daily processor identification information, delivery information, groundfish production data, and groundfish and prohibited species discard or disposition data'' would replace ''must maintain a mothership DCPL'' in paragraph (c)(6)(i).

The supplemental proposed rule would revise paragraph (c)(6)(ii) which describes data entry time limits by replacing ''must record in the DCPL'' with ''must record in the DCPL or eLandings.'' It would revise the table at paragraph (c)(6)(ii) by adding two columns to show where to record data: one for DCPL and one for eLandings. X's in these columns indicate where the data are to be recorded.

Paragraph (c)(6)(iv) describes required information if the mothership is active. The supplemental proposed would revise this paragraph to state that certain information must be recorded in the DCPL and other information in eLandings and to identify that information by paragraph number. In addition, the definition of ''active'' status of a mothership would be revised to remove ''checked-in'' as a reason for being active.

The supplemental proposed rule would add new paragraph (c)(6)(v), entitled ''Identification information'' and add new paragraph (c)(6)(v) introductory text. It would redesignate paragraphs (c)(6)(iv)(A) through (J) as (c)(6)(v)(A) through (J), respectively. The heading of proposed redesignated paragraph (c)(6)(iv)(C) would be revised to read ''Vessel information.'' It would redesignate paragraphs (c)(6)(v) through (c)(6)(vii) as (c)(6)(vi) and (c)(6)(viii), respectively.

The supplemental proposed rule would revise proposed redesignated paragraph (c)(6)(vii), which describes groundfish product information, by removing existing text and adding a requirement for the operator of a mothership to record all product information in eLandings. It would revise proposed redesignated paragraph (c)(6)(viii), which describes discard and disposition information, by removing existing text and adding a requirement for the operator of a mothership to record all discard and disposition information in eLandings.

Section 679.5(d) Buying Station Report (BSR). In the original proposed rule, paragraph (d), which describes buying station requirements, was revised. To improve readability of the text, the supplemental proposed rule would add headings to paragraph (d)(1)(i) to read ''Separate BSR;'' paragraph (d)(1)(ii) to read ''BSR Attachments;'' and paragraph (d)(1)(iii) to read ''Catcher vessel as buying station.''

The supplemental proposed rule would revise paragraph (d)(1)(i) by adding immediately before the first sentence, ''In addition to the information required at paragraphs (a)(5) and (a)(6) of this section.'' This change is necessary because paragraphs (a)(5) and (a)(6) describe inspection, retention, and maintenance of records, which apply also to buying station operators and managers. Inadvertently omitted from the original proposed rule, it would reestablish the requirement in the regulations.

The supplemental proposed rule would revise paragraph (d)(4)(iii) to correct the cross-reference by replacing ''paragraph (a)(2)'' with ''paragraphs (d)(1) and (d)(2)'' which describe ''who needs to sign.'' It would revise paragraphs (d)(4)(v), (vi), and (vii) by adding headings to read ''Gear type,'' ''Federal reporting area,'' and ''Crab protection areas,'' respectively, to make the subheadings of paragraph (d) uniform. It would revise the heading for paragraph (d)(4)(x)(C) to read ''Discard or disposition weight'' and the heading for paragraph (d)(4)(x)(D) to read ''PSC discard or disposition numbers.''

Section 679.5(e) Interagency Electronic Reporting System (IERS) and eLandings. Section 679.5(e) describes R&R requirements using eLandings. The original proposed rule removed the existing electronic R&R system, Shoreside Processor Electronic Reporting System (SPELR), at § 679.5(e) and replaced it with the Interagency Electronic Reporting System (IERS) and its data entry component, eLandings, which is available through the Internet. It indicated that there were available from the Alaska Region, three methods of R&R: DFL and DCPL, eLandings, and ELBs, and presented each of these methods in a separate section.

The supplemental proposed rule would further reorganize certain sections of § 679.5(e), with changes to headings of paragraphs (e)(5) through (e)(10), would incorporate information moved from § 679.5(c) to better integrate the available R&R methods, and would correct miscellaneous technical errors.

The supplemental proposed rule would correct, throughout the eLandings regulations (§ 679.5(e)), the format of the year from (mm/dd/yy) to read uniformly in 4 digits (mm/dd/yyyy). Note that the logbook regulations date format is mm/dd/yy.

The supplemental proposed rule would correct a grammatical error that occurred in the original proposed rule. The text ''user of'' would be replaced with ''user for.'' This change would be made in the following paragraphs: (e)(5)(i), (e)(5)(i)(B), (e)(5)(ii), (e)(5)(iii), (e)(6)(i) through (e)(6)(iii), (e)(7)(i), (e)(7)(ii), (e)(7)(iii)(B), (e)(8)(iii) through (e)(8)(vi), (e)(9)(i), (e)(9)(ii), (e)(10)(iii), and (e)(10)(iv).

In the original proposed rule, NMFS created new paragraph (e)(1) to describe the responsibilities of the participants to obtain the necessary equipment and software to work with eLandings, and the responsibility to use eLandings for entry of groundfish information.

In the proposed rule, paragraph (e)(1)(i) described the responsibility for ''Hardware, software, and Internet connectivity.'' The supplemental proposed rule would remove an incorrect cross-reference to paragraph (e)(2) and revise this introductory text to paragraph (e)(1)(i) by removing ''Unless NMFS approves an alternative reporting method, for recordkeeping and reporting data for those fisheries listed in paragraph (e)(2) of this section,'' because only eLandings is approved for this purpose. In addition, ''landings data'' would be added to the list of fisheries information needed by NMFS, as this item was inadvertently overlooked.

The supplemental proposed rule would divide paragraph (e)(1)(ii), describing R&R procedure in the event of computer or network failure and unavailability of eLandings, into two paragraphs, one for groundfish and one for IFQ crab, halibut, and sablefish. It would redesignate paragraph (e)(1)(ii)(A) as paragraph (e)(1)(ii), and the heading would be revised to read: ''Computer or network failure: Groundfish.'' In addition, text would be removed that refers to use of an interim paper form in case of computer or network failure and replaced with text describing use of the DCPL to record groundfish information, because the DCPL is onboard, familiar to use, and convenient.

The supplemental proposed rule would redesignate paragraph (e)(1)(ii)(B) as (e)(1)(iii) with a heading to read ''Computer or network failure: IFQ manual landing report for IFQ crab, IFQ halibut, CDQ halibut, and IFQ sablefish.'' This paragraph describes the requirement to use a manual IFQ landing report if computer or network failure occurs when entering CDQ halibut or IFQ information. The first and second sentences of proposed redesignated (e)(1)(iii) would be redesignated as (e)(1)(iii) introductory text and revised by adding ''CDQ halibut'' to the list of information. In addition, this paragraph would be revised by removing ''and submit it by fax to 907–586–7313'' because manual landing instructions must be requested by telephone.

The supplemental proposed rule would redesignate the last two sentences of paragraph (e)(1)(iii)(B) as (e)(1)(iii)(A). It would redesignate the first sentence of paragraph (e)(1)(ii) as (e)(1)(iii)(B) to provide instructions to submit the IFQ manual landing report by fax. It would add paragraph (e)(1)(iii)(C) to provide instructions to print and retain the IFQ manual landing report per paragraphs (a)(5) and (a)(6).

The original proposed rule described ''eLandings processor registration'' in paragraph (e)(2). The supplemental proposed rule would remove paragraph (e)(2)(ii), because this text is mostly descriptive and not a requirement. It would redesignate paragraph (e)(2)(iv) as new (e)(2)(ii).

The original proposed rule described ''Information required for eLandings processor registration form'' in paragraph (e)(3). The supplemental proposed would revise paragraph (e)(3)(iii) by removing ''and home port of shoreside processor, SFP, mothership, or catcher/processor.'' It would add paragraph (e)(3)(iv) introductory text to require that all federal permits be listed, so that the submitter would understand that more than one permit is acceptable, but that all permits must be listed. It would revise paragraphs (e)(3)(iv)(A) and (B) headings and text by adding ''groundfish'' prior to the type of processor to improve the accuracy of the question.

Paragraph (e)(3)(iv)(E) describes eLandings information required from a buying station. The supplemental proposed rule would remove this paragraph, because a buying station does not complete this registration form. It would redesignate paragraphs (e)(3)(v) and (vi) as (e)(3)(viii) and (ix), respectively, because two paragraphs would be added. The information, ''port code,'' removed from paragraph (e)(3)(iii) would be redesignated as paragraph (e)(3)(v). Paragraph (e)(3)(vi) would be added to request the ''ADF&G vessel identification number of the vessel'' from a mothership, catcher/processor, or tender operation to ensure specific identification.

The supplemental proposed rule would redesignate paragraph (e)(3)(iv)(E) as (e)(3)(vii) and revise the paragraph to request the state where the license was issued for vehicle buying stations, to ensure specific identification. Proposed redesignated (e)(3)(viii) would be revised to insert ''where the processing would take place'' to further clarify this information. Proposed redesignated paragraph (e)(3)(ix) would be revised to emphasize the requirement for a primary user for eLandings and to expand the description of some of the data elements required at registration.

The original proposed rule described ''Information entered automatically for eLandings landing report'' in paragraph (e)(4). The supplemental proposed rule would revise paragraph (e)(4) to inform the participant that he or she must review the autofilled data entry cells to ensure that they are accurate for the landing that is taking place.

At paragraph (e)(5), the original proposed rule described the information

to be entered into eLandings by a shoreside processor and SFP. The supplemental proposed rule would revise the heading for (e)(5) to read ''Shoreside processor or SFP landings report'' as part of the restructuring of the regulations. It would redesignate paragraph (c)(1)(i)(B) as (e)(5) introductory text and revise it to describe who must use eLandings to enter groundfish landings information. The supplemental proposed rule would revise the heading for paragraph (e)(5)(i) to read ''Information entered for each groundfish delivery to a shoreside processor and SFP.'' It would revise paragraph (e)(5)(i) introductory text to add that data must also be entered into eLandings for receipt of groundfish delivery from processors for reprocessing or rehandling product.

The supplemental proposed rule would revise paragraph (e)(5)(i)(A)(*2*) by replacing ''crew size (including operator)'' with ''Crew size.'' Enter the number of licensed crew aboard the vessel, including operator, to specify who to include in the count. It would revise paragraph (e)(5)(i)(A)(*7*) to identify a buying station, whether a tender or land-based entity. Paragraph (e)(5)(i)(A)(*9*) describes recording whether the blue logsheet was received from the catcher vessel at the time of catch delivery. The supplemental proposed rule would revise this paragraph to add the table of codes that describe nonsubmittal of a blue discard logsheet by the catcher vessel. It would revise the heading for paragraph (e)(5)(i)(B) to read ''Landings information'' and revise paragraph (e)(5)(i)(B)(*2*) which describes landings weight, to include information on actual scale weights, currently in § 679.5(a)(7)(iv)(D)(*1*), and provide options for sorting. This revision was overlooked in the original proposed rule.

Paragraph (e)(5)(ii) describes required signatures on the landing report (ADF&G fish ticket). The supplemental proposed rule would remove this paragraph because signatures are not required by Federal regulations even though they are required by State regulations. It would redesignate paragraph (e)(5)(iii) as (e)(5)(ii) and revise the text by replacing ''(e)(5)(ii)'' with ''(e)(5)(i)'' because paragraph content changed. The supplemental proposed rule would add paragraph (e)(5)(iii) with heading to read ''Compliance'' to state that by using eLandings, the User accepts the responsibility of and acknowledges compliance with eLandings requirements for complete and accurate R&R.

The original proposed rule described eLandings information entered for each groundfish delivery to a mothership at paragraph (e)(6). The supplemental proposed rule would revise the heading for paragraph (e)(6) to read ''Mothership landings report'' to better describe the contents of the paragraph. It would redesignate paragraph (c)(1)(ii)(C) as (e)(6) introductory text and revise it to state that the operator is required to use eLandings to submit a daily landings report.

In the original proposed rule, the use of eLandings by motherships was provided in two stages: through December 31, 2007, to voluntarily submit weekly landings reports, and starting January 1, 2008, required to submit daily landings reports. Since implementation of the IERS final rule will be later than anticipated, the supplemental proposed rule would place the requirement for daily landing reports directly into regulation rather than in two steps. It would revise the heading for paragraph (e)(6)(i) to read ''Information entered for each groundfish delivery to a mothership'' and revise paragraph (e)(6)(i) to add that data must also be entered into eLandings for receipt of groundfish delivery from processors for reprocessing or rehandling product. Paragraph (e)(6)(ii) describes required signatures on the landing report (ADF&G fish ticket). The supplemental proposed rule would remove this paragraph because signatures are not required by Federal regulations even though they are required by State regulations. It would add paragraph (e)(6)(iii) with heading to read ''Compliance'' to state that by using eLandings, the User accepts the responsibility of and acknowledge compliance with eLandings requirements for complete and accurate R&R.

The original proposed rule described information entered for each IFQ halibut, CDQ halibut, and IFQ sablefish delivery at paragraph (e)(7). As part of the text restructure, the supplemental proposed rule would revise the heading for paragraph (e)(7) to read ''Registered Buyer landings report.'' It would redesignate paragraph (c)(1)(v) as (e)(7) introductory text and revise the heading for paragraph (e)(7)(i) to read ''Information entered for each IFQ halibut, CDQ halibut, and IFQ sablefish delivery.'' The supplemental proposed rule would revise paragraph (e)(7)(i)(E)(*8*) by adding a note that NMFS makes the 2 percent slime deduction, not the submitter. This change would reestablish the requirement in the regulations that NMFS does this calculation and the submitter is not required nor permitted to do so. The supplemental proposed rule would revise the heading for paragraph (e)(7)(ii) to read ''Signatures for IFQ halibut, CDQ halibut, or IFQ sablefish deliveries'' and revise paragraph (e)(7)(ii) to state that the participant must review the autofilled cells for accuracy of landing data and that the landing report is dated, and must acknowledge the responsibility indicated by signature. It would add paragraphs (e)(7)(ii)(A) through (C) to require the User to print the completed groundfish landing report and the groundfish IFQ landing receipt; to ensure signatures are complete within six hours after all IFQ halibut, CDQ halibut, and IFQ sablefish are offloaded from a harvesting vessel and prior to shipment or transfer of the fish from the landing site; and to provide printed name and sign the groundfish IFQ landing receipt within six hours after all IFQ halibut, CDQ halibut, and IFQ sablefish are offloaded from a harvesting vessel and prior to shipment or transfer of the fish from the landing site. Paragraph (e)(7)(iv) would be added to add a cross-reference for § 679.5(e)(1)(iii) where a manual landing report is described.

The original proposed rule described information entered for each IFQ crab delivery at paragraph (e)(8). The supplemental proposed rule would revise the heading for paragraph (e)(8) to read ''Registered Crab Receiver (RCR)–IFQ crab landings report.'' It would redesignate paragraph (e)(8)(i) as (e)(8)(iii) and revise the heading to read ''Information entered for each IFQ crab delivery.'' It would redesignate paragraphs (c)(1)(vi)(A) and (c)(1)(vi)(B) as (e)(8)(i) and (e)(8)(ii), respectively. Proposed redesignated paragraph (e)(8)(iii)(C)(*5*) would be revised by adding at the end of the sentence ''(All ADF&G statistical areas are translated to the NMFS reporting area and the International Pacific Halibut Commission (IPHC) reporting area by eLandings.)'' to explain why the reporting area does not appear. Paragraph (e)(9) would be redesignated as (e)(8)(iv) with heading to read ''Information entered for IFQ crab custom processing landings'' to describe additional information required if the User for the RCR is custom processing IFQ crab, the ''ADF&G processor code of the person for which the IFQ crab was custom processed.''

The supplemental proposed rule would redesignate paragraph (e)(8)(ii) as (e)(8)(v) and revise with a heading to read ''Signatures for IFQ crab deliveries.'' It would further revise the

paragraph to include the date signed and the responsibility indicated by signature that currently is in § 679.5(l)(2)(iii)(M). In addition, the supplemental proposed rule would add requirements to print the completed crab landing report and to retain the landing report per paragraph (a)(5) of this section. It would redesignate paragraph (e)(8)(iii) as (e)(8)(vi). Paragraph (e)(8)(vii) would be added with a heading to read ''IFQ manual landing report for crab''and a cross-reference to paragraph (e)(1)(iii) where a manual landing report is described.

The original proposed rule described shoreside processor or SFP information entered for an eLandings production report in paragraph (e)(10). As part of the regulatory text restructure, the supplemental proposed rule would redesignate paragraph (e)(10) as (e)(9). It would redesignate paragraph (c)(1)(i)(B) as (e)(9) introductory text and revise paragraph (e)(9) introductory text to require that eLandings be used to create a daily production report and add as the last sentence a cross-reference to § 679.5(a)(5) and (a)(6) which describe record inspection, retention, and maintenance. Proposed redesignated paragraph (e)(9)(i) would be revised to inform the participant that he or she must review the autofilled cells to ensure that they are accurate. The supplemental proposed rule would remove paragraph (e)(9)(i)(B) because ''manager name and signature'' does not appear on the eLandings production report. It would add new paragraph (e)(9)(i)(B) to request the number of observers onsite. This information is required under current regulations at § 679.5, but was inadvertently not included in the original proposed rule.

The supplemental proposed rule would revise paragraph (e)(10)(i)(C) by replacing ''No production. Indicate if no production occurred'' with ''No production/no deliveries (inactive).'' This revision would show that the processor is ''inactive'' to coincide with former descriptions of inactive data from shoreside processors or SFPs. The supplemental proposed rule would redesignate paragraphs (e)(10)(i)(D)(*1*) through (*3*) as (e)(9)(i)(C) through (E) and would add ''Area of harvest'' to (e)(9)(i)(C); add ''Product description'' to (e)(9)(i)(D); and replace existing text at (e)(9)(i)(E) with ''Product weight. Enter actual scale weight of product to the nearest pound.'' Proposed redesignated (e)(9)(ii) would be revised to add to the first sentence ''When checked-in pursuant to paragraph (h)(2) of this section'' and to add as the last sentence ''If a shoreside processor or SFP using eLandings is not taking deliveries over a weekend, the User or manager may transmit the eLandings production report to NMFS on Monday.''

Paragraph (e)(11) in the original proposed rule described catcher/processor or mothership information entered for an eLandings production report. The supplemental proposed rule would redesignate this paragraph as (e)(10) and would divide it into two separate paragraphs, one for catcher/processors and one for motherships. It would redesignate paragraph (c)(1)(ii)(B) as (e)(10)(i), revise its heading to read ''Catcher/processor,'' and revise it to require an operator of a catcher/processor to use eLandings to create a production report. The supplemental proposed rule would redesignate paragraph (c)(1)(iii)(B) as (e)(10)(ii), revise its heading to read ''Mothership,'' and revised the paragraph to require an operator of a mothership to use eLandings to create a production report. It would redesignate paragraph (e)(11)(i) as (e)(10)(iii) introductory text and revise it to inform the participant that he or she must review the autofilled cells to ensure that they are accurate. The supplemental proposed rule would add paragraph (e)(10)(iii)(B) with a heading to read ''Designation. From Table 14c to this part, enter whether processor is a catcher/processor = FCP or a mothership = FLD.'' This information is necessary for eLandings data management but was overlooked in the original proposed rule. The supplemental proposed rule would redesignate paragraph (e)(11)(i)(B) as (e)(10)(iii)(C) and remove paragraph (e)(11)(i)(C) because ''operator name and signature'' do not appear on the production report. It would add paragraph (e)(10)(iii)(D) to read ''Management program. Enter management program and identifying number, if any (see paragraph (a)(1)(iii) of this section).''

The supplemental proposed rule would redesignate paragraph (e)(11)(i)(G) as (e)(10)(iii)(E). It would redesignate paragraph (e)(11)(i)(E) as (e)(10)(iii)(F) and revise it to read ''Federal Reporting Area of harvest.'' It would add paragraph (e)(10)(iii)(G) to read ''COBLZ or RKCSA. Indicate whether fishing occurred in COBLZ or RKCSA (if applicable).'' This was overlooked in the original proposed rule. The supplemental proposed rule would redesignate paragraph (e)(11)(i)(F)(*1*) and (*2*) as paragraphs (e)(10)(iii)(H) and (I) and revise it to read ''(H) Product description. Species code, product type, and product code of product; and (I) Product weight. Enter product weight in metric tons to the nearest 0.001 mt.'' It would redesignate paragraph (e)(11)(i)(D) as (e)(10)(iii)(J) and revise it to read ''No production (inactive). If there was no production for the day, mark the ''No Production'' box.'' This was overlooked in the original proposed rule. Paragraph (e)(11)(i)(H) would be removed because ''ADF&G fish ticket number'' does not appear on the production report. This was an error in the original proposed rule. Paragraphs (e)(10)(iii)(K) through (M) would be added to describe discard, discard weight, and PSC numbers. This was overlooked in the original proposed rule.

The supplemental proposed rule would add paragraph (e)(10)(iii)(N) to request ADF&G statistical area to be effective January 1, 2009. The eLandings software will not be developed to receive this information until 2009. This item is needed to aid in identifying fishing information. Paragraph (e)(11)(ii) would be redesignated as (e)(10)(iv) and revised to add prior to the first sentence ''When checked-in pursuant to paragraph (h)(2) of this section,'' and remove the effective date because the publication of the final rule is later than anticipated. A sentence would be added to remove a restriction from daily submittals of the production reports on weekends.

The original proposed rule described eLandings printed reports in paragraph (e)(12). The supplemental proposed rule would redesignate paragraph (e)(12) as (e)(11) and change the heading to read ''Printing of landing reports, landing receipts, and production reports.'' It would remove paragraph (e)(12). Paragraph (e)(11)(i) would be added to describe the requirements to retain a printed paper copy onsite or onboard of each landing report; each production report; if IFQ halibut, IFQ sablefish, or CDQ halibut, each groundfish IFQ landing receipt; and if IFQ crab, each crab IFQ landing receipt. Paragraph (e)(11)(ii) would be added to describe the mothership requirement to print an additional copy of each landing report for the catcher vessel operator. This was omitted from the original proposed rule and this would reestablish the requirement in the regulations. The supplemental proposed rule would add new paragraph (e)(12) with a heading to read ''Retention and inspection of landing reports, landing receipts, and production reports'' and add a cross-reference to paragraphs (a)(5) and (a)(6) of this section for R&R retention and inspection requirements.

Section 679.5(f) Electronic Logbooks (ELBs). The electronic logbooks (ELBs) are alternatives to the daily fishing logbook (DFL) used by catcher vessels and the daily cumulative fishing

logbook (DCPL) used by catcher/processors and motherships. The original proposed rule described use of an ELB in place of a DFL or DCPL but did not mention the necessary interaction with eLandings. The supplemental proposed rule would reorganize the text to arrange the regulations as they would be needed by the end-user and would describe the optional use of a combination of ELB and eLandings to record and report groundfish information. For catcher vessels, the ELB would be used to record and report all groundfish information. For catcher/processors and motherships, part of the information would be recorded in the ELB, and part of the information would be recorded in eLandings.

The supplemental proposed rule would revise paragraph (f) introductory text to state that, when pre-approved by NMFS, the operator may use a combination of a NMFS-approved ELB and eLandings to record and report groundfish information. This would change the sentence to active voice. It would revise paragraph (f)(1)(ii) to state that the operator of a catcher/processor using longline or pot gear may use a combination of a NMFS-approved catcher/processor longline or pot gear ELB and eLandings to record and report groundfish information. Paragraph (f)(1)(iv) would be revised to state that the operator of a catcher/processor using trawl gear may use a combination of a NMFS-approved catcher/processor trawl gear ELB and eLandings to record and report groundfish information. Paragraph (f)(1)(v) would be revised to state that the operator of a mothership may use a combination of a NMFS-approved mothership ELB and eLandings to record and report groundfish information.

Section 679.5(h) Check-in/Check-out Reports. A proposed rule designed to change the check-in/check-out requirements (CICO) at § 679.5(h) was published May 29, 2008 (73 FR 30876). The CICO proposed rule would eliminate the requirement for a check-in/check-out report for certain of the motherships and catcher/processors. The requirements of that proposed rule would be incorporated into this supplemental proposed rule so as to not reverse the changes after the IERS final rule is published. Current R&R regulations require operators of motherships and trawl, longline, and pot gear catcher/processors to record the occurrence of active and inactive periods. In the CICO proposed rule, NMFS proposes to revise the definitions of ''active'' status for catcher/processors, motherships, shoreside processors, and SFPs by removing ''checked-in'' as a reason for being active. ''Active'' status currently means ''when checked-in or processing'' for all those processors. ''Active'' status would be changed for motherships, shoreside processors, and SFPs to mean ''when receiving or processing groundfish.'' The definition for ''active'' for a catcher/processor using longline or pot gear would be revised to mean ''when all or part of the longline or pot gear is in the water or when processing.'' For a catcher/processor using trawl gear, the definition for ''active'' would be revised to mean ''when all or part of the trawl net is in the water or when processing.''

To accommodate the changes provided in a check-in/check-out proposed rule (73 FR 30876, May 29, 2008) which proposed revising ''active'' period definitions, NMFS would revise paragraphs (c)(3)(iv)(A)(*1*) for catcher vessel, longline or pot gear; (c)(3)(iv)(B)(*1*) for catcher/processor, longline or pot gear; (c)(4)(iv)(A)(*1*) for catcher vessel, trawl gear; (c)(4)(iv)(B)(*1*) for catcher/processor, trawl gear; (c)(5)(ii) for shoreside processor or SFP; and (c)(6)(iv) for motherships. Paragraph (h)(2) would be revised to add an exception to check-in/check-out requirements if a catcher/processor has onboard an operating vessel monitoring system transmitter that meets the requirements of § 679.28(f).

Section 679.5(i) Weekly Production Reports (WPRs). The original proposed rule reorganized and revised WPRs at § 679.5(i). The supplemental proposed rule would revise paragraph (i) to state that the WPR is removed from use and to provide a cross-reference to the eLandings requirements in § 679.5(e). The operators of catcher/processors and motherships and managers of shoreside processors would use eLandings instead of WPRs. All the relevant information previously submitted in the WPRs would be included in the requirements for daily production reports under eLandings. This rule would also replace references to the WPR throughout 50 CFR part 679 with references to production reports.

Section 679.28 Equipment and Operational

Section 679.28 describes equipment and operational requirements. The supplemental proposed rule would revise § 679.28(a) to add a cross-reference to § 679.5(a)(5) and (a)(6) which describes record inspection, retention, and maintenance. With this change, NMFS' intention is to create consistent regulations regarding inspection, retention, and maintenance.

The original proposed rule described revisions to equipment and operational requirements in § 679.28(h) and added a new section to provide the process and criteria by which a private-sector vendor could get an ELB software program approved for use in the NMFS Alaska Region fisheries.

The supplemental proposed rule would revise § 679.28(h)(1)(iii) to increase the number of days NMFS has to review and approve vendor ELB software from 15 days to 60 days. After further evaluation of the ELB program, NMFS concludes that 15 days is not enough time to conduct the necessary review and evaluation process for ELB software.

Section 679.40 IFQ Properly Debit Account

Section 679.40 describes sablefish and halibut quota share allocations and other management measures. In the original proposed rule, paragraph (c)(3) was revised. The supplemental proposed rule would revise paragraph (c)(3) by adding ''or following transfers or penalties (15 CFR part 904)'' to the last line of the paragraph. This would indicate that an IFQ permit usually is issued prior to the start of the IFQ fishing season, but sometimes due to circumstances the IFQ permit is issued after the start of the IFQ fishing season due to transfer or penalty.

In the original proposed rule, paragraph (h) was added. The original proposed rule proposed standardization of the regulatory text describing the proper accounting or debit of IFQ sablefish or halibut quota. The supplemental proposed rule would reorganize § 679.40(h). It would redesignate paragraph (h)(3) as new (h)(1) and remove an incorrect cross-reference to § 679.5(e). It would redesignate § 679.5(l)(2)(iv)(D) as new § 679.40(h)(2) and update and reformat the regulations to include what constitutes confirmation of a properly debited account. The supplemental proposed rule would redesignate paragraph (h)(1) as new (h)(3) and would revise proposed redesignated paragraph (h)(3)(i) by removing the exception phrase at the beginning of the first sentence, as this was inappropriate. It would combine paragraph (h)(1)(ii) with paragraph (h)(2), redesignate it as paragraph (h)(3)(ii), and revise it. These two sentences need to be in the same paragraph because they refer to the same activity.

Tables & Figures to Part 679

The original proposed rule revised Table 9 by removing an outdated term and by adding other types of R&R,

including VMS, in an attempt to list all the R&R requirements in 50 CFR part 679. The supplemental proposed rule would remove Table 9. Programs are continually revised or added to Alaska Region fisheries, which would require continued revision to Table 9, often with R&R requirements listed in sections other than § 679.5. Instead of adding new material to this table to become all encompassing, NMFS would remove Table 9 to avoid confusion by potentially duplicating information found in other parts of the regulations or inadvertently leaving out material.

The original proposed rule revised Table 2b by moving crab species from other tables and adding scientific names, as appropriate. The supplemental proposed rule would further revise Table 2b by removing notations which incorrectly indicate that the selected crab species were part of the BSAI Crab Rationalization Program. Erroneous check marks would be removed for Korean Horsehair, Box, Dungeness, Multispinus, and Verrilli crabs.

The original proposed rule revised Figures 3a, 5a, 7, and 12 to Part 679.

The supplemental proposed rule would revise Figure 7 to part 679 by correcting the cross-reference in the figure title by replacing § 679.24(d)(4)(iii) with § 679.24(d)(4).

The original proposed rule revised Figure 12 to part 679 by amending the figure title and legend to agree with regulatory text. The supplemental proposed rule would revise Figure 12 to part 679 by redrawing the graphic for the Nearshore Bristol Bay Trawl Closure Area to agree with the coordinates in the legend.

Section 680.2 Definitions

The original proposed rule revised paragraphs (1) through (4) of the definition for ''Crab individual fishing quota (crab IFQ).'' The supplemental proposed rule would revise those paragraphs to clarify that the distinctions between these paragraphs is dependent upon the initial quota share from which the crab IFQ was derived.

Section 680.5 Crab Rationalization Program R&R

eLandings was originally required by the Crab Rationalization Program (CR Program) for participants to submit the IFQ crab landing report (see § 680.5(c)). The original proposed rule removed these regulations from Part 680 and incorporated them into eLandings regulations at § 679.5(e) so that all eLandings regulations were in the same location. In addition, the original proposed rule added § 680.5(m) to describe the CR Program Registered Crab Receiver (RCR) Ex-vessel Volume and Value Report in which the reporting of ''price per pound'' currently is required under § 680.5(d)(7)(xx). In the original proposed rule, NMFS proposed to make optional the reporting of ''price per pound'' at the time of each landing on the IFQ crab landing report and to require annual reporting of this information on the CR Program RCR Ex-vessel Volume and Value Report. NMFS intended to also move the requirement from the CR Program landing report to the annual report for the participant to provide ex-vessel value and volume by CR management program, formerly found at § 680.5(d)(7)(vii), but inadvertently omitted this information. It was intended that the annual CR RCR Ex-vessel Volume and Value Report collect all the necessary information from each RCR for each CR management program.

The supplemental proposed rule would revise paragraph (m)(4) introductory text to explain that the CR RCR Ex-vessel Volume and Value Report would need to be completed only for priced crab that is delivered raw. It would redesignate paragraphs (m)(4)(ii) and (iii) as (m)(4)(iii) and (iv), respectively, and add new paragraph (m)(4)(ii) to require that a new reporting element, the CR crab program (IFQ, CDQ, Adak) be identified when recording volume and value information. Proposed redesignated paragraph (m)(4)(iii)(A) would be revised by replacing ''crab fishery/species'' with ''crab fishery and species by month'' because both elements, crab fishery and crab species, need to be identified in the database.

The supplemental proposed rule would revise paragraph (m)(4)(iii)(B) to clarify that ex-vessel value includes dollars, goods, and services. It would remove the last sentence regarding price adjustments because it is duplicative of paragraph (m)(4)(iii)(C). It would remove the text for paragraph (m)(4)(iv), which requests data elements found on a paper form, and replace it with a certification statement.

The supplemental proposed rule would revise paragraph (m)(5) introductory text by replacing mail and fax information with instructions for the RCR to log in to the NMFS-approved online data Web site to submit a CR RCR Ex-vessel Volume and Value Report. This revision would be available due to recent enhancements in the NMFS Alaska Region Web site.

Changes Resulting From Other Published Rules

Changes have been made to R&R text in final rules since the original proposed rule was published. The supplemental proposed rule would edit regulatory text to ensure that the changes made in other previous final rules are not reversed by this rule.

Regulations for the IFQ Program for the fixed-gear commercial Pacific halibut fishery and sablefish fishery were modified by a final rule on August 9, 2007 (72 FR 44795) (IFQ final rule). The IFQ final rule changed some paragraphs that were further designated for change in the original proposed rule, but due to timing differences, the changes were not made in the original proposed rule. The supplemental proposed rule would make these changes to maintain consistency in the regulations. Without these changes, the regulations would revert back to what they were prior to the IFQ final rule. The original proposed rule revised paragraphs (a)(2)(i) and (ii) and removed (a)(2)(iii) of § 679.5. The supplemental proposed rule would further revise paragraphs (a)(2)(i) and (a)(2)(ii) by adding a cross-reference to § 679.28 for additional R&R requirements and would add paragraphs (a)(2)(iii) and (a)(2)(iv) to describe the R&R responsibility of IFQ and CDQ permit holders that was provided in the IFQ final rule. The original proposed rule revised § 679.5(l)(2); the supplemental proposed rule would revise the heading for § 679.5(l)(2)(ii) to read ''No movement of IFQ halibut, CDQ halibut, or IFQ sablefish.''

The final rule for Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (72 FR 52668, September 14, 2007) and the final rule implementing Amendment 85 to the BSAI groundfish Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (72 FR 50788, September 4, 2007) removed regulations for submittal of the CDQ delivery report and the CDQ catch report, § 679.5(n)(1) and (n)(2). In the Remove/Add Table, the original proposed rule revised paragraph (n)(1)(i) by changing ''SPELR'' to ''eLandings.'' In the supplemental proposed rule this change would be removed.

Classification

The Administrator, Alaska Region, determined that this regulatory amendment is necessary for the conservation and management of the groundfish, halibut, and crab fisheries

and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

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

An Initial Regulatory Flexibility Analysis (IRFA) was prepared for the original proposed rule as required by section 604 of the Regulatory Flexibility Act (RFA) and published in the June 29 original proposed rule (72 FR 35748, June 29, 2007) and is not repeated here. Copies of the IRFA are available from NMFS (see **ADDRESSES**).

Paperwork Reduction Act Collections of Information

This supplemental proposed rule contains collection-of-information requirements that are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) and which have been approved by OMB. The collections are listed below by OMB control number.

OMB Control Number 0648–0206

Public reporting burden is estimated to average per response: 21 minutes for Federal fisheries permit and 21 minutes for Federal processor permit.

OMB Control Number 0648–0213

Public reporting burden is estimated to average per response: 28 minutes for catcher vessel longline and pot gear DFL; 18 minutes for catcher vessel trawl DFL; 31 minutes for shoreside processor DCPL; 31 minutes for mothership DCPL; 41 minutes for catcher/processor longline and pot gear DCPL; 30 minutes for catcher/processor trawl gear DCPL; 23 minutes for buying station report; 7 minutes for check-in/check-out report, mothership or catcher/processor; 8 minutes for check-in/check-out report, shoreside processor; 17 minutes for WPR; 28 minutes for catcher vessel longline and pot gear ELB; 18 minutes for catcher vessel trawl ELB; 20 minutes for catcher/processor longline and pot gear ELB; 15 minutes for catcher/processor trawl gear ELB; and 15 minutes for mothership ELB.

OMB Control Number 0648–0272

Public reporting burden for IFQ landing reports is estimated to average 18 minutes per response.

OMB Control Number 0648–0334

Public reporting burden is estimated to average per response: one hour for groundfish and crab LLP transfer application and one hour for scallop LLP transfer application.

OMB Control Number 0648–0515

Public reporting burden is estimated to average per response: 15 minutes for IERS application processor registration; 35 minutes for eLandings landing report; 35 minutes for manual landing report; and 15 minutes for catcher/processor or mothership eLandings production data.

OMB Control Number 0648–0570

Public reporting burden is estimated to average per response: 20 minutes for crab catcher/processor offload report, 40 hours for eligible crab community organization (ECCO) annual report; and 1 hour for CR Registered Crab Receiver Ex-vessel Volume and Value Report.

These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by e-mail to *David_Rostker@omb.eop.gov*, or fax to 202–395–7285.

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

List of Subjects in 50 CFR Parts 679 and 680

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: September 11, 2008.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR parts 679 and 680 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108–447.

2. In § 679.2:

A. Add in alphabetical order definitions for ''At-sea operation'', ''eLandings'', ''Interagency electronic reporting system (IERS)'', ''Maximum retainable amount (MRA)'', ''Non-IFQ groundfish'', ''Non-individual entity'', ''Permit'', ''Shoreside processor electronic logbook report (SPELR)'', ''Single geographic location'', ''User'', ''User identification (UserID)'', and ''Week-ending date''.

B. Revise the definitions of ''Active/inactive periods'', ''Associated processor'', ''Gear deployment (or to set gear)'', ''Gear retrieval (or to haul gear)'', ''Haul'', ''Prohibited species catch (PSC)'', and ''Tender vessel''.

The additions and revisions read as follows:

§ 679.2 Definitions.

* * * * *

Active/inactive periods means for longline or pot gear catcher vessel, see § 679.5(c)(3)(iv)(A)(*1*); for longline or pot gear catcher/processor, see § 679.5(c)(3)(iv)(B)(*1*); for trawl gear catcher vessel, see § 679.5(c)(4)(iv)(A)(*1*); for trawl gear catcher/processor, see § 679.5(c)(4)(iv)(B)(*1*); for shoreside processor or SFP, see § 679.5(c)(5)(ii); for mothership, see § 679.5(c)(6)(iv).

* * * * *

Associated processor means:

(1) *Relationship with a buying station.* A mothership or catcher/processor issued an FFP, or a shoreside processor or SFP issued an FPP, with a contractual relationship with a buying station to conduct groundfish buying station activities for that processor.

(2) *Relationship with a custom processor.* A mothership or catcher/processor issued an FFP or a shoreside processor or SFP issued an FPP, with a contractual relationship with a custom processor to process groundfish on its behalf.

At-sea operation means, for purposes of eLandings, a catcher/processor or mothership that is receiving and/or processing fish in State waters and/or in waters of the EEZ off the coast of Alaska.

* * * * *

eLandings means the Internet data entry system or desktop client components of the Interagency Electronic Reporting System (IERS) for reporting commercial fishery landings and production from waters off Alaska.

* * * * *

Gear deployment (or to set gear) (see § 679.5(c)(3)(vi)(B) for longline and pot gear; see § 679.5(c)(4)(vi)(B) for trawl gear).

Gear retrieval (or to haul gear) (see § 679.5(c)(3)(vi)(C) for longline and pot gear; see § 679.5(c)(4)(vi)(C) for trawl gear).

* * * * *

Haul means the retrieval of trawl gear which results in catching fish or which

does not result in catching fish; a test of trawl gear; or when non-functional gear is pulled in, even if no fish are harvested. All hauls of any type need to be recorded and numbered throughout the year, whether or not fish are caught.

* * * * *

Interagency electronic reporting system (IERS) means an interagency electronic reporting system that allows fishery participants to use the Internet or desktop client software named eLandings to enter landings and production data for appropriate distribution to the ADF&G, IPHC, and NMFS Alaska Region (see § 679.5(e)).

* * * * *

Maximum retainable amount (MRA) (see § 679.20(e)).

* * * * *

Non-IFQ groundfish means groundfish, other than IFQ sablefish.

Non-individual entity means a person who is not an individual or ''natural'' person; it includes corporations, partnerships, estates, trusts, joint ventures, joint tenancy, and any other type of ''person'' other than a natural person.

* * * * *

Permit means documentation granting permission to fish and includes ''license'' as a type of permit.

* * * * *

Prohibited species catch (PSC) means any of the species listed in Table 2b to this part.

* * * * *

Shoreside processor electronic logbook report (SPELR) (discontinued, see definition of ''eLandings'' under this section).

* * * * *

Single geographic location (see § 679.4(l)(5)(iii)).

* * * * *

Tender vessel (see also the definition of ''buying station'' under this section) means a vessel that is used to transport unprocessed fish or shellfish received from another vessel to an associated processor.

* * * * *

User means, for purposes of IERS and eLandings, an individual representative of a Registered Buyer; a Registered Crab Receiver; a mothership or catcher/processor that is required to have a Federal Fisheries Permit (FFP) under § 679.4; a shoreside processor or SFP and mothership that receives groundfish from vessels issued an FFP under § 679.4; any shoreside processor or SFP that is required to have a Federal processor permit under § 679.4; and his or her designee(s).

User identification (UserID), for purposes of IERS and eLandings, means the string of letters and/or numbers that identifies the individual and gives him or her authorization to view and submit reports for specific operations or to otherwise use eLandings. To facilitate the management of Users and privileges and to provide for data security, a separate UserID is issued to each individual.

* * * * *

Week-ending date means the last day of the weekly reporting period which ends on Saturday at 2400 hours, A.l.t., except during the last week of each calendar year, when it ends at 2400 hours, A.l.t., December 31.

* * * * *

3. In § 679.4:

A. Paragraph (a)(4) is removed and reserved.

B. Paragraphs (a)(1)(i)(A), (a)(1)(iv)(A), (a)(1)(iv)(B), (a)(3)(i), (a)(3)(iii), (b) heading, (b)(3), (b)(4), (b)(5) heading, (b)(5)(iv), (e)(2), (e)(3), (f) heading, (f)(2), (f)(3), (f)(4), (g)(1), (k) heading, and (l)(1)(iv) are revised.

C. Paragraphs (a)(1)(vii)(C), (a)(1)(xiv), (a)(9), (b)(5)(vi)(C), (d)(1)(iii), (d)(2)(iv), (d)(3)(v), (k)(6)(x), (l)(1)(ii)(C), and (l)(5)(ii) are added.

The revisions and additions read as follows:

§ 679.4 Permits.

(a) * * *

(1) * * *

If program permit type is:	Permit is in effect from issue date . . .	For more information, see . . .
(i) * * *		
(A) Registered buyer	Until expiration date shown on permit	Paragraph (d)(3)(ii) of this section.
* *	* * *	* *
(iv) * * *		
(A) Federal fisheries	Until expiration date shown on permit	Paragraph (b) of this section.
(B) Federal processor	Until expiration date shown on permit	Paragraph (f) of this section.
* *	* * *	* *
(vii) * * *		
(C) Scallop license	Indefinite	Paragraph (g) of this section.
* *	* * *	* *
(xiv) Crab Rationalization Program permits	see § 680.4	§ 680.4.
(A) Crab Quota Share permit	Indefinite	§ 680.4(b).
(B) Crab Processor Quota Share permit	Indefinite	§ 680.4(c).
(C) Crab Individual Fishing Quota (IFQ) permit.	Specified fishing year	§ 680.4(d).
(D) Crab Individual Processor Quota (IPQ) permit.	Specified fishing year	§ 680.4(e).
(E) Crab IFQ hired master permit	Specified fishing year	§ 680.4(g).
(F) Registered Crab receiver permit	Specified fishing year	§ 680.4(i).
(G) Federal crab vessel permit	Specified fishing year	§ 680.4(k).
(H) Crab harvesting cooperative IFQ permit.	Specified fishing year	§ 680.21(b).

* * * * *

(3) * * *

(i) A person may obtain an application for a new permit or for renewal or revision of an existing permit for any of the permits under this section and must submit forms to NMFS as instructed in application instructions. With appropriate software, all permit applications may be completed online and printed from the Alaska Region Web site at *http://www.alaskafisheries.noaa.gov.*

* * * * *

(iii) The operator, manager, Registered Buyer, or Registered Crab Receiver must obtain a separate permit for each applicant, facility, or vessel, as appropriate to each Federal permit in this section (§ 679.4) and retain a copy of each permit application, whether the application is requesting an initial permit or renewing or revising an existing permit.

* * * * *

(9) *Permit surrender*. The Regional Administrator will recognize the voluntary surrender of a permit issued in this section, § 679.4, if a permit may be surrendered and it is submitted by the person named on the permit, owner of record, or agent. Submit the original permit to Program Administrator, RAM Program, P.O. Box 21668, Juneau, AK 99802, by certified mail or other method that provides written evidence that NMFS Alaska Region received it. The receiving date of signature by NMFS staff is the date the permit was surrendered.

(b) *Federal fisheries permit (FFP)*

* * * * *

(3) *Vessel operations categories*. An FFP authorizes a vessel owner to deploy a vessel to conduct operations in the GOA or BSAI under the following categories: Catcher vessel, catcher/processor, mothership, tender vessel, or support vessel. A vessel may not be operated in a category other than as specified on the FFP, except that a catcher vessel, catcher/processor, mothership, or tender vessel may be operated as a support vessel.

(4) *Duration*—(i) *Length of permit effectiveness*. An FFP is in effect from the effective date through the expiration date, unless it is revoked, suspended, surrendered in accordance with paragraph (a)(9) of this section, or modified under § 600.735 or § 600.740 of this chapter.

(ii) *Surrendered permit*. An FFP permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. An FFP may be reissued in the same fishing year in which it was surrendered to the permit holder of record. Contact NMFS/RAM by telephone locally at 907–586–7202 (Option #2) or toll-free at 800–304–4846 (option #2).

(iii) *Amended permit*. An owner or operator, who applied for and received an FFP, must notify NMFS of any change in the permit information by submitting an FFP application found at the NMFS Web site *http://www.alaskafisheries.noaa.gov* as instructed on the application form. Upon receipt and approval of a permit amendment, the Program Administrator, RAM, will issue an amended FFP.

(5) *Contents of an FFP application*.

* * *

* * * * *

(iv) *Area and gear information*. Indicate the type of vessel operation. If catcher/processor or catcher vessel, indicate only the gear types used for groundfish fishing. If the vessel is a catcher/processor under 125 ft (18.3 m) LOA that is intended to process GOA inshore pollock or GOA inshore Pacific cod, mark the box for a GOA inshore processing endorsement.

* * * * *

(vi) * * *

(C) Selections for species endorsements will remain valid until an FFP is amended to remove those endorsements or the permit with these endorsements is surrendered or revoked.

* * * * *

(d) * * *

(1) * * *

(iii) An IFQ permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. An IFQ permit will not be reissued in the same fishing year in which it was surrendered, but may be reissued to the quota share holder of record in a subsequent fishing year. Contact NMFS/RAM for more information locally at 907–586–7202 (Option #2) or toll-free at 800–304–4846 (option #2).

(2) * * *

(iv) An IFQ hired master permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. An IFQ hired master permit may be reissued to the permit holder of record in the same fishing year in which it was surrendered. Contact NMFS/RAM for more information by telephone locally at 907–586–7202 (Option #2) or toll-free at 800–304–4846 (option #2).

(3) * * *

(v) A Registered Buyer permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. A Registered Buyer permit may be reissued to the permit holder of record in the same fishing year in which it was surrendered. Contact NMFS/RAM for more information by telephone locally at 907–586–7202 (Option #2) or toll-free at 800–304–4846 (option #2).

* * * * *

(e) * * *

(2) *Halibut CDQ permit*. The CDQ group must obtain a halibut CDQ permit issued by the Regional Administrator. The vessel operator must have a copy of the halibut CDQ permit on any fishing vessel operated by, or for, a CDQ group that will have halibut CDQ onboard and must make the permit available for inspection by an authorized officer. The halibut CDQ permit is non-transferable and is issued annually until revoked, suspended, surrendered, or modified. A halibut CDQ permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. The halibut CDQ permit will not be reissued in the same fishing year in which it was surrendered, but may be reissued in a subsequent fishing year to the CDQ group entitled to a CDQ halibut allocation. Contact NMFS/RAM for more information by telephone locally at 907–586–7202 (Option #2) or toll-free at 800–304–4846 (option #2).

(3) An individual must have onboard the vessel a legible copy of his or her halibut CDQ hired master permit issued by the Regional Administrator while harvesting and landing any CDQ halibut. Each halibut CDQ hired master permit will identify a CDQ permit number and the individual authorized by the CDQ group to land halibut for debit against the CDQ group's halibut CDQ. A halibut CDQ hired master permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. A halibut CDQ hired master permit may be reissued to the permit holder of record in the same fishing year in which it was surrendered. Contact NMFS/RAM for more information by telephone locally at 907–586–7202 (Option #2) or toll-free at 800–304–4846 (option #2).

* * * * *

(f) *Federal processor permit (FPP)*

* * * * *

(2) *Contents of an FPP application*. To obtain an FPP, the owner must complete an FPP application and provide the following information (see paragraphs (f)(2)(i) through (v) of this section for each SFP and shoreside processor plant to be permitted):

(i) *New or amended permit*. Indicate whether application is for a new or amended FPP; and if an amended permit, provide the current FPP number. Indicate whether application is for a shoreside processor or an SFP.

(ii) *Owner information*. Indicate the name(s), permanent business mailing address, business telephone number, business fax number, and business e-mail address of all owners, and if applicable, the name of any person or company (other than the owner) who manages the operations of the shoreside processor or SFP.

(iii) *SFP information*. Indicate the vessel name; whether this is a vessel of the United States; USCG documentation number; ADF&G vessel registration number; ADF&G processor code; the

vessel's LOA (ft); registered length (ft); gross tonnage; net tonnage; shaft horsepower; homeport (city and state); and whether choosing to receive a GOA inshore processing endorsement. A GOA inshore processing endorsement is required in order to process GOA inshore pollock and GOA inshore Pacific cod.

(iv) *Shoreside processor information.* Indicate the shoreside processor's name; permanent business mailing address; physical location of plant at which the shoreside processor is operating (street, city, state, zip code); whether the shoreside processor is replacing a previous processor at this facility (YES or NO, and if YES, name of previous processor; whether multiple processing businesses are using this plant; whether the owner named in paragraph (f)(2)(ii) of this section owns this plant; ADF&G processor code; business telephone number; business fax number; and business e-mail address.

(v) *Signature.* The owner or agent of the owner of the shoreside processor or SFP must sign and date the application. If the owner is a company, the agent of the owner must sign and date the application.

(3) *Issuance.* Upon receipt of a properly completed permit application, the Regional Administrator will issue a Federal processor permit required by this paragraph (f).

(4) *Duration*—(i) *Length of effectiveness.* An FPP is in effect from the effective date through the date of permit expiration, unless it is revoked, suspended, surrendered in accordance with paragraph (a)(9) of this section, or modified under § 600.735 or § 600.740 of this chapter.

(ii) *Surrendered permit.* An FPP may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. An FPP may be reissued to the permit holder of record in the same fishing year in which it was surrendered. Contact NMFS/RAM for more information by telephone locally at 907–586–7202 (Option #2) or toll-free at 800–304–4846 (option #2).

(iii) *Amended permit.* An owner or operator, who applied for and received an FPP, must notify NMFS of any change in the permit information by submitting an FPP application found at the NMFS Web site *http://www.alaskafisheries.noaa.gov.* The owner or operator must submit the application as instructed on the application form. Upon receipt and approval of a permit amendment, the Program Administrator, RAM, will issue an amended FPP.

* * * * *

(g) * * *

(1) *General requirements.* (i) In addition to the permit and licensing requirements prescribed in this part, each vessel within the EEZ off Alaska that is catching and retaining scallops, must have an original scallop LLP license onboard at all times it is catching and retaining scallops. This scallop LLP license, issued by NMFS, authorizes the person named on the license to catch and retain scallops in compliance with State of Alaska regulations and only with a vessel that does not exceed the maximum LOA specified on the license and the gear designation specified on the license.

(ii) A scallop LLP license may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. A surrendered scallop LLP license will cease to exist and will not be subsequently reissued. Contact NMFS/RAM for more information by telephone locally at 907–586–7202 (Option #2) or toll-free at 800–304–4846 (option #2).

* * * * *

(k) *Licenses for license limitation (LLP) groundfish or crab species*

* * * * *

(6) * * *

(x) *Surrender of groundfish or crab LLP.* A groundfish or crab LLP license may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. A surrendered groundfish or crab LLP license will cease to exist and will not be subsequently reissued. Contact NMFS/RAM for more information by telephone locally at 907–586–7202 (Option #2) or toll-free at 800–304–4846 (option #2).

* * * * *

(l) * * *

(1) * * *

(ii) * * *

(C) *Surrender of AFA permits.* Except for AFA inshore processor permits, AFA permits may not be surrendered.

* * * * *

(iv) *Amended permits.* AFA vessel and processor permits may not be used on or transferred to any vessel or processor that is not listed on the permit. However, AFA permits may be amended by NMFS to reflect any change in the ownership of the vessel or processor after submittal of this information to NMFS in a written letter.

* * * * *

(5) * * *

(ii) *Surrender of permit.* An AFA inshore processor permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. The AFA inshore processor permit will not be reissued in the same fishing year in which it was surrendered, but may be reapplied for and if approved, reissued to the permit holder of record in a subsequent fishing year. Contact NMFS/RAM for more information by telephone locally at 907–586–7202 (Option #2) or toll-free at 800–304–4846 (option #2).

* * * * *

4. In § 679.5:

A. Paragraphs (j) and (m) are removed and reserved.

B. Paragraphs (a) through (f), (g)(1) introductory text, (h), (i), (l)(1)(iv), and (l)(2) are revised.

The revisions read as follows:

§ 679.5 Recordkeeping and reporting (R&R).

(a) *General R&R requirements.* R&R requirements include, but are not limited to, paper and electronic documentation, logbooks, forms, reports, receipts, computer printouts, and requests for inspection described in this section and in § 679.28.

(1) *Groundfish logbooks and forms.* (i) The Regional Administrator will prescribe and provide groundfish logbooks required under this section. All groundfish forms required under this section are available from the Alaska Region Web site at *http://www.alaskafisheries.noaa.gov* or may be requested by calling the Sustainable Fisheries Division at 907–586–7228 or faxing 907–586–7465. The forms may be completed online, printed, and mailed or faxed to NMFS at the address or fax number shown on the form. The forms also may be completed online, saved as a file, and submitted to NMFS as an attachment to an e-mail to the e-mail address shown on the form.

(ii) *Current editions.* The operator must use the current edition of the logbooks and current format of the forms. Upon approval from the Regional Administrator NMFS-approved electronic versions of the forms may be used. Upon written notification and approval by the Regional Administrator, logbooks from the previous year may be used.

(iii) *Management program defined.* A ''management program'' is a unique fishery program with a specific management strategy and/or allocation. Harvest that occurred under the management programs listed below must be recorded separately in the logbooks, forms, and eLandings.

If harvest made under . . . program	Record the . . .	For more information, see . . .
(A) Western Alaska Community Development Quota (CDQ).	CDQ group number	subpart C of this part.
(B) Exempted Fishery	Exempted fishery permit number	§ 679.6.
(C) Research Fishery	Research fishery permit number	§ 600.745(a) of this chapter.
(D) Aleutian Islands Pollock (AIP)	n/a	subpart F of this part.
(E) Open access (OA)	[for recording in eLandings only]	paragraph (e) of this section.

(2) *Responsibility*. (i) The operator of a catcher vessel, catcher/processor, mothership, or buying station receiving groundfish from a catcher vessel and delivering to a mothership (hereafter referred to as the operator) and the manager of a shoreside processor, SFP, or buying station receiving groundfish from a catcher vessel and delivering to a shoreside processor or SFP (hereafter referred to as the manager) are each responsible for complying with the applicable R&R requirements in this section and in § 679.28.

(ii) The owner of a vessel, shoreside processor, SFP, or buying station is responsible for compliance and must ensure that the operator, manager, or representative (see paragraph (b) of this section) complies with the applicable R&R requirements in this section and in § 679.28.

(iii) The IFQ permit holder, IFQ hired master permit holder, or Registered Buyer must comply with the R&R requirements provided at paragraphs (e), (g), (k), and (l) of this section.

(iv) The CDQ permit holder, CDQ hired master permit holder, or Registered Buyer must comply with the R&R requirements provided at paragraphs (e), (g), (k), and (l)(1) through (6) of this section.

(3) *Fish to be recorded and reported*. The operator or manager must record and report the following information (see paragraphs (a)(3)(i) through (iv) of this section) for all groundfish (see Table 2a to this part), prohibited species (see Table 2b to this part) and forage fish (see Table 2c to this part). The operator or manager may record and report the following information (see paragraphs (a)(3)(i) through (iv) of this section) for non-groundfish (see Table 2d to this part):

(i) Harvest information;

(ii) Receipt information from catcher vessels and buying stations, including fish received from vessels not required to have an FFP; and fish received under contract for handling or processing for another processor;

(iii) Discard or disposition information, including fish reported but not delivered to the operator or manager, e.g., fish used onboard a vessel, when receiving catch from a catcher vessel or buying station; and

(iv) Transfer information, including fish transferred out of the facility or off the vessel.

(4) *Exemptions*—(i) *Catcher vessels less than 60 ft (18.3 m) LOA*. Except for the vessel activity report described at paragraph (k) of this section, the owner or operator of a catcher vessel less than 60 ft (18.3 m) LOA is not required to comply with the R&R requirements of this section.

(ii) *Catcher vessels that take groundfish in crab pot gear for use as crab bait on that vessel*. (A) Owners or operators of catcher vessels who, when crab is open anywhere or in the same area as an open crab season, take groundfish in crab pot gear for use as crab bait onboard their same vessels, and the bait is neither transferred nor sold, are not required to comply with R&R requirements of this section.

(B) This exemption does not apply to fishermen who:

(*1*) Catch groundfish for bait during an open crab season and sell that groundfish or transfer it to another vessel, or

(*2*) Participate in a directed fishery for groundfish using any gear type during periods that are outside an open crab season for use as crab bait onboard their vessel.

(C) No groundfish species listed by NMFS as ''prohibited'' in a management or regulatory area may be taken in that area for use as bait.

(5) *Inspection and retention of records*—(i) *Inspection of records*. The operator or manager must make available for inspection the R&R documentation in this section and in § 679.28 upon the request of an authorized officer.

(ii) *Retention of records*. The operator or manager must retain the R&R documentation described in this section and in § 679.28:

(A) *On site*. Retain these records on site at the shoreside processor or SFP, or onboard the vessel until the end of the fishing year during which the records were made and for as long thereafter as fish or fish products recorded in the R&R documentation are retained.

(B) *For 3 years*. Retain these records for 3 years after the end of the fishing year during which the records were made.

(6) *Maintenance of records*. The operator or manager must maintain all records described in this section and in § 679.28 in English and in a legible, timely, and accurate manner, based on Alaska local time (A.l.t.); if handwritten, in indelible ink; if computer-generated, as a legible printed paper copy.

(7) *Custom processing*. The manager of a shoreside processor or SFP or the operator of a mothership must record products that result from custom processing for another person in eLandings consistently throughout a fishing year using one of the following two methods:

(i) *Combined records*. Record landings, discards or dispositions, and products of custom-processed groundfish routinely in eLandings using processor name, FFP or FPP number, and ADF&G processor code; or

(ii) *Separate records*. Record landings, discards or dispositions, and products of custom-processed groundfish in eLandings identified by the name, FPP number or FFP number, and ADF&G processor code of the associated business entity.

(b) *Representative*. The operator of a catcher vessel, mothership, catcher/processor, or buying station delivering to a mothership or manager of a shoreside processor, SFP, or buying station delivering to a shoreside processor or SFP may identify one contact person to complete the logbook and forms and to respond to inquiries from NMFS. Designation of a representative under this paragraph does not relieve the owner, operator, or manager of responsibility for compliance under paragraphs (a)(1) through (6) of this section.

(c) *Logbooks*—(1) *Requirements*—(i) *Use of two or more vessel logbooks of same gear type*. If using more than one logbook of the same gear type in a fishing year onboard a vessel, the operator must ensure that the page numbers follow the consecutive order of the previous logbook.

(ii) *Use of two or more vessel logbooks of different gear types*. If two or more different gear types are used onboard a vessel in a fishing year, the operator(s) of this vessel must use the same number

of separate vessel logbooks for the different gear types, each separately paginated.

(iii) *Two vessel logbooks for pair trawl*. If two vessels are dragging a trawl between them (pair trawl), the operator of each vessel must maintain a separate logbook to record the amount of the catch retained and fish discarded by that vessel. Each of the two logbooks must be separately paginated.

(iv) *Two logbooks of different operation*. If a vessel functions both as a mothership and as a catcher/processor in the same fishing year, the operator(s) must maintain two logbooks, a separate logbook for each operation type, each separately paginated.

(v) *Alteration of logbook information*. (A) Except as described in paragraph (c)(1)(v)(B) of this section, no person may alter or change any entry or record in a logbook.

(B) An inaccurate or incorrect entry or record must be corrected by lining out the original and inserting the correction, provided that the original entry or record remains legible. All corrections must be made in ink.

(vi) *Logsheet distribution and submittal*. (A) No person except an authorized officer may remove any original white logsheet of any logbook.

(B) The operator must distribute and submit logsheets as indicated in the following table:

LOGSHEET DISTRIBUTION AND SUBMITTAL

If logsheet color is . . .	Logsheet found in these logbooks					Submit to . . .	Time limit
	CV lgl	CV trw	CP lgl	CP trw	MS		
(*1*) White	X	X	X	X	X	Must retain, permanently bound in logbook.	
(*2*) Goldenrod	X	X	X	X	X	Observer	After signature of operator and prior to departure of observer from the vessel.
(*3*) Yellow	X	X	X	X	X	Must submit quarterly to: NOAA Fisheries Office for Law Enforcement Alaska Region Logbook Program, P.O. Box 21767, Juneau, AK 99802–1767, Telephone: 907–586–7225.	On the following schedule: *1st quarter* by May 1 of that fishing year. *2nd quarter* by August 1 of that fishing year. *3rd quarter* by November 1 of that fishing year. *4th quarter* by February 1 of the following fishing year.
(*4*) Blue	X	X	.....	.....	.....	Mothership, shoreside processor, SFP, or buying station that receives the harvest.	Within 2 hours after completion of catch delivery.
(*5*) Green	X	.....	X	.....	.....	Optional, but may be required by IPHC (see §§ 300.60 through 300.65 of this chapter).	If required, after the vessel's catch is off-loaded.

Note: CP = catcher/processor; CV = catcher vessel; lgl = longline; trw = trawl; MS = mothership.

(2) *Recording active and inactive time periods in the DFL or DCPL*—(i) *Account for each day of the fishing year*. The operator must account for each day of the fishing year, January 1 through December 31, in the DFL or DCPL and indicate whether the vessel or processor was active or inactive during the time period.

(A) An active period by fishing category is defined in the following paragraphs under this section:

Paragraph	Fishing category
(c)(3)(iv)(A)(*1*)	Catcher vessel, longline or pot gear.
(c)(3)(iv)(B)(*1*)	Catcher/processor, longline or pot gear.
(c)(4)(iv)(A)(*1*)	Catcher vessel, trawl gear.
(c)(4)(iv)(B)(*1*)	Catcher/processor, trawl gear.
(c)(5)(ii)	Shoreside processor or SFP.
(c)(6)(iv)	Mothership.

(B) An inactive period is defined as a time period other than active.

(ii) *Record January 1 on page 1*. The operator must record the first day of the fishing year, January 1, on page one of the DFL or DCPL regardless of whether the vessel or processor was active or inactive. The operator must record time periods consecutively.

(iii) *Required information for inactive periods*. If inactive, the operator must record the following information (see paragraphs (c)(2)(iii)(A) through (F) of this section) on one logsheet in the DFL or DCPL:

(A) If a catcher vessel, vessel name, ADF&G vessel registration number, FFP number or Federal crab vessel permit number, operator printed name, operator signature, and page number.

(B) If a mothership or catcher/processor, record vessel name, ADF&G processor code, FFP number, operator printed name, operator signature, and page number.

(C) Mark ''inactive.''

(D) Record the date (mm/dd) of the first day when inactive under ''Start date.''

(E) Write brief explanation why inactive, e.g., bad weather or equipment failure. If inactive due to surrender of a FFP or FPP, write ''surrender of permit'' as the reason for inactivity.

(F) Record the date (mm/dd) of the last day when inactive under ''End date.''

(iv) *Inactive two or more quarters*. If the inactive time period extends across two or more successive quarters, the operator must complete a logsheet for each inactive quarter. The first logsheet must indicate the first and last day of the first inactive quarter. Successive logsheets must indicate the first and last day of its respective inactive quarter.

(3) *Longline and pot gear catcher vessel DFL and catcher/processor DCPL*—(i) *Responsibility*—(A) *Groundfish fisheries*. (*1*) Except as described in paragraph (f)(1)(i) of this section, the operator of a catcher vessel 60 ft (18.3 m) or greater LOA, that is required to have an FFP under § 679.4(b) and that is using longline or pot gear to harvest groundfish must maintain a longline and pot gear DFL.

(*2*) Except as described in paragraph (f)(1)(ii) of this section, the operator of a catcher/processor that is required to have an FFP under § 679.4(b) and that is using longline or pot gear to harvest groundfish must use a combination of catcher/processor longline and pot gear DCPL and eLandings to record and

report daily processor identification information, catch-by-set information, groundfish production data, and groundfish and prohibited species discard or disposition data.

(B) *IFQ halibut, CDQ halibut, and IFQ sablefish fisheries.* (*1*) Except as described in paragraph (f)(1)(i) of this section, the operator of a catcher vessel 60 ft (18.3 m) or greater LOA, using fixed gear (NMFS), setline (IPHC), or pot gear to harvest IFQ sablefish, IFQ halibut, or CDQ halibut from the GOA or BSAI, must maintain a longline and pot gear DFL.

(*2*) Except as described in paragraph (f)(1)(ii) of this section, the operator of a catcher/processor that is using longline or pot gear to harvest IFQ sablefish, IFQ halibut, or CDQ halibut from the GOA or BSAI must use a combination of catcher/processor longline and pot gear DCPL and eLandings to record and report daily processor identification information, catch-by-set halibut and sablefish landings data, and halibut, sablefish, and prohibited species discard or disposition data.

(C) *CR crab fisheries.* (*1*) The operator of a catcher vessel 60 ft (18.3 m) or greater LOA, using pot gear to harvest CR crab from the BSAI must maintain a longline and pot gear DFL.

(*2*) The operator of a catcher/processor that is using pot gear to harvest CR crab from the BSAI must use a combination of catcher/processor longline and pot gear DCPL and eLandings to record and report daily processor identification information, CR crab landings data, and CR crab and prohibited species discard or disposition data.

(ii) *Data entry time limits*—(A) *Catcher vessel.* The operator of a catcher vessel using longline or pot gear must record in the DFL the information from the following table for each set within the specified time limit:

DATA ENTRY TIME LIMITS, CATCHER VESSEL LONGLINE OR POT GEAR

Required information	Time limit for recording
(*1*) Set number, time and date gear set, time and date gear hauled, beginning and end positions, CDQ group number, halibut CDQ permit number, halibut IFQ permit number, sablefish IFQ permit number, crab IFQ permit number, FFP number and/or Federal crab vessel permit number (if applicable), number of pots set, and estimated total hail weight for each set.	Within 2 hours after completion of gear retrieval.
(*2*) Discard and disposition information	By noon each day to record the previous day's discard and disposition information.
(*3*) Submit the blue DFL to mothership, shoreside processor, SFP, or buying station receiving catch.	Within 2 hours after completion of catch delivery.
(*4*) All other required information	Within 2 hours after the vessel's catch is off-loaded, notwithstanding other time limits.
(*5*) Operator sign the completed logsheets	Within 2 hours after completion of catch delivery.
(*6*) Submit goldenrod logsheet to the observer	After signature of operator and prior to departure of observer from the vessel.

(B) *Catcher/processor.* The operator of a catcher/processor using longline or pot gear must record in the DCPL or eLandings the information from the following table for each set within the specified time limit:

DATA ENTRY TIME LIMITS, CATCHER/PROCESSOR LONGLINE OR POT GEAR

Required information	Record in		Time limit for recording
	DCPL	eLandings	
(*1*) Set number, time and date gear set, time and date gear hauled, beginning and end positions, CDQ group number, halibut CDQ permit number, halibut IFQ permit number, sablefish IFQ permit number, crab IFQ permit number, FFP number and/or Federal crab vessel permit number (if applicable), number of pots set, and estimated total hail weight for each set.	X	X	Within 2 hours after completion of gear retrieval.
(*2*) Discard and disposition information	.....	X	By noon each day to record the previous day's discard and disposition information.
(*3*) Product information	.....	X	By noon each day to record the previous day's production information.
(*4*) All other required information	X	X	By noon of the day following completion of production.
(*5*) Operator sign the completed logsheets	X	X	By noon of the day following the week-ending date of the weekly reporting period.
(*6*) Submit goldenrod logsheet to the observer	X	.....	After signature of operator and prior to departure of observer from the vessel.

(iii) *Required information, if inactive.* See paragraph (c)(2) of this section.

(iv) *Required information, if active*—(A) *Catcher vessel, longline or pot gear.* (*1*) A catcher vessel using longline or pot gear is active when gear remains on the grounds in a reporting area (except reporting areas 300, 400, 550, or 690), regardless of the vessel location.

(*2*) If the catcher vessel identified in paragraph (c)(3)(i)(A)(*1*) of this section is active, the operator must record in the DFL, for one or more days on each logsheet, the information listed in paragraphs (c)(3)(v), (vi), (viii), (ix), and (x) of this section.

(*3*) *Retain and record discard quantities over the MRA.* When a

catcher vessel is fishing in an IFQ fishery and the fishery for Pacific cod or rockfish is closed to directed fishing but not in PSC status in that reporting area as described in § 679.20, the operator must retain and record up to and including the maximum retainable amount (MRA) for Pacific cod or rockfish as defined in Table 10 or 11 to this part. Quantities over this amount must be discarded and recorded as discard in the logbook.

(B) *Catcher/processor, longline or pot gear.* (*1*) A catcher/processor using longline or pot gear is active when processing or when all or part of the longline or pot gear is in the water.

(*2*) If the catcher/processor identified in paragraph (c)(3)(i)(A)(*2*) of this section is active, the operator must record in the DCPL the information listed in paragraphs (c)(3)(v) and (vi) of this section and must record in eLandings the information listed in paragraphs (c)(3)(v), (vii), (viii), and (x) of this section.

(*3*) *Retain and record discard quantities over the MRA.* When a catcher/processor is fishing in an IFQ fishery and the fishery for Pacific cod or rockfish is closed to directed fishing but not in PSC status in that reporting area as described in § 679.20, the operator must retain and record up to and including the MRA for Pacific cod or rockfish as defined in Table 10 or 11 to this part. Quantities over this amount must be discarded and recorded as discard in eLandings.

(v) *Identification information*—(A) *Page number.* Number the pages in each logbook consecutively, beginning on the first page of the DFL or DCPL with page 1 for January 1 and continuing for the remainder of the fishing year.

(B) *Printed name and signature of operator.* The operator's name must be printed in the DFL or DCPL. The operator must sign each completed logsheet of the DFL or DCPL as verification of acceptance of the responsibility required in paragraph (a)(2) of this section.

(C) *Vessel identification.* Name of vessel as displayed in official documentation; FFP number or Federal crab vessel permit number of the vessel; and ADF&G vessel registration number if a catcher vessel or ADF&G processor code if a catcher/processor.

(D) *Other permit numbers (if applicable).* IFQ permit number of the operator, if any, and each permit number of any IFQ permit on which anyone aboard is authorized to fish; groundfish CDQ group number; and halibut CDQ permit number.

(E) *Reporting area*—(*1*) *Groundfish.* Record the Federal reporting area code (see Figures 1 and 3 to this part) where gear retrieval was completed, regardless of where the majority of the set took place. Use a separate logsheet for each reporting area.

(*2*) *IFQ halibut and CDQ halibut.* Record the IPHC regulatory area (see Figure 15 to this part) where gear retrieval was completed, regardless of where the majority of the set took place.

(*3*) *CR crab.* Leave this field blank.

(F) *Crew size.* If a catcher vessel, record the number of crew members (including operator), excluding certified observer(s), on the last day of a trip. If a catcher/processor, record the number of crew members (including operator), excluding certified observer(s), on the last day of the weekly reporting period.

(G) *Gear type.* Use a separate logsheet for each gear type. From the following table, indicate the gear type used to harvest the fish and appropriate ''gear ID.'' In addition, if using hook-and-line gear, enter the alphabetical letter that coincides with the gear description. If gear information is the same on subsequent logsheets, mark the box instead of re-entering the gear type information on the next logsheet.

If gear type is . . .	Then . . .
(*1*) Other gear	If gear is other than those listed within this table, indicate ''Other'' and describe.
(*2*) Pot gear	Enter the number of pots lost (optional, but may be required by IPHC regulations (see §§ 300.60 through 300.65 of this chapter)) and number of pots set.
(*3*) Hook-and-line gear	Indicate: (*i*) Whether gear is fixed hook (conventional or tub), autoline, or snap (optional, but may be required by IPHC regulations (see §§ 300.60 through 300.65 of this chapter)). (*ii*) Length of skate to the nearest foot (optional, but may be required by IPHC regulations (see §§ 300.60 through 300.65 of this chapter)), number of skates lost (optional, but may be required by IPHC regulations (see §§ 300.60 through 300.65 of this chapter)), and number of skates set. (*iii*) Number of hooks per skate (optional, but may be required by IPHC regulations (see §§ 300.60 through 300.65 of this chapter)), size of hooks, and hook spacing in feet. (*iv*) Seabird avoidance gear code(s) (see § 679.24(e) and Table 19 to this part).

(H) *Management program.* Indicate whether harvest occurred under a management program (see paragraph (a)(1)(iii) of this section). Use a separate logsheet for each management program. If harvest is not under one of the listed management programs, leave blank.

(I) *Observer information.* Record the number of observers aboard, the name of the observer(s), and the observer cruise number(s).

(vi) *Catch-by-set information.* The operator must record the following information (see paragraphs (c)(3)(vi)(A) through (L) of this section) for each set (see § 679.2) in the DFL or DCPL. If no catch occurred for a given day, write ''no catch.''

(A) *Set number.* Sequentially by year.

(B) *Gear deployment (or to set gear)*—(*1*) *Hook-and-line gear begin position.* Record date (mm/dd), time (in military format, A.l.t.), and the begin position (in latitude and longitude to the nearest minute; indicate E or W for longitude) when the first hook-and-line gear of a set enters the water.

(*2*) *Jig or troll gear begin position.* Record date (mm/dd), time (in military format, A.l.t.), and the begin position (latitude and longitude to the nearest minute; indicate E or W for longitude) when the jig or troll gear enters the water.

(*3*) *Pot gear begin position.* Record date (mm/dd), time (in military format, A.l.t.), and the begin position (latitude and longitude to the nearest minute; indicate E or W for longitude) when the pot gear enters the water.

(C) *Gear retrieval (or to haul gear)*—(*1*) *Hook-and-line gear end position.* Date (mm/dd), time (in military format, A.l.t.), and end position coordinates (in latitude and longitude to the nearest minute; indicate E or W for longitude), where the last hook-and-line gear of a set leaves the water, regardless of where the majority of the set took place.

(*2*) *Jig or troll gear end position.* Date (mm/dd), time (in military format, A.l.t.), and end position coordinates (in latitude and longitude to the nearest minute; indicate E or W for longitude)

where the jig or troll gear leaves the water.

(*3*) *Pot gear end position.* Date (mm/dd), time (in military format, A.l.t.), and end position coordinates (in latitude and longitude to the nearest minute; indicate E or W for longitude) where the last pot of a set is retrieved, regardless of where the majority of the set took place.

(D) *Begin and end buoy or bag numbers.* (optional, but may be required by IPHC regulations (see §§ 300.60 through 300.65 of this chapter)).

(E) *Begin and end gear depths.* Recorded to the nearest fathom (optional, but may be required by IPHC regulations (see §§ 300.60 through 300.65 of this chapter)).

(F) *Species codes.* The operator must record and report required information for all groundfish (see Table 2a to this part), prohibited species (see Table 2b to this part), and forage fish (see Table 2c to this part). The operator may record and report information for non-groundfish (see Table 2d to this part).

(G) *Target species code.* Enter the species code of the intended species to be harvested. Enter only one target species code.

(H) *Estimated total hail weight.* Enter the estimated hail weight, which is an estimate of the total weight of the entire catch without regard to species. Indicate whether weight is estimated to the nearest pound or to the nearest 0.001 mt.

(I) *IR/IU species (see § 679.27).* If a catcher/processor, enter species code of IR/IU species and estimated total round weight for each IR/IU species, if applicable; indicate whether weight is estimated to the nearest pound or the nearest 0.001 mt. Use one line to record information for each IR/IU species, including species code and amount of catch. If more than one IR/IU species are to be recorded, the operator must use a separate line for each species.

(J) *IFQ halibut and CDQ halibut.* Estimated total net weight of IFQ halibut and CDQ halibut to the nearest pound.

(K) *IFQ sablefish.* Number and estimated total round weight of IFQ sablefish to the nearest pound. Indicate whether IFQ sablefish product is Western cut, Eastern cut, or round weight.

(L) *CR crab.* If in a CR crab fishery, record the number and scale weight of raw CR crab to the nearest pound.

(vii) *Product information, catcher/processor.* The operator of a catcher/processor using longline or pot gear must record groundfish product information for all retained groundfish in eLandings (see paragraph (e)(10) of this section).

(viii) *Discard or disposition information, catcher vessel.* The operator must record in a DFL the discard or disposition information that occurred prior to and during delivery to a buying station, mothership, shoreside processor, or SFP. Discard or disposition information must include the daily weight of groundfish, daily weight of herring PSC, and daily number of PSC animals. If no discard or disposition occurred for a given day, the operator must write ''no discards or disposition.''

(A) Enter discard or disposition information by species codes and product codes as follows:

(*1*) Date (mm/dd) of discard or disposition (day that discard or disposition occurred).

(*2*) For whole fish discard or disposition of groundfish or Pacific herring PSC, daily estimated total weight, balance forward weight from the previous day, and cumulative total weight since last delivery for each species; indicate whether weight is estimated to the nearest pound or nearest 0.001 mt.

(*3*) For whole fish discard or disposition of each prohibited species (Pacific salmon, steelhead trout, Pacific halibut, king crabs, and Tanner crabs) record the daily estimated total number, balance forward from the previous day, and cumulative total number since the last delivery.

(*4*) Summarize the weekly cumulative discard and disposition totals of groundfish weights and number of PSC animals separately by reporting area, management program, and gear type. Determine the weekly cumulative total by adding daily totals and the balance carried forward from the day before.

(B) The operator must record ''0'' or zero balance forward and start a new logsheet after the offload or transfer of all fish or fish product onboard and prior to the beginning of each fishing trip. Nothing shall be carried forward from the previous fishing trip.

(ix) *Discard or disposition information, catcher/processor.* The operator of a catcher/processor using longline or pot gear must record all discard or disposition information in eLandings (see paragraph (e)(10) of this section).

(x) *Catcher vessel delivery information.* The operator of a catcher vessel must enter the following information (see paragraphs (c)(3)(x)(A) through (D) of this section) for delivery to a buying station, mothership, shoreside processor, or SFP:

(A) Date (mm/dd) that delivery of harvest was completed.

(B) ADF&G fish ticket issued to operator by the recipient, Registered Buyer, or RCR receiving the delivery.

(C) Name of recipient, Registered Buyer, or RCR.

(D) For the unloading port, enter the name of the port or port code (see Tables 14a and 14b to this part) of delivery location.

(4) *Trawl gear catcher vessel DFL and catcher/processor DCPL*—(i) *Responsibility.*

(A) Except as described in paragraph (f)(1)(iii) of this section, the operator of a catcher vessel 60 ft (18.3 m) or greater LOA, that is required to have an FFP under § 679.4(b), and that is using trawl gear to harvest groundfish must maintain a trawl gear DFL, must complete one or more logsheets per day. Upon notification by the Regional Administrator, a DFL from the previous year may be used.

(B) Except as described in paragraph (f)(1)(iv) of this section, the operator of a catcher/processor that is required to have an FFP under § 679.4(b) and that is using trawl gear to harvest groundfish is required to use a combination of catcher/processor trawl gear DCPL and eLandings to record and report daily processor identification information, catch-by-haul landings information, groundfish production data, and groundfish and prohibited species discard or disposition data.

(ii) *Data entry time limits*—(A) *Catcher vessel.* The operator of a catcher vessel using trawl gear must record in the DFL the information in the following table for each haul within the specified time limit:

DATA ENTRY TIME LIMITS, CATCHER VESSEL TRAWL GEAR

Required information	Time limit for recording
(*1*) Haul number, time and date gear set, time and date gear hauled, beginning and end positions, CDQ group number (if applicable), and total estimated hail weight for each haul.	Within 2 hours after completion of gear retrieval.

DATA ENTRY TIME LIMITS, CATCHER VESSEL TRAWL GEAR—Continued

Required information	Time limit for recording
(*2*) Discard and disposition information	By noon each day to record the previous day's discard and disposition information.
(*3*) Submit blue DFL to mothership, shoreside processor, SFP, or buying station receiving the catch.	Within 2 hours after completion of catch delivery.
(*4*) Record all other required information	Within 2 hours after the vessel's catch is off-loaded, notwithstanding other time limits.
(*5*) Operator sign the completed logsheets	Within 2 hours after completion of catch delivery.
(*6*) Submit the goldenrod logsheet to the observer	After signature of operator and prior to departure of observer from the vessel.

(B) *Catcher/processor.* The operator of a catcher/processor using trawl gear must record in the DCPL or eLandings the information in the following table for each haul within the specified time limit:

DATA ENTRY TIME LIMITS, CATCHER/PROCESSOR TRAWL GEAR

Required information	Record in		Time limit for recording
	DCPL	eLandings	
(*1*) Haul number, time and date gear set, time and date gear hauled, begin and end positions of gear, CDQ group number (if applicable), and total estimated hail weight for each haul, or if required to use a NMFS-approved scale, the scale weight for each haul.	X	X	Except for Rockfish Pilot Program, within 2 hours after completion of gear retrieval. For Rockfish Pilot Program, actual scale weight from the flow scale may be recorded within 24 hours after completion of gear retrieval.
(*2*) Discard and disposition information	.....	X	By noon each day to record the previous day's discard and disposition information.
(*3*) Record product information	.....	X	By noon each day to record the previous day's production information.
(*4*) Record all other required information	X	X	By noon of the day following completion of production to record all other required information.
(*5*) Operator sign the completed logsheets	X	X	By noon of the day following the week-ending date of the weekly reporting period.
(*6*) Submit the goldenrod logsheet to the observer	X	.....	After signature of operator and prior to departure of observer from the vessel.

(iii) *Required information, if inactive.* See paragraph (c)(2) of this section.

(iv) *Required information, if active*—(A) *Catcher vessel.* (*1*) A catcher vessel using trawl gear is active when all or part of the trawl net is in the water.

(*2*) If the catcher vessel identified in paragraph (c)(4)(i)(A) of this section is active, the operator must record for one day per logsheet in the DFL, the information described in paragraphs (c)(4)(v), (vi), (viii), and (x) of this section.

(B) *Catcher/processor.* (*1*) A catcher/processor using trawl gear is active when processing groundfish or when all or part of the trawl net is in the water.

(*2*) If the catcher/processor identified in paragraph (c)(4)(i)(B) of this section is active, the operator must record for one day per logsheet in the DCPL, the information described in paragraphs (c)(4)(v) and (vi) of this section and record in eLandings the information described in paragraphs (c)(4)(v), (vii), and (ix) of this section.

(v) *Identification information.* If active, the operator must record the following information (see paragraphs (c)(4)(v)(A) through (J) of this section):

(A) *Date.* Enter date of each day (mm/dd/yy). This date is also the date of gear deployment.

(B) *Page number.* Number the pages in each logbook consecutively, beginning on the first page of the DFL or DCPL with page 1 for January 1 and continuing for the remainder of the fishing year.

(C) *Printed name and signature of operator.* The operator's name must be printed in the DFL or DCPL. The operator must sign each completed logsheet of the DFL or DCPL as verification of acceptance of the responsibility required in paragraph (a)(2) of this section. The operator's signature is due by noon of the day following the week-ending date of the weekly reporting period.

(D) *Vessel identification.* Name of vessel as displayed in official documentation; FFP number of the vessel; ADF&G vessel registration number if a catcher vessel; and ADF&G processor code if a catcher/processor.

(E) *Federal reporting area.* Record the Federal reporting area code where gear retrieval was completed, regardless of where the majority of the set took place. Use a separate logsheet for each reporting area.

(F) *COBLZ or RKCSA.* If gear retrieval occurred in the COBLZ (see Figure 13 to this part) or RKCSA (see Figure 11 to this part) area within a reporting area, use two separate logsheets, the first to record the information from the reporting area that includes COBLZ or RKCSA, and the second to record the information from the reporting area that does not include COBLZ or RKCSA.

(G) *Crew size.* If a catcher vessel, record the number of crew members (including operator), excluding certified observer(s), on the last day of a trip. If a catcher/processor, record the number of crew members (including operator), excluding certified observer(s), on the last day of the weekly reporting period.

(H) *Gear type.* Use a separate logsheet for each gear type. Indicate whether pelagic trawl or non-pelagic trawl gear was used to harvest the fish.

(I) *Management program.* Indicate whether harvest occurred under one of the management programs (see paragraph (a)(1)(iii) of this section). Use a separate logsheet for each management program. If harvest is not under one of

the listed management programs, leave blank.

(J) *Observer information.* Record the number of observers aboard, the name of the observer(s), and the observer cruise number(s).

(vi) *Catch-by-haul information.* The operator must record the following information (see paragraphs (c)(4)(vi)(A) through (H) of this section) for each haul (see § 679.2). If no catch occurred for a given day, write ''no catch.''

(A) *Haul number.* Number hauls sequentially by year.

(B) *Gear deployment (or to set gear).* Record the following information (see paragraphs (c)(4)(vi)(B)(*1*) and (*2*) of this section) for trawl gear deployment:

(*1*) The time (in military format, A.l.t.) when the trawl net enters the water, and

(*2*) The position (latitude and longitude to the nearest minute; indicate E or W for longitude) where the trawl net enters the water.

(C) *Gear retrieval (or to haul gear).* Record the following information (see paragraphs (c)(4)(vi)(C)(*1*) and (*2*) of this section) for trawl gear retrieval:

(*1*) The date (mm/dd) and time (in military format, A.l.t.) when retrieval of trawl gear cable begins.

(*2*) The position (in latitude and longitude to the nearest minute; indicate E or W for longitude) where retrieval of trawl gear cable begins.

(D) *Average sea depth and average gear depth.* Average sea depth and average gear depth; indicate whether average is reported to the nearest meter or fathom.

(E) *Species codes.* The operator must record and report the required information for all groundfish (see Table 2a to this part), prohibited species (see Table 2b to this part), and forage fish (see Table 2c to this part). The operator may also record and report the required information for non-groundfish (see Table 2d to this part).

(F) *Target species code.* Enter the species code of the species to be harvested. Enter only one target species code.

(G) *IR/IU species (see § 679.27).* If a catcher/processor, enter species code of IR/IU species and estimated total round weight for each IR/IU species, if applicable; indicate whether estimated weight is to the nearest pound or the nearest 0.001 mt. Use one line to record information for each IR/IU species, including species code and amount of catch. If more than one IR/IU species are to be recorded, the operator must use a separate line for each species.

(H) *Total estimated hail weight.* (*1*) If a catcher vessel or catcher/processor using trawl gear and not using NMFS-approved scales, the operator must record the hail weight of each haul; total hail weight is an estimate of the total weight of the entire catch without regard to species. Indicate whether estimated weight is to the nearest pound or to the nearest 0.001 mt.

(*2*) If a catcher/processor using trawl gear is required to use a NMFS-approved scale, the operator must record the scale weight of each haul without regard to species. Indicate whether weight is to the nearest pound or to the nearest 0.001 mt.

(vii) *Product information, catcher/processor.* The operator of a catcher/processor using trawl gear must record all product information for all retained groundfish in eLandings (see paragraph (e)(10) of this section).

(viii) *Discard or disposition information, catcher vessel.* The operator must record in a DFL (see paragraphs (c)(4)(viii)(A) through (E) of this section) the discard or disposition that occurred prior to and during delivery to a buying station, mothership, shoreside processor, or SFP. If no discards or disposition occurred on a given day, write ''no discards or disposition.''

(A) *Species code and product code.* Record the species code and product code for all discards and disposition of groundfish and PSC Pacific herring, Pacific salmon, steelhead trout, Pacific halibut, king crabs, and Tanner crabs.

(B) *Discard and disposition weight.* Record the daily estimated total round weight of groundfish or Pacific herring PSC discards and disposition, balance forward weight from the previous day, and cumulative total weight since last delivery, calculated by adding the daily totals and balance carried forward from the day before; indicate whether estimated weight is to the nearest pound or nearest 0.001 mt.

(C) *PSC discard numbers.* Record the daily number of PSC discards and disposition, balance forward from the previous day, and cumulative total number since last delivery of PSC animals (Pacific salmon, steelhead trout, Pacific halibut, king crabs, and Tanner crabs).

(D) *Discard and disposition cumulative total.* Summarize cumulative discard and disposition totals of groundfish and PSC animals separately by reporting area, if harvest occurred in the COBLZ or RKCSA, management program, and gear type.

(E) *Discard zero balance forward.* After the offload or transfer of all fish or fish product onboard and prior to the beginning of each fishing trip, the operator must record the balance forward from the previous day as ''zero'' and start a new logsheet. At the beginning of each fishing trip, nothing shall be carried forward from the previous fishing trip.

(ix) *Discard or disposition information, catcher/processor.* The operator of a catcher/processor using trawl gear must record discard or disposition information in eLandings (see paragraph (e)(10) of this section).

(x) *Catcher vessel delivery information.* The operator must enter the following delivery information (see paragraphs (c)(4)(x)(A) through (C) of this section) for groundfish delivered to a buying station, mothership, shoreside processor, or SFP:

(A) Date (mm/dd) that delivery of harvest was completed,

(B) ADF&G fish ticket number issued to operator by the recipient receiving the delivery, and

(C) Name and ADF&G processor code of recipient.

(5) *Shoreside processor DCPL.* The shoreside processor DCPL has been replaced by eLandings and is no longer available. (See paragraph (e) of this section.)

(i) *Required information, if inactive.* See paragraph (c)(2) of this section.

(ii) *Required information, if active.* A shoreside processor or SFP is active when receiving or processing groundfish.

(6) *Mothership DCPL*—(i) *Responsibility.* Except as described in paragraph (f)(1)(v) of this section, the operator of a mothership that is required to have an FFP under § 679.4(b) and that receives or processes any groundfish from the GOA or BSAI from vessels issued an FFP under § 679.4(b) is required to use a combination of mothership DCPL and eLandings to record and report daily processor identification information, delivery information, groundfish production data, and groundfish and prohibited species discard or disposition data. The operator must enter into the DCPL any information for groundfish received from catcher vessel, groundfish received from processors for reprocessing or rehandling, and groundfish received from an associated buying station documented on a BSR.

(ii) *Data entry time limits.* The operator of a mothership must record in the DCPL or eLandings the information in the following table for each groundfish delivery within the specified time limit:

DATA ENTRY TIME LIMITS, MOTHERSHIP

Required information	Record In		Time limit for recording
	DCPL	eLandings	
(A) All catcher vessel or buying station delivery information	X	X	Within 2 hours after completion of receipt of each groundfish delivery.
(B) Product information		X	By noon each day to record the previous day's production.
(C) Discard or disposition information		X	By noon each day to record the previous day's discard/disposition.
(D) All other required information	X	X	By noon of the day following completion of production.
(E) Operator sign the completed logsheets	X	X	By noon of the day following the week-ending date of the weekly reporting period.
(F) Submit the goldenrod logsheet to the observer	X		After signed by the operator and prior to departure of observer from the mothership.

(iii) *Required information, if inactive.* See paragraph (c)(2) of this section.

(iv) *Required information, if active.* A mothership is active when receiving or processing groundfish. If the mothership identified in paragraph (c)(6)(i) of this section is active, the operator must record for one day per logsheet in the DCPL, the information described in paragraphs (c)(6)(v) and (vi) of this section and record in eLandings the information described in paragraphs (c)(6)(v), (vii), and (viii) of this section.

(v) *Identification information.* If active, the operator must record the following information (see paragraphs (c)(6)(v)(A) through (J) of this section) in the DCPL:

(A) *Page number.* Number the pages in each logbook consecutively, beginning with page 1 for January 1 and continuing throughout the logbook for the remainder of the fishing year.

(B) *Printed name and signature of operator.* The operator's name must be printed in the DCPL. The operator must sign each completed DCPL logsheet as verification of acceptance of the responsibility required in paragraph (a)(2) of this section.

(C) *Vessel information.* Name of mothership as displayed in official documentation, FFP number, and ADF&G processor code.

(D) *Date.* Enter date (mm/dd/yy) of each operating day.

(E) *Crew size.* Record the number of crew members (including operator), excluding certified observer(s), on the last day of the weekly reporting period.

(F) *Gear type.* Indicate the gear type of harvester. If gear type is other than those listed, circle ''Other'' and describe. Use a separate logsheet for each gear type.

(G) *Federal reporting areas.* Record Federal reporting area code (see Figures 1 and 3 to this part) where harvest was completed. Use a separate logsheet for each reporting area.

(H) *COBLZ or RKCSA.* If groundfish was harvested with trawl gear in the COBLZ or RKCSA, use two separate logsheets to record the information: One logsheet for the reporting area that includes COBLZ or RKCSA, and a second logsheet to record the information from the reporting area that does not include COBLZ or RKCSA.

(I) *Observer information.* Record the number of observers aboard, the name(s) of the observer(s), and the observer cruise number(s).

(J) *Management program.* Indicate whether harvest occurred under one of the management programs (see paragraph (a)(1)(iii) of this section). Use a separate logsheet for each management program. If harvest is not under one of the listed management programs, leave blank.

(vi) *Delivery information.* The operator must record delivery information (see paragraphs (c)(6)(vi)(A) through (H) of this section) when unprocessed groundfish deliveries are received by the mothership from a buying station or a catcher vessel. If no deliveries are received for a given day, write ''no deliveries.''

(A) *Type of delivery.* Enter ''CV'' or ''BS'' to indicate if delivery was from a catcher vessel or buying station, respectively.

(B) *Non-submittal of discard report.* Indicate whether the blue logsheet was received from the catcher vessel at the time of catch delivery. If the delivery was from a buying station, leave this column blank. If the blue logsheet is not received from the catcher vessel, enter ''NO'' and one of the response codes in the following table to describe the reason for non-submittal.

Non-submittal of discard report	Code
(*1*) The catcher vessel does not have an FFP.	''P''
(*2*) The catcher vessel is under 60 ft (18.3 m) LOA and does not have an FFP.	''P''
(*3*) The catcher vessel is under 60 ft (18.3 m) LOA and has an FFP.	''L''
(*4*) The catcher vessel delivered an unsorted codend.	''U''
(*5*) Another reason; describe circumstances.	''O''

(C) *Vessel identification.* Name and ADF&G vessel registration number of the catcher vessel or buying station (if applicable) delivering the groundfish.

(D) *Receipt time.* Record time (in military format, A.l.t.) when receipt of groundfish delivery was completed.

(E) *Beginning position of receipt.* Record the position coordinates (in latitude and longitude to the nearest minute; indicate E or W for longitude) where receipt of the groundfish delivery began.

(F) *Estimated total groundfish hail weight.* Enter the estimated total hail weight of the combined species of each delivery from a catcher vessel or buying station. Total estimated hail weight is an estimate of the total weight of the entire catch without regard to species. Indicate whether the estimated weight is to the nearest pound or to the nearest 0.001 mt. If a catcher vessel reported discards on a blue DFL but did not deliver groundfish, enter ''0'' in this column.

(G) *IR/IU species (see § 679.27).* Enter the species code of IR/IU species and the estimated total round weight for each IR/IU species, if applicable; indicate whether estimated weight is to

the nearest pound or the nearest 0.001 mt. Use one line to record information for each IR/IU species, including species code and amount of catch. If more than one IR/IU species are to be recorded, the operator must use a separate line for each species.

(H) *ADF&G fish ticket numbers.* If receiving unprocessed groundfish from a catcher vessel, record the ADF&G fish ticket number that the mothership issued to each catcher vessel. If receiving unprocessed groundfish from an associated buying station, record the ADF&G fish ticket numbers issued by the buying station on behalf of the mothership to the catcher vessel.

(vii) *Product information.* The operator of a mothership must record all groundfish product information in eLandings (see paragraph (e)(10) of this section), including products made from unprocessed groundfish deliveries received from a buying station or a catcher vessel; groundfish received from another processor or other source; and groundfish received for custom processing (see paragraph (a)(7) of this section) by the mothership for another processor or business entity.

(viii) *Discard or disposition information.* The operator of a mothership must record discard and disposition information in eLandings (see paragraph (e)(10) of this section). The discard or disposition information must include:

(A) Discards and disposition that occurred onboard after receipt of groundfish from a catcher vessel or buying station;

(B) Discards and disposition that occurred prior to, during, and after processing of groundfish;

(C) Discards and disposition that were reported on a blue DFL received from a catcher vessel delivering groundfish;

(D) Discards and disposition that are recorded on a blue DFL received from a catcher vessel even though no groundfish are delivered; and

(E) Discards and disposition reported on a BSR received from a buying station delivering groundfish, if different from the blue DFL logsheets submitted by catcher vessels to the buying station.

(d) *Buying Station Report (BSR)*—(1) *Responsibility*—(i) *Separate BSR.* In addition to the information required at paragraphs (a)(5) and (6) of this section, the operator or manager of a buying station that receives or delivers groundfish harvested from the GOA or BSAI in association with a shoreside processor or SFP as defined in paragraph (c)(5) of this section or a mothership as defined in paragraph (c)(6) of this section, must complete and retain a separate BSR for each delivery of unprocessed groundfish or donated prohibited species received from a catcher vessel on behalf of an associated processor.

(ii) *BSR attachments.* The operator or manager must ensure that the following (see paragraphs (d)(1)(ii)(A) through (C) of this section) accompanies each groundfish delivery from the landing site to the associated processor:

(A) A complete and accurate BSR that describes the delivery;

(B) Any blue DFL logsheets or equivalent printed ELB discard reports received from a catcher vessel; and

(C) Copies of all ADF&G fish tickets issued to the catcher vessel on behalf of the associated processor.

(iii) The operator of a catcher vessel, by prior arrangement with an associated processor, may function as a buying station for his own catch as follows:

(A) By shipping his groundfish catch with a copy of the BSR directly to that processor via truck or airline in the event that the processor is not located where the harvest is offloaded; or

(B) By driving a truck that contains his catch and a copy of the BSR to the processor.

(2) *Data entry time limits.* The operator or manager of a buying station must record in the BSR all required information and sign the BSR within 2 hours of completion of delivery from a catcher vessel.

(3) *Required information, if inactive.* The operator or manager of a buying station is not required to record information if inactive.

(4) *Required information, if active.* A buying station is active when receiving, discarding, or delivering groundfish for an associated processor. The operator or manager of a buying station must record the following information (see paragraphs (d)(4)(i) through (x) of this section) on a BSR for each delivery:

(i) *Original/revised report.* If a BSR is the first submitted to the Regional Administrator for a given date, gear type, and reporting area, indicate ''ORIGINAL REPORT.'' If a report is a correction to a previously submitted BSR for a given date, gear type, and reporting area, indicate ''REVISED REPORT.''

(ii) *Identification of buying station.* Enter name and ADF&G vessel registration number if a vessel; or name, license number, and state of license issuance if a vehicle. The name should be recorded as it is displayed in official documentation.

(iii) *Operator or manager name and signature.* The operator or manager must sign the completed BSR prior to delivery of harvest to a mothership, shoreside processor, or SFP. This signature is verification by the operator or manager of acceptance of the responsibility required in paragraphs (d)(1) and (2) of this section.

(iv) *Management program.* Indicate whether harvest occurred under a management program (see paragraph (a)(1)(iii) of this section). If harvest is not under one of the listed management programs, leave blank.

(v) *Gear type.* Indicate gear type of harvester.

(vi) *Federal reporting area.* Indicate Federal reporting area (see Figures 1 and 3 to this part) from which groundfish were harvested.

(vii) *Crab protection areas.* If harvester gear type was trawl and gear retrieval occurred in the COBLZ or RKCSA (see Figures 11 and 13 to this part), use two separate BSRs to record the information: One BSR for the reporting area that includes COBLZ or RKCSA, and a second BSR to record the information from the reporting area that does not include COBLZ or RKCSA.

(viii) *Associated processor.* Enter the name, ADF&G processor code, FFP number or FPP number of the associated processor, date (mm/dd/yy) and time (A.l.t., military format) delivery was completed.

(ix) *Catcher vessel delivery information*—(A) *Catcher vessel identification.* Name and ADF&G vessel registration number of catcher vessel making the delivery.

(B) *Non-submittal of discard report.* Indicate whether the blue logsheet was received from the catcher vessel at the time of catch delivery. If the blue logsheet is not received from the catcher vessel, enter ''NO'' and one of the following response codes to describe the reason for non-submittal.

Non-submittal of discard report	Code
(*1*) The catcher vessel does not have an FFP.	''P''
(*2*) The catcher vessel is under 60 ft (18.3 m) LOA and does not have an FFP.	''P''
(*3*) The catcher vessel is under 60 ft (18.3 m) LOA and has an FFP.	''L''
(*4*) The catcher vessel delivered an unsorted codend.	''U''
(*5*) Another reason; describe circumstances.	''O''

(C) *ADF&G fish ticket number.* Enter ADF&G fish ticket number issued to catcher vessel.

(D) *Species codes and scale weight.* In addition to recording the estimated total delivery weight or actual scale weight of a catcher vessel delivery, if the operator or manager of the buying station sorted the delivery prior to delivery to an associated processor, he or she may

enter specific species code and scale weights of individual species to the BSR; indicate whether to the nearest pound or to the nearest 0.001 mt.

(E) *Estimated total groundfish hail weight.* Enter the estimated total groundfish hail weight or actual scale weight of delivery. Estimated total hail weight is an estimate of the total weight of the entire catch without regard to species. Indicate whether to the nearest pound or to the nearest 0.001 mt.

(x) *Discard and disposition information*—(A) *Discard.* The operator or manager of a buying station must record in a BSR, discard or disposition information that:

(*1*) Occurred on and was reported by a catcher vessel on a blue logsheet;

(*2*) Occurred on the buying station prior to delivery to an associated processor; and

(*3*) Was recorded on a blue logsheet submitted to the buying station by a catcher vessel when no groundfish were delivered by the catcher vessel (for example, disposition code 95 describes fish or fish products eaten onboard or taken off the vessel for personal use).

(B) *No discards.* If no discards or disposition for a delivery, write ''no discards.''

(C) *Discard or disposition weight.* Total discard or disposition weight of groundfish and herring PSC by species code and product code (indicate whether to nearest pound or to the nearest 0.001 mt).

(D) *PSC discard or disposition numbers.* Total PSC discard or disposition number of animals by species code and product code.

(e) *Interagency Electronic Reporting System (IERS) and eLandings*—(1) *Responsibility*—(i) *Hardware, software, and Internet connectivity.* A User must obtain at his or her own expense hardware, software, and Internet connectivity to support Internet submissions of commercial fishery landings for which participants report to NMFS: Landings data, production data, and discard or disposition data. The User must enter this information via the Internet at *http://elandings.alaska.gov* by logging on to the eLandings system or by using the desktop client software.

(ii) *Computer or network failure: groundfish.* In the event the eLandings system and/or the Internet is unavailable for a period longer than the required reporting time, contact NMFS Inseason Management at 907–586–7228 for instructions. A User who for any reason is unable to properly submit a landing report or production report through eLandings must record the information in the DCPL until network connections are restored. When the network is restored, the User must enter this same information into eLandings.

(iii) *Computer or network failure: IFQ manual landing report for IFQ crab, IFQ halibut, and IFQ sablefish.* If the Internet connection is unavailable or a change must be made to IFQ crab, IFQ halibut, CDQ halibut, and IFQ sablefish information submitted through the eLandings IFQ section (IFQ report), the User must complete an IFQ manual landing report to enter or change the data. Manual landing instructions must be obtained from OLE, Juneau, AK, at 800–304–4846 (Select Option 1).

(A) The User must complete all questions on the manual report, even if only one item has changed. In addition, the following information is required: whether the manual landing report is an original or revised, name, telephone number, and fax number of individual submitting the manual landing report.

(B) The User must print the IFQ manual landing report and submit it by fax to 907–586–7313.

(C) The User must retain the printed copies of IFQ manual landing reports as indicated at paragraph (a)(5) of this section. The User must make available the printed copies upon request of NMFS observers and authorized officers as indicated at paragraph (a)(6) of this section.

(2) *eLandings processor registration.* (i) Before a User can use the eLandings system to report landings, production, discard or disposition data, he or she must request authorization to use the system, reserve a unique UserID, and obtain a password by using the Internet to complete the eLandings processor registration at *https://elandings@alaska.gov/elandings/Register.*

(ii) Upon registration acceptance, the User must print, sign, and mail the User Agreement Form to NMFS/RAM eLandings Registration, P.O. Box 21668, Juneau, AK 99802–1668; or fax a signed form to 907–586–7354, Attn: eLandings Registration; or deliver the signed form by courier to NMFS/RAM eLandings Registration, 709 West Ninth Street, Suite 713, Juneau, AK 99801. Confirmation will be e-mailed to indicate that the User is registered, authorized to use eLandings, and that the UserID and User's account are enabled.

(iii) The User's signature on the registration form means that the User agrees to the following terms (see paragraphs (e)(2)(iii)(A) through (C) of this section):

(A) To use eLandings access privileges only for submitting legitimate fishery landing reports;

(B) To safeguard the UserID and password to prevent their use by unauthorized persons; and

(C) To ensure that the User is authorized to submit landing reports for the processor permit number(s) listed.

(3) *Information required for eLandings processor registration form.* The User must enter the following information (see paragraphs (e)(3)(i) through (ix) of this section) to obtain operation registration and UserID registration:

(i) *Operation type.* Select the operation type from the dropdown list according to the following table:

For this Federal category:	Enter one of these eLandings operation types:
(A) Shoreside processor or SFP.	(*1*) Plant/receiver. (*2*) Custom processing.
(B) Mothership	At-sea.
(C) Catcher/processor	At-sea.
(D) Buying station	(*1*) Tender. (*2*) Buying station.

(ii) *Operation name.* Enter a name that will refer to the specific operation. For example, if the plant is in Kodiak and the company is East Pacific Seafoods, the operation name might read ''East Pacific Seafoods—Kodiak.''

(iii) *ADF&G processor code.* Enter ADF&G processor code.

(iv) *Federal permit number.* Enter all the federal permits associated with the operation.

(A) *Groundfish shoreside processor or SFP.* If a groundfish shoreside processor or SFP, enter the FPP number.

(B) *Groundfish catcher/processor or mothership.* If a groundfish catcher/processor or mothership, enter the FFP number.

(C) *Registered Buyer.* If a Registered Buyer, enter the Registered Buyer permit number.

(D) *Registered Crab Receiver.* If a Registered Crab Receiver, enter the Registered Crab Receiver permit number.

(v) *Port code.* Enter the home port code (see Tables 14a, 14b, and 14c to this part) for the operation.

(vi) *ADF&G vessel registration number.* If a mothership, catcher/processor, or tender operation, the operator must enter the ADF&G vessel identification number of the vessel.

(vii) *Vehicle license number.* If a buying station operation that is a vehicle, enter vehicle license number and the state of license issuance.

(viii) *Physical operation.* If a buying station or custom processor, enter the following information to identify the associated processor where the processing will take place: operation

type, ADF&G processor code, and applicable FFP number, FPP number, Registered Buyer permit number, and Registered Crab Receiver permit number.

(ix) *UserID registration for primary User.* Each operation requires a primary User. Enter the following information for the primary User for the new operation: create and enter a UserID, initial password, company name, User name (name of the person who will use the UserID), city and state where the operation is located, business telephone number, business fax number, business e-mail address, security question, and security answer.

(4) *Information entered automatically for eLandings landing report.* eLandings autofills the following fields from processor registration records (see paragraph (e)(2) of this section): UserID, processor company name, business telephone number, e-mail address, port of landing, ADF&G processor code, and Federal permit number. The User must review the autofilled cells to ensure that they are accurate for the landing that is taking place. eLandings assigns a unique landing report number and an ADF&G electronic fish ticket number upon completion of data entry.

(5) *Shoreside processor or SFP landings report.* The manager of a shoreside processor or SFP that receives groundfish from a catcher vessel issued an FFP under § 679.4 and that is required to have an FPP under § 679.4(f) must use eLandings or other NMFS-approved software to submit a daily landings report during the fishing year to report processor identification information and the following information under paragraphs (e)(5)(i) through (iii) of this section:

(i) *Information entered for each groundfish delivery to a shoreside processor and SFP.* The User for a shoreside processor or SFP must enter the following information (see paragraphs (e)(5)(i)(A) through (C) of this section) for each groundfish delivery (other than IFQ sablefish) provided by the operator of a catcher vessel, the operator or manager of an associated buying station, and from processors for reprocessing or rehandling product into eLandings or other NMFS-approved software:

(A) *Delivery information.* (1) Number of observers onboard.

(*2*) For crew size, enter the number of licensed crew aboard the vessel, including the operator.

(*3*) Management program name and identifying number, if any, in which harvest occurred (see paragraph (a)(1)(iii) of this section).

(*4*) ADF&G groundfish statistical area of harvest.

(*5*) For date of landing, enter date (mm/dd/yyyy) that the delivery was completed.

(*6*) Indicate (YES or NO) whether delivery is from a buying station.

(*7*) If the delivery is received from a buying station other than a tender, indicate the name of the buying station. If the delivery is received from a buying station that is a tender, enter the ADF&G vessel registration number.

(*8*) If delivery is received from a catcher vessel, indicate the ADF&G vessel registration number of the vessel.

(*9*) Indicate whether the blue logsheet was received from the catcher vessel at the time of catch delivery. If the blue logsheet is not received from the catcher vessel, enter ''NO'' and select the applicable code from the following table to explain the reason provided by the catcher vessel for not supplying this copy:

Non-submittal of discard report	Code
(*i*) The catcher vessel does not have an FFP.	''P''
(*ii*) The catcher vessel is under 60 ft (18.3 m) LOA and does not have an FFP.	''P''
(*iii*) The catcher vessel is under 60 ft (18.3 m) LOA and has an FFP.	''L''
(*iv*) The catcher vessel delivered an unsorted codend.	''U''
(*v*) Another reason; describe circumstances.	''O''

(*10*) Gear type of harvester.

(*11*) Total estimated hail weight (to the nearest pound).

(*12*) ADF&G fish ticket number provided to catcher vessel (eLandings assigns an ADF&G fish ticket number to the landing report).

(B) *Landings information.* The User for a shoreside processor or SFP must record the following landings information (see paragraphs (e)(5)(i)(B)(*1*) and (*2*) of this section) for all retained species from groundfish deliveries:

(*1*) Date of landing (mm/dd/yyyy).

(*2*) Landed scale weight (to the nearest pound) by species code and delivery condition code. Obtain actual weights for each groundfish species received and retained by:

(*i*) Sorting according to species codes and direct weighing of that species, or

(*ii*) Weighing the entire delivery and then sorting and weighing the groundfish species individually to determine their weights.

(C) *Discard or disposition information.* The User must record:

(*1*) Discard or disposition of fish: that occurred on and was reported by a catcher vessel; that occurred on and was reported by a buying station; and that occurred prior to, during, and/or after production of groundfish at the shoreside processor or SFP. Discards and dispositions also must be recorded when no groundfish are delivered but the blue DFL is submitted by a catcher vessel containing records of discards or disposition.

(*2*) If groundfish or PSC herring, enter species code, delivery condition code, disposition code, and weight (to the nearest pound), and

(*3*) If PSC halibut, salmon, or crab, enter species code, delivery condition code, disposition code, and count (in numbers of animals).

(ii) *Submittal time limit.* The User for a shoreside processor or SFP must enter information described at paragraph (e)(5)(i) of this section into eLandings or other NMFS-approved software for each groundfish delivery from a specific vessel by noon of the day following completion of the delivery.

(iii) *Compliance.* By using eLandings, the User for the shoreside processor or SFP and the catcher vessel operator or buying station operator or manager providing information to the User for the shoreside processor or SFP accept the responsibility of and acknowledge compliance with § 679.7(a)(10).

(6) *Mothership landings report.* The operator of a mothership that is issued an FFP under § 679.4(b) and that receives groundfish from catcher vessels required to have an FFP under § 679.4 is required to use eLandings or other NMFS-approved software to submit a daily landings report during the fishing year to report processor identification information and the following information under paragraphs (e)(6)(i) through (iii) of this section):

(i) *Information entered for each groundfish delivery to a mothership.* The User for a mothership must enter the following information (see paragraphs (e)(6)(i)(A)(*1*) through (*11*) of this section) provided by the operator of a catcher vessel, operator or manager of an associated buying station, or information received from processors for reprocessing or rehandling product.

(A) *Delivery information.* (*1*) Number of observers onboard.

(*2*) Crew size (including operator).

(*3*) Management program name and identifying number, if any, in which harvest occurred (see paragraph (a)(1)(iii) of this section).

(*4*) ADF&G groundfish statistical area of harvest.

(*5*) Date (mm/dd/yyyy) that delivery was completed.

(*6*) If the delivery is received from a tender, enter the ADF&G vessel registration number of the tender.

(*7*) If delivery received from a catcher vessel, enter the ADF&G vessel registration number of the vessel.

(*8*) Indicate whether the blue logsheet was received from the catcher vessel at the time of catch delivery. If the blue logsheet was not received from the catcher vessel, enter ''NO'' and select a code from the following table to explain the reason provided by the catcher vessel for not supplying this copy.

Non-submittal of discard report	Code
(*i*) The catcher vessel does not have an FFP.	''P''
(*ii*) The catcher vessel is under 60 ft (18.3 m) LOA and does not have an FFP.	''P''
(*iii*) The catcher vessel is under 60 ft (18.3 m) LOA and has an FFP.	''L''
(*iv*) The catcher vessel delivered an unsorted codend.	''U''
(*v*) Another reason; describe circumstances.	''O''

(*9*) Gear type of harvester.

(*10*) Total estimated round weight by species (pounds).

(*11*) ADF&G fish ticket number provided to catcher vessel (eLandings assigns an ADF&G fish ticket number to the landing report).

(B) *Discard or disposition information.* (1) The User must record discard or disposition information that occurred on and was reported by a catcher vessel; that occurred on and was reported by a buying station; and that occurred prior to, during, and after production of groundfish at the mothership. Discards and dispositions also must be recorded when no groundfish are delivered but the blue DFL is submitted by a catcher vessel containing records of discards or disposition.

(*2*) If groundfish or PSC herring, enter species code, delivery condition code, disposition code, and weight (to the nearest pound), and

(*3*) If PSC halibut, salmon, or crab, enter species code, delivery condition code, disposition code, and count (in numbers of animals).

(ii) *Submittal time limit.* The User for a mothership must enter information described at paragraph (e)(6)(i) of this section into eLandings or other NMFS-approved software for each groundfish delivery from a specific vessel by noon of the day following the delivery day.

(iii) *Compliance.* By using eLandings, the User for the mothership and the catcher vessel operator or buying station operator providing information to the User for the mothership accept the responsibility of and acknowledge compliance with § 679.7(a)(10).

(7) *Registered Buyer landings report.* A person who is issued a Registered Buyer permit under § 679.4(d)(3) and who receives IFQ halibut or IFQ sablefish from an IFQ permit holder or who receives CDQ halibut from a CDQ permit holder at any time during the fishing year is required to use eLandings or other NMFS-approved software to submit landings reports with the following information from paragraphs (e)(7)(i) and (ii) of this section):

(i) *Information entered for each IFQ halibut, CDQ halibut, and IFQ sablefish delivery.* The User for a Registered Buyer must enter the following information (see paragraphs (e)(7)(i)(A) through (E) of this section) for each IFQ halibut, CDQ halibut, and IFQ sablefish delivery into eLandings or other NMFS-approved software:

(A) *User identification.* UserID and password of person assigned for that system.

(B) *Landing date.* Date (mm/dd/yyyy) of the landing.

(C) *Landing location.* Location (port code) of the landing (See Tables 14a, 14b, and 14c to this part).

(D) *Permit numbers.* Permit number of the IFQ permit holder, and any IFQ hired master permit holder, or CDQ hired master permit holder harvesting the fish and permit number of Registered Buyer receiving the IFQ halibut, IFQ sablefish, or CDQ halibut.

(E) *Delivery information.* As reported by the IFQ permit holder, IFQ hired master permit holder, or CDQ hired master permit holder including the information in paragraphs (e)(7)(i)(E)(*1*) through (*9*) of this section):

(*1*) Harvesting vessel's ADF&G vessel registration number.

(*2*) Gear code of gear used to harvest IFQ halibut, IFQ sablefish, or CDQ halibut.

(*3*) ADF&G fish ticket number(s) for the landing (after the initial eLandings report is submitted, eLandings assigns an ADF&G fish ticket number to the landing report).

(*4*) ADF&G statistical area of harvest.

(*5*) If ADF&G statistical area is bisected by a line dividing two IFQ regulatory areas, provide the IFQ regulatory area of harvest.

(*6*) Except as provided in paragraph (e)(7)(i)(E)(*7*) of this section, initial accurate scale weight(s) (to the nearest pound) made at the time of offloading for IFQ halibut, IFQ sablefish, or CDQ halibut sold and retained (where retained includes fish intended for personal use, fish weighed and reloaded for delivery to another processor, and fish landed but rejected at the dock by the Registered Buyer); species codes; delivery condition code; and disposition code for each ADF&G statistical area of harvest.

(*7*) Accurate weight of IFQ sablefish processed product obtained before the offload may be substituted for the initial accurate scale weight provided in paragraph (e)(7)(i)(E)(*6*) of this section, at time of offload, if the vessel operator is a Registered Buyer reporting an IFQ sablefish landing.

(*8*) Indicate whether initial accurate scale weight is given with or without ice and slime. Fish which have been washed prior to weighing or which have been offloaded from refrigerated salt water are not eligible for a 2-percent deduction for ice and slime and must be reported as fish weights without ice and slime. The 2-percent deduction is made by NMFS, not the submitter.

(*9*) Indicate whether IFQ halibut is incidental catch concurrent with legal landing of salmon or concurrent with legal landing of lingcod harvested using dinglebar gear.

(ii) *Signatures for IFQ halibut, CDQ halibut, or IFQ sablefish deliveries.* (A) The User for the Registered Buyer must print the completed groundfish landing report (ADF&G electronic groundfish ticket) and the groundfish IFQ landing receipt. The User must review the autofilled data entry cells to ensure that they are accurate for the landing that is taking place.

(B) The User for the Registered Buyer, plus the IFQ permit holder or the IFQ hired master permit holder or CDQ hired master permit holder, must acknowledge the accuracy of the printed IFQ halibut, CDQ halibut, or IFQ sablefish landing receipt, and if necessary, IFQ manual landing report, by entering printed name, signature, and date.

(iii) *Time limits*—(A) *Landing hours.* A landing of IFQ halibut, CDQ halibut, or IFQ sablefish may commence only between 0600 hours, A.l.t., and 1800 hours, A.l.t., unless permission to land at a different time is granted in advance by a clearing officer.

(B) *Landing receipt signatures.* The User for the Registered Buyer and the IFQ permit holder, IFQ hired master permit holder, or CDQ hired master permit holder must sign the groundfish IFQ landing receipt within six hours after all IFQ halibut, CDQ halibut, and IFQ sablefish are offloaded from a harvesting vessel and prior to shipment or transfer of the fish from the landing site.

(C) *Landing completion.* The User for the Registered Buyer must submit a completed IFQ landing report, as described in paragraph (e)(7), within six

hours after all IFQ halibut, CDQ halibut, and IFQ sablefish are offloaded from a specific vessel and prior to shipment or transfer of said fish from the landing site.

(iv) *IFQ manual landing report.* See paragraph (e)(1)(iii) of this section.

(8) *Registered Crab Receiver (RCR)—IFQ crab landings report.* (i) A person who is issued an RCR permit under § 680.4(i) of this chapter and who receives IFQ crab from a crab IFQ permit holder or crab IFQ hired master is required to use eLandings to submit a landings report to report every landing of IFQ crab and incidental groundfish.

(ii) An RCR using a catcher/processor is required to submit a crab landings report using eLandings in a format approved by NMFS. NMFS will provide format specifications upon request. Interested parties may contact NMFS Alaska Region, Sustainable Fisheries Division, Catch Accounting/Data Quality, P.O. Box 21668, Juneau, AK 99802–1668, telephone 907–586–7228.

(iii) *Information entered for each IFQ crab delivery.* The User for the RCR must enter the following information (see paragraphs (e)(8)(iii)(A) through (C) of this section) into eLandings or other NMFS-approved software for each IFQ crab delivery:

(A) *Permit numbers.* RCR permit number, IFQ permit number, and IPQ permit number, as appropriate.

(B) *Operation type.* (*1*) If a shoreside processor or SFP, enter type of processing operation and port code from Table 14a or 14b to this part.

(*2*) If a catcher/processor, enter operation type from Table 14c to this part.

(C) *Delivery information.* As reported by IFQ permit holder.

(*1*) ADF&G vessel registration number of the delivering vessel.

(*2*) Date (mm/dd/yyyy) fishing began.

(*3*) Date (mm/dd/yyyy) of the IFQ crab landing.

(*4*) ADF&G fish ticket number (automatically supplied).

(*5*) ADF&G statistical area of harvest (All ADF&G statistical areas are translated to the NMFS reporting area and the IPHC reporting area by eLandings.).

(*6*) Species code of catch from Table 2 to part 680.

(*7*) Delivery-condition codes of catch from Table 3a to this part.

(*8*) Number of crab retained and sold condition code, product type, size/grade, and sold pounds; and optionally, price per pound.

(*9*) Scale weight of deadloss (to the nearest pound) and scale weight of crab retained for personal use (to the nearest pound). Deadloss and personal use crab that an IPQ holder did not purchase are not debited from the IPQ holder's account.

(iv) *Information entered for IFQ crab custom processing landings.* In addition to the information required in paragraph (e)(8)(iii) of this section, if custom processing IFQ crab, the User for the RCR must enter the ADF&G processor code of the person for which the IFQ crab was custom processed.

(v) *Signatures for IFQ crab deliveries.* (A) The User for the RCR must print the completed crab landing report (ADF&G electronic crab ticket) and the crab IFQ landing receipt. The User must review the autofilled data entry cells to ensure that they are accurate for the landing that is taking place.

(B) The User for the Registered Crab Receiver (RCR), plus the IFQ permit holder or IFQ hired master permit holder, must acknowledge the accuracy of the printed IFQ crab landing receipt, and, if necessary, IFQ manual landing report, by entering printed name, signature, and date.

(vi) *Time limits.* (A) Except as indicated in paragraph (e)(8)(vi)(B) of this section, the User for the RCR is required to submit a crab landing report described at paragraph (e)(8) of this section to NMFS within six hours after all crab is offloaded from the vessel.

(B) For IFQ crab harvested on a catcher/processor, the User for the RCR is required to submit an IFQ crab landing report to NMFS by Tuesday noon after the end of each weekly reporting period in which IFQ crab was harvested.

(C) The User for the RCR and the IFQ permit holder or IFQ hired master permit holder must enter printed name and sign the crab IFQ landing receipt within six hours after all crab is offloaded from the harvesting vessel.

(vii) *Landing document retention.* The User must retain each landing report and landing receipt per paragraph (a)(5) of this section.

(viii) *IFQ manual landing report for crab.* See paragraph (e)(1)(iii) of this section.

(9) *Shoreside processor or SFP information entered for production report.* The manager of a shoreside processor or SFP that is required to have an FPP under § 679.4(f) must use eLandings or other NMFS-approved software during the fishing year to submit a production report to report daily processor identification information and all groundfish production data. The User must retain a copy of each production report per paragraphs (a)(5) and (6) of this section.

(i) *Contents.* eLandings autofills the following fields when creating a production report for a shoreside processor or SFP: FFP number, company name, ADF&G processor code, User name, e-mail address, and telephone number. The User must review the autofilled cells to ensure that they are accurate for the current report. In addition, the User for the shoreside processor or SFP must enter the following information (see paragraphs (e)(9)(i)(A) through (F) of this section):

(A) *Date.* Reporting date (mm/dd/yyyy).

(B) *Observers.* Number of observers onsite.

(C) *Area of harvest.* Whether harvested in GOA or BSAI.

(D) *Product description.* Species code, product type, and product code of product.

(E) *Product weight.* Enter actual scale weight of product to the nearest pound.

(F) *No production/no deliveries (inactive).* If there was no production or deliveries for the day, mark the ''No Production'' and/or ''No Deliveries'' boxes.

(ii) *Submittal time limits.* When checked-in pursuant to paragraph (h)(2) of this section, the User for a shoreside processor or SFP must submit a production report by noon each day to record the previous day's production information. If a shoreside processor or SFP using eLandings is not taking deliveries over a weekend, the User or manager may transmit the eLandings production report to NMFS on the following Monday.

(10) *Catcher/processor or mothership information entered for production report*—(i) *Catcher/processor.* The operator of a catcher/processor that is issued an FFP under § 679.4 and that harvests groundfish is required to use eLandings or other NMFS-approved software to submit a production report to record and report daily processor identification information, groundfish production data, and groundfish and prohibited species discard or disposition data.

(ii) *Mothership.* The operator of a mothership that is issued an FFP under § 679.4 and that receives groundfish is required to use eLandings or other NMFS-approved software to submit a production report to record and report daily processor identification information, groundfish production data, and groundfish and prohibited species discard or disposition data.

(iii) *Contents.* eLandings autofills the following fields when creating a production report for a catcher/processor or mothership: FFP number, company name, ADF&G processor code, User name, e-mail address, and telephone number. The User must

review the autofilled cells to ensure that they are accurate for the current report. In addition, the User for the catcher/processor or mothership must enter the following information in paragraphs (e)(10)(iii)(A) through (N) of this section):

(A) *Date.* Reporting date (mm/dd/yyyy).

(B) *Designation.* From Table 14c to this part, enter whether the processor is a catcher/processor = FCP or a mothership = FLD.

(C) *Crew size.* Including operator.

(D) *Management program.* Enter management program and identifying number, if any, in which harvest occurred (see paragraph (a)(1)(iii) of this section).

(E) *Gear type of harvester.* Enter the gear type used by the harvester.

(F) *Federal Reporting Area of harvest.* Enter the Federal Reporting Area where harvest was made.

(G) *COBLZ or RKCSA.* Indicate whether fishing occurred in COBLZ or RKCSA (if applicable).

(H) *Product description.* Species code, product type, and product code of product.

(I) *Product weight.* Enter product weight in metric tons to the nearest 0.001 mt.

(J) *No production (inactive).* If there was no production for the day, mark the ''No Production'' box.

(K) *Discard description.* The operator must record the discard or disposition that occurred prior to, during, and after production of groundfish by species code and disposition code of discards and disposition.

(L) *Discard weight.* Daily weight of groundfish and the daily weight of herring PSC to the nearest 0.001 mt.

(M) *PSC numbers.* Daily number of PSC animals (Pacific salmon, steelhead trout, Pacific halibut, king crabs, and Tanner crabs) by species codes and product codes.

(N) *ADF&G statistical area.* Must be reported beginning January 1, 2009.

(iv) *Submittal time limits.* When checked-in pursuant to paragraph (h)(2) of this section, the User for a mothership or catcher/processor must submit a production report by noon each day to record the previous day's production information. If a vessel is required to have 100 percent observer coverage or more, the User may transmit a production report for Friday, Saturday, and Sunday no later than noon on the following Monday.

(11) *Printing of landing reports, landing receipts, and production reports.* (i) The User daily must retain a printed paper copy onsite or onboard of:

(A) Each landing report (ADF&G electronic groundfish tickets or electronic crab tickets).

(B) Each production report.

(C) If IFQ halibut, IFQ sablefish, or CDQ halibut, each groundfish IFQ landing receipt.

(D) If IFQ crab, each crab IFQ landing receipt.

(ii) In addition to paragraph (e)(11)(i) of this section, the mothership operator or User must print an additional copy of each landing report and provide it to the operator of the catcher vessel delivering groundfish to the mothership by 1200 hours, A.l.t., on Tuesday following the end of applicable weekly reporting period.

(12) *Retention and inspection of landing reports, landing receipts, and production reports.* The User must retain a printed copy of each IFQ landing report (ADF&G electronic groundfish ticket or electronic crab ticket), crab IFQ landing receipt, groundfish IFQ landing receipt, and production report as indicated at paragraphs (a)(5) and (6) of this section. The User must make available the printed copies upon request of NMFS observers and authorized officers as indicated at paragraph (a)(5) of this section.

(f) *Electronic logbooks (ELBs).* The operator may use a combination of a NMFS-approved ELB (instead of a DFL or DCPL) and eLandings to record and report groundfish information. To satisfy ELB use requirements, the operator after data entry must routinely create the following three products: an ELB logsheet, an ELB discard report, and an ELB data export.

(1) *Responsibility.* The operator must notify the Regional Administrator by fax at 907–586–7465 to ensure that NMFS knows that the operator is using a NMFS-approved ELB instead of a DFL or DCPL, prior to participating in any Federal fishery.

(i) *Catcher vessel longline and pot gear ELB.* The operator of a catcher vessel using longline and pot gear may use a NMFS-approved catcher vessel longline or pot gear ELB in lieu of using the NMFS-prescribed catcher vessel longline or pot gear DFL required at paragraph (c)(3) of this section.

(ii) *Catcher/processor longline and pot gear ELB.* The operator of a catcher/processor using longline or pot gear may use a combination of a NMFS-approved catcher/processor longline or pot gear ELB and eLandings to record and report groundfish information. The operator may use a NMFS-approved catcher/processor longline and pot gear ELB to record daily processor identification information and catch-by-set information. In eLandings, the operator must record daily processor identification, groundfish production data, and groundfish and prohibited species discard or disposition data.

(iii) *Catcher vessel trawl gear ELB.* The operator of a catcher vessel using trawl gear may use a NMFS-approved catcher vessel trawl gear ELB in lieu of using the NMFS-prescribed catcher vessel trawl gear DFL required at paragraph (c)(4) of this section.

(iv) *Catcher/processor trawl gear ELB.* The operator of a catcher/processor using trawl gear may use a combination of a NMFS-approved catcher/processor trawl gear ELB and eLandings to record and report groundfish information. In the ELB, the operator would record daily processor identification information and catch-by-haul information. In eLandings, the operator must record daily processor identification, groundfish production data, and groundfish and prohibited species discard or disposition data.

(v) *Mothership ELB.* The operator of a mothership may use a combination of a NMFS-approved mothership ELB and eLandings to record and report groundfish information. The operator may use a NMFS-approved mothership ELB to record daily processor identification information and catcher vessel and buying station groundfish delivery information. In eLandings, the operator must record daily processor identification, groundfish production data, and groundfish and prohibited species discard or disposition data.

(vi) If using a NMFS-approved ELB, the operator is not required to quarterly submit logsheets to OLE.

(2) *Requirements for using an ELB*—(i) *Use a NMFS-approved ELB.* The operator must use only a NMFS-approved ELB. The Regional Administrator maintains a list of approved ELBs on the Alaska Region NMFS Web site at *http://www.alaskafisheries.noaa.gov* (see also § 679.28(h) for approval of vendor software).

(ii) *Keep a current copy of DFL or DCPL onboard.* To ensure proper recording of the vessel's fishing activity in the event of problems with the ELB, the operator must keep a current copy of the appropriate DFL or DCPL onboard. In the event that electronic transmission is not made or confirmed for the ELB, the operator must enter information into the paper DFL or DCPL in accordance with the regulations at paragraphs (c)(1) through (c)(4) of this section. The operator must transfer any information recorded in a DFL or DCPL to the ELB when transmission resumes function.

(iii) *Enter all required information into the ELB*—(A) *Inactive.* The operator must enter all required information, if inactive (see paragraph (c)(2) of this section).

(B) *Active.* The operator must enter all required information, if active (see paragraph (c)(3), (c)(4), or (c)(6) of this section, as appropriate).

(*1*) Record the haul number or set number, time and date gear set, time and date gear hauled, begin and end position, CDQ group number (if applicable), and hail weight for each haul or set within 2 hours after completion of gear retrieval.

(*2*) Daily complete ELB data entry and printing of copies as indicated in paragraph (f)(3)(i) of this section.

(iv) *Regularly backup ELB data.* The operator must regularly backup ELB data to ensure that data are not lost in the event of hardware or software problems.

(v) *Correct errors in ELB data.* If after an ELB discard report and ELB logsheet are printed, an error is found in the data, the operator must make any necessary changes to the data, print a new copy of the ELB discard report and ELB logsheet, and export the revised file to NMFS. The operator must retain both the original and revised ELB reports.

(3) *Printed copies.* Upon completion of ELB data entry each day, the operator must print the following information (see paragraphs (f)(3)(i) and (ii) of this section) in the NMFS-specified format:

(i) *ELB logsheet.* (A) Print a copy of an ELB logsheet when a vessel is active, by noon each day to record the previous day's ELB information.

(B) Print one ELB logsheet to describe a continuous period of inactivity, when a vessel is inactive.

(C) Print a copy of the ELB logsheet for the observer's use if an observer is present, by noon each day to record the previous day's ELB information.

(ii) *ELB discard report.* (A) Print a copy of an ELB discard report upon completion of each fishing trip or each offload of fish.

(B) If an observer is present, print a copy of the ELB discard report for the observer's use upon completion of each fishing trip or each offload of fish.

(4) *Signatures*—(i) *ELB logsheet.* The operator daily must sign and date each printed ELB logsheet by noon each day to record the previous day's ELB information. The signature of the operator is verification of acceptance of the responsibility required in paragraph (a)(2) of this section.

(ii) *ELB discard report.* The operator daily must sign and date each printed ELB discard report upon completion of each fishing trip or each offload of fish. The signature of the operator is verification of acceptance of the responsibility required in paragraph (a)(2) of this section.

(5) *Submittal time limits.* (i) The operator of a catcher vessel using an ELB must upon delivery of catch submit the ELB discard report to the mothership, shoreside processor, or SFP.

(ii) The operator or manager of a buying station that receives groundfish catch from a catcher vessel using an ELB must upon delivery of catch submit the ELB discard report to the mothership, shoreside processor, or SFP, and submit the ELB data export directly to the Regional Administrator or through the mothership, shoreside processor, or SFP.

(6) *Retention.* The operator must keep a signed copy of each ELB logsheet and each ELB discard report, filed in sequence for immediate access by authorized personnel as described at paragraph (a)(5) of this section.

(7) *ELB data export.* The operator must transmit an ELB data export to NMFS at the specified e-mail address within 24 hours of completing each fishing trip or offload, as described under paragraph (f)(7)(i) or (ii) of this section in the following manner:

(i) Directly to NMFS as an e-mail attachment; or

(ii) If a catcher vessel, send directly to NMFS as an e-mail attachment or to NMFS through a shoreside processor, SFP, or mothership who received his/her groundfish catch. Through a prior agreement with the catcher vessel, the operator of a mothership or the manager of a shoreside processor or SFP will forward the ELB data export to NMFS as an e-mail attachment within 24 hours of completing receipt of the catcher vessel's catch.

(8) *Return receipt.* (i) Upon receiving an ELB data export, NMFS will generate a dated return-receipt to confirm receipt of the ELB data. If errors exist in the data transmitted to NMFS, the receipt will identify the errors. If errors are identified, the operator must correct the errors and send a revised transmission to NMFS which will then confirm acceptance of the ELB data.

(ii) The operator must retain the NMFS return receipt as described in paragraph (a)(5) of this section.

(iii) If a return receipt from NMFS is not received within 24 hours, the operator of the catcher vessel, the operator of a catcher/processor, the operator of the mothership, or the manager of the shoreside processor or SFP forwarding the ELB data export for the operator of the catcher vessel, must contact NMFS by telephone at 907–586–7228 or fax at 907–586–7131 for instructions.

(g) * * *

(1) *General requirements.* Except as provided in paragraphs (g)(2)(i) through (v) of this section, the operator or manager must record on a PTR those species that are listed in Tables 2a and 2c to this part when those species are transferred out of the facility or off the vessel and may also record species listed in Table 2d to this part.

* * * * *

(h) *Check-in/Check-out report*—(1) *Requirement.* Except as described in paragraph (h)(2) of this section, the operator of a catcher/processor or mothership and manager of a shoreside processor or SFP must submit to NMFS a check-in report (BEGIN message) prior to becoming active and a check-out report (CEASE message) for every check-in report submitted. The check-in report and check-out report must be submitted by fax to 907–586–7131, or by e-mail to *erreports.alaskafisheries@noaa.gov*.

(2) *Exceptions*—(i) *VMS onboard.* The operator of a catcher/processor or mothership is not required to submit to NMFS a check-in report or check-out report if the vessel is carrying onboard a transmitting VMS that meets the requirements of § 679.28(f).

(ii) *Exception, two adjacent reporting areas.* If on the same day a catcher/processor intends to fish in two adjacent reporting areas (an action which would require submittal of check-out reports and check-in reports multiple times a day when crossing back and forth across a reporting area boundary), and the two reporting areas have on that day and time an identical fishing status for every species, the operator must:

(A) Submit to NMFS a check-in report to the first area prior to entering the first reporting area, and

(B) Submit to NMFS a check-in report to the second area prior to entering the second reporting area.

(C) Remain within 10 nautical miles (18.5 km) of the boundary described in paragraph (h)(2)(i) of this section.

(D) If the catcher/processor proceeds in the second reporting area beyond 10 nautical miles (18.5 km) of the boundary between the two areas, the operator must submit a check-out report from the first reporting area. The operator must submit a check-out report from the second area upon exiting that reporting area.

(3) *Transit through reporting areas.* The operator of a catcher/processor or mothership is not required to submit a check-in or check-out report if the vessel is transiting through a reporting area and is not fishing or receiving fish.

(4) *Time limits and submittal.* Except as indicated in paragraph (h)(2) of this section, the operator or manager must submit a check-in report and a check-out report according to the following table:

For . . .	If you are a . . .	Submit a BEGIN message	Submit a CEASE message
(i) Each reporting area, except area 300, 400, 550, or 690.	(A) C/P using trawl gear.	Before gear deployment	Within 24 hours after departing a reporting area but prior to checking-in to another reporting area.
	(B) C/P using longline or pot gear.	Before gear deployment. May be checked in to more than one area simultaneously.	Upon completion of gear retrieval and within 24 hours after departing each reporting area.
	(C) MS	Before receiving groundfish, must check-in to reporting area(s) where groundfish were harvested. May be checked in to more than one area simultaneously.	Within 24 hours after receipt of fish is complete from that reporting area. If receipt of groundfish from a reporting area is expected to stop for at least one month during the fishing year and then start up again, may submit check-out report for that reporting area.
(ii) COBLZ or RKCSA	(A) C/P using trawl gear.	Prior to fishing. Submit one check-in for the COBLZ or RKCSA and another check-in for the area outside the COBLZ or RKCSA.	Upon completion of gear retrieval for groundfish, submit a separate check-out for the COBLZ or RKCSA and another check-out for the area outside the COBLZ or RKCSA.
	(B) MS	Before receiving groundfish harvested with trawl gear that were harvested in the COBLZ or RKCSA, submit one check-in for the COBLZ or RKCSA and another check-in for the area outside the COBLZ or RKCSA.	Upon completion of groundfish receipt, submit a separate check-out for the COBLZ or RKCSA and another check-out for the area outside the COBLZ or RKCSA.
(iii) Gear Type	(A) C/P	If in the same reporting area but using more than one gear type, prior to fishing submit a separate check-in for each gear type.	Upon completion of gear retrieval for groundfish, submit a separate check-out for each gear type for which a check-in was submitted.
	(B) MS	If harvested in the same reporting area but using more than one gear type, prior to receiving groundfish submit a separate check-in for each gear type.	Upon completion of receipt of groundfish, submit a separate check-out for each gear type for which a check-in was submitted.
(iv) CDQ	(A) MS	Prior to receiving groundfish CDQ, if receiving groundfish under more than one CDQ number, use a separate check-in for each CDQ number.	Within 24 hours after receipt of groundfish CDQ has ceased for each CDQ number.
	(B) C/P	Prior to fishing, submit a separate check-in for each CDQ number.	Within 24 hours after groundfish CDQ fishing for each CDQ number has ceased.
(v) Exempted or Research Fishery.	(A) C/P	Prior to fishing, submit a separate check-in for each type.	Upon completion of receipt of groundfish submit a separate check-out for each type for which a check-in was submitted.
	(B) MS	Prior to receiving groundfish, submit a separate check-in for each type.	Upon completion of receipt of groundfish submit a separate check-out for each type for which a check-in was submitted.
(vi) Aleutian Islands Pollock (AIP).	(A) C/P	Prior to AIP fishing	Within 24 hours after completion of gear retrieval for AIP.
	(B) MS	Before receiving AIP	Within 24 hours after receipt of AIP has ceased.
(vii) Processor Type	C/P, MS	If a catcher/processor and functioning simultaneously as a mothership in the same reporting area, before functioning as either processor type.	Upon completion of simultaneous activity as both catcher/processor and mothership, a separate check-out, one for catcher/processor and one for mothership.
(viii) Change of fishing year.	(A) C/P, MS	If continually active through the end of one fishing year and at the beginning of a second fishing year, submit a check-in for each reporting area to start the year on January 1.	If a check-out report was not previously submitted during a fishing year for a reporting area, submit a check-out report for each reporting area on December 31.
	(B) SS, SFP	If continually active through the end of one fishing year and at the beginning of a second fishing year, submit a check-in to start the year on January 1.	If a check-out report was not previously submitted during a fishing year, submit a check-out report on December 31.
(ix) Interruption of production.	SS, SFP, MS	n/a	If receipt of groundfish is expected to stop for at least one month during the fishing year and then start up again, the manager or operator may choose to submit a check-out report.

(5) *Required information.* The operator of a catcher/processor or mothership and the manager of a shoreside processor or SFP must record the information in the following table on a check-in report and a check-out report, as appropriate.

Required information	Check-in report			Check-out report		
	MS	C/P	SS, SFP	MS	C/P	SS, SFP
(i) Whether an original or revised report	X	X	X	X	X	X
(ii) Vessel name, ADF&G processor code, FFP number	X	X		X	X	
(iii) Processor name, ADF&G processor code, FPP number			X			X
(iv) Representative name, business telephone number, business fax number	X	X	X	X	X	X
(v) COMSAT number (if applicable)	X	X		X	X	
(vi) Management program name (see paragraph (a)(1)(iii) of this section) and identifying number (if any). If harvest is not under one of these management programs, leave blank.	X	X		X	X	
(vii) Processor type, gear type	X	X		X	X	
(viii) Date (mm/dd/yy) and time (A.l.t., military format):						
(A) When receipt of groundfish will begin	X		X			
(B) When gear deployment will begin		X				
(C) When the last receipt or processing of groundfish was completed				X		X
(D) When the vessel departed the reporting area					X	
(ix) Position coordinates:						
(A) Where groundfish receipt begins	X					
(B) Where receiving groundfish (if SFP)			X			
(C) Where gear is deployed		X				
(D) Where the last receipt of groundfish was completed				X		
(E) Where the vessel departed the reporting area					X	
(x) Reporting area code:						
(A) Where gear deployment begins		X				
(B) Where groundfish harvest occurred	X					
(C) Where the last receipt of groundfish was completed				X		
(D) Where the vessel departed the reporting area					X	
(xi) Primary and secondary target species (A change in intended target species within the same reporting area does not require a new BEGIN message.):						
(A) Expected to be received the following week	X					
(B) Expected to be harvested the following week		X				
(xii) Indicate (YES or NO) whether this is a check-in report			X			
(xiii) If YES, indicate:						
(A) If checking-in for the first time this fishing year			X			
(B) If checking-in to restart receipt and processing of groundfish after filing a check-out report			X			
(xiv) Indicate (YES or NO) whether this is a check-out report						X
(xv) If YES, indicate product weight of all fish or fish products (including non-groundfish) remaining at the facility (other than public cold storage) by species code and product code. Indicate if recorded to the nearest pound or to the nearest 0.001 mt.			X			X

(i) *Weekly production report (WPR).* The WPR is removed from use. Instead of a WPR, the operator of a mothership or catcher/processor and the manager of a shoreside processor or SFP must submit all landings information, production information, and discard and disposition information using eLandings or other NMFS-approved software (see paragraph (e) of this section).

* * * * *

(l) * * *

(1) * * *

(iv) *Exemption*—(A) *Halibut.* An IFQ landing of halibut of 500 lb or less of IFQ weight determined pursuant to § 679.40(h) and concurrent with a legal landing of salmon harvested using hand troll gear or power troll gear is exempt from the PNOL required by this section.

(B) *Lingcod.* An IFQ landing of halibut of 500 lb or less of IFQ weight determined pursuant to § 679.40(h) and concurrent with a legal landing of lingcod harvested using dinglebar gear is exempt from the PNOL required by this section.

(2) *IFQ landing*—(i) *Remain at landing site.* Once the landing has commenced, the IFQ permit holder, the IFQ hired master permit holder, or the CDQ hired master permit holder, and the harvesting vessel may not leave the landing site until the IFQ halibut, IFQ sablefish, or CDQ halibut account is properly debited (see § 679.40(h)).

(ii) *No movement of IFQ halibut, CDQ halibut, or IFQ sablefish.* The offloaded IFQ halibut, CDQ halibut, or IFQ sablefish may not be moved from the landing site until the IFQ Landing Report is completed through eLandings or other NMFS-approved software and the IFQ permit holder's or CDQ permit holder's account is properly debited (see § 679.40(h)).

(iii) *Single offload site*—(A) *IFQ halibut and CDQ halibut.* The vessel operator who lands IFQ halibut or CDQ halibut must continuously and completely offload at a single offload site all halibut onboard the vessel.

(B) *IFQ sablefish.* The vessel operator who lands IFQ sablefish must continuously and completely offload at a single offload site all sablefish onboard the vessel.

* * * * *

5. In § 679.7, paragraph (a)(1)(iii) is added to read as follows:

§ 679.7 Prohibitions.

* * * * *

(a) * * *

(1) * * *

(iii) Conduct fishing operations from a vessel using other than the operation type(s) specified on the FFP (see § 679.4(b)) issued for that vessel.

* * * * *

6. In § 679.22, paragraph (b)(6) is removed and reserved, and paragraphs (b)(5)(i) and (ii) are revised to read as follows:

§ 679.22 Closures.

* * * * *

(b) * * *

(5) * * *

(i) No FFP holder may fish for groundfish in the Sitka Pinnacles Marine Reserve, and no vessel named on an FFP may be anchored in the Sitka Pinnacles Marine Reserve, as described in Figure 18 to this part.

(ii) No person fishing under an IFQ halibut permit may fish for halibut and no person fishing under an IFQ sablefish permit may fish for sablefish in the Sitka Pinnacles Marine Reserve; and no vessel with an IFQ permit holder or IFQ hired master permit holder onboard may be anchored in the Sitka Pinnacles Marine Reserve, as described in Figure 18 to this part.

* * * * *

7. In § 679.28:

A. Paragraph (b)(2)(v) is removed and reserved.

B. Paragraphs (f)(4)(iii) and (h) are added.

C. Paragraphs (a), (b)(2)(iii), (b)(2)(iv), (b)(2)(vi)(A), (f)(4)(i), (f)(4)(ii), and (f)(5) are revised.

The revisions and additions read as follows:

§ 679.28 Equipment and operational requirements.

(a) *Applicability*. This section contains the operational requirements for scales, observer sampling stations, bins for volumetric estimates, vessel monitoring system hardware, catch monitoring and control plan, and catcher vessel electronic logbook software. The operator or manager must retain a copy of all records described in this section (§ 679.28) as indicated at § 679.5(a)(5) and (6) and make available the records upon request of NMFS observers and authorized officers as indicated at § 679.5(a)(5).

(b) * * *

(2) * * *

(iii) *Who may perform scale inspections and approvals*? Scales must be inspected and approved by a NMFS-staff scale inspector or an inspector designated by NMFS and trained by a NMFS-staff scale inspector.

(iv) *How does a vessel owner arrange for a scale inspection*? The operator must submit a request for a scale inspection at least 10 working days in advance of the requested date of inspection by filing a request online or by printing and faxing the scale inspection request at *http://www.alaskafisheries.noaa.gov/scales/default.htm*.

* * * * *

(vi) * * *

(A) Make the vessel and scale available for inspection by the scale inspector.

* * * * *

(f) * * *

(4) * * *

(i) Register the vessel's VMS unit with an appropriate service provider;

(ii) Use VMS check-in report to contact OLE by fax at 907–586–7703 and provide the date (mm/dd/yy), vessel name, USCG documentation number, FFP number or Federal crab vessel permit number, name and telephone number of contact person, and VMS transmitter ID or serial number; and

(iii) Call OLE at 907–586–7225, Monday through Friday, between the hours of 0800 hours, A.l.t., and 1630 hours, A.l.t., at least 72 hours before leaving port and receive confirmation that the transmissions are being received.

(5) *What must the vessel owner do when the vessel replaces a VMS transmitter?* A vessel owner who must use a VMS and who intends to replace a transmitter, must follow the reporting and confirmation procedure for the replacement transmitter, as described in paragraph (f)(4) of this section.

* * * * *

(h) *ELB software*—(1) *How do I get my ELB software approved by NMFS?*—(i) *Specifications.* NMFS will provide specifications for ELB software upon request. Interested parties may contact NMFS by mail at NMFS Alaska Region, Sustainable Fisheries Division, Catch Accounting/Data Quality, P.O. Box 21668, Juneau, AK 99802–1668; by telephone at 907–586–7228. The four types of ELB software are:

(A) Catcher vessel longline or pot gear (see § 679.5(c)(3));

(B) Catcher/processor longline or pot gear (see § 679.5(c)(3));

(C) Catcher vessel trawl gear (see § 679.5(c)(4)); and

(D) Catcher/processor trawl gear (see § 679.5(c)(4)).

(ii) *ELB submittal package.* A vendor or developer wishing to have an ELB approved by NMFS must submit:

(A) A fully operational test copy of the software; and

(B) An application for ELB-approval giving the following information (see paragraphs (h)(1)(ii)(B)(*1*) through (*3*) of this section):

(*1*) Company, contact person, address, telephone number, and fax number for the company developing the software;

(*2*) Name and type of software; and

(*3*) Printed name and signature of individual submitting the software for approval.

(C) Copies of all manuals and documentation for the software.

(iii) *ELB approval.* NMFS will approve ELB software within 60 working days of receipt of all required information if the software meets the following standards in paragraphs (h)(1)(iii)(A) through (H) of this section):

(A) Has fields for the entry of all information required for a paper DFL or DCPL as described in § 679.5(c)(3) and (4), as appropriate.

(B) The software must automatically time and date stamp each printed copy of the ELB logsheet and ELB discard report and clearly identify the first printed copy as an original. If any changes are made to the data in the ELB, subsequent printed copies must clearly be identified as revised. The software must be designed to prevent the operator from overriding this feature.

(C) The software must export data as an ASCII comma delimited text file, xml file, or other format approved by NMFS.

(D) The software must integrate with the vessel's global positioning system (GPS) to allow vessel location fields to be completed automatically.

(E) When the software is started, it must clearly show the software version number.

(F) The software must be designed to facilitate the transfer of an export file to NMFS as an e-mail attachment.

(G) The software must be designed to ensure that an operator can comply with the requirements for ELB use as described in § 679.5(f).

(H) The software must include sufficient data validation capability to prevent a submitter from accidentally transmitting a data file or printing an ELB logsheet that is incomplete or contains clearly erroneous data.

(2) *What if I need to make changes to NMFS-approved ELB software?*—(i) *NMFS-instigated changes.* NMFS will provide the developer with information that affects the ELB software as soon as it is available for distribution, e.g., changes in species codes or product codes.

(ii) *Developer-instigated changes.* The developer must submit a copy of the changed software along with documentation describing the need for the change to NMFS for review and approval as described in paragraph (h)(1)(ii) of this section. NMFS will review and approve the new version according to the guidelines set forth in paragraph (h)(1)(iii) of this section.

(iii) *NMFS-approved ELB changes.* If changes to ELB software are approved by NMFS, the developer must:

(A) Give the revised software a new version number;

(B) Notify all known ELB users of the software that a new version is available; and

(C) Ensure that the ELB users are provided with a revised copy within 15 days of notification.

* * * * *

8. In § 679.40, paragraph (c)(3) is revised and paragraph (h) is added to read as follows:

§ 679.40 Sablefish and halibut QS.

* * * * *

(c) * * *

(3) *IFQ permit.* The Regional Administrator shall issue to each QS holder, pursuant to § 679.4, an IFQ permit specifying the maximum amount of halibut and sablefish that may be harvested with fixed gear in a specified IFQ regulatory area and vessel category. Such IFQ permits will be sent to each QS holder at the address on record for that person prior to the start of the IFQ fishing season or following transfers or penalties (15 CFR part 904).

* * * * *

(h) *Properly debited landing*—(1) *Permit holder's account.* Except as provided in paragraph (g) of this section, all IFQ halibut, CDQ halibut, and IFQ sablefish catch onboard a vessel must be weighed and debited from the IFQ permit holder's account or CDQ halibut permit holder's account under which the catch was harvested.

(2) *Properly debited account.* A properly concluded groundfish IFQ landing receipt, crab IFQ landing receipt, or a manual IFQ landing report which is signed by the Registered Buyer and IFQ permit holder or IFQ hired master permit holder or CDQ hired master permit holder constitutes confirmation that the IFQ permit holder's or CDQ permit holder's account is properly debited.

(3) *Source of debit.* NMFS shall use the following sources (see paragraphs (h)(3)(i) and (ii) of this section) of information to debit a CDQ halibut, IFQ halibut, or IFQ sablefish account:

(i) *Unprocessed landing.* If offload of unprocessed IFQ halibut, CDQ halibut, or IFQ sablefish from a vessel, the scale weight (to the nearest pound) of the halibut or sablefish product actually measured at the time of offload, as required by § 679.5(e)(8)(i)(K) to be included in the IFQ Landing Report.

(ii) *Processed landing.* If offload of processed IFQ halibut, CDQ halibut, or IFQ sablefish from a vessel, the scale weight (to the nearest pound) of the halibut or sablefish processed product actually measured at or before the time of offload. If the product scale weights are taken before the time of offload, then the species and actual product weight of each box or container must be visibly marked on the outside of each container to facilitate inspection by OLE or designees.

9. In § 679.42, paragraphs (c), (h)(3), and (j)(8) are revised and paragraph (h)(4) is added to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

* * * * *

(c) *Requirements and deductions.* Any individual who harvests halibut or sablefish with fixed gear must have a valid IFQ permit, and if a hired master is conducting the harvest, a valid IFQ hired master permit, aboard the vessel at all times during the fishing trip and present during the landing.

* * * * *

(h) * * *

(3) *Excess.* An IFQ permit holder who receives an approved IFQ allocation of halibut or sablefish in excess of these limitations may nevertheless catch and retain all that IFQ with a single vessel. However, two or more IFQ permit holders may not catch and retain their IFQs with one vessel in excess of these limitations.

(4) *Liability.* Owners of vessels exceeding these limitations are jointly and severally liable with IFQ permit holders and IFQ hired master permit holders whose harvesting causes the vessel to exceed these limitations.

* * * * *

(j) * * *

(8) A corporation, partnership, or other non-individual entity, except for a publicly held corporation, that receives an allocation of QS must provide annual updates to the Regional Administrator identifying all current shareholders, partners, or members to the individual person level and affirming the entity's continuing existence as a corporation or partnership, or other non-individual entity.

* * * * *

10. In § 679.50, paragraph (g)(1)(ix)(A) is revised to read as follows:

§ 679.50 Groundfish Observer Program.

* * * * *

(g) * * *

(1) * * *

(ix) * * *

(A) Ensure that transfers of observers at sea are carried out during daylight hours, under safe conditions, and with the agreement of observers involved.

* * * * *

§§ 679.1, 679.2, 679.4, 679.5, 679.20, 679.21, 679.22, 679.27, 679.28, 679.40, 679.41, 679.42, 679.50, 679.61, and 679.84 [Amended]

11. At each of the locations shown in the Location column, remove the phrase indicated in the ''Remove'' column and replace it with the phrase indicated in the ''Add'' column for the number of times indicated in the ''Frequency'' column.

Location	Remove	Add	Frequency
§ 679.1 introductory text	under the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act.	under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act) and the Northern Pacific Halibut Act of 1982 (Halibut Act).	1
§ 679.1(a)(2)	5 AAC 28.110	5 AAC 28.111	1
§ 679.2 definition of ''Authorized distributor''.	food bank distributors	food bank distributors (see § 679.26, Prohibited Species Donation Program).	1
§ 679.2 definition of ''Authorized fishing gear'' paragraph (14)(iii) introductory text.	paragraph (10)(ix)	paragraph (14)(ix)	1
§ 679.2 definition of ''Authorized fishing gear'' paragraph (14)(iv).	paragraph (10)(iii)	paragraph (14)(iii)	1

Location	Remove	Add	Frequency
§ 679.2 definition of ''Authorized fishing gear'' paragraph (14)(v).	paragraphs (10)(iii) and (iv)	paragraphs (14)(iii) and (iv)	1
§ 679.2 definition of ''Basis species''	authorized to harvest	authorized to harvest (see Tables 10 and 11 to this part).	1
§ 679.2 definition of ''Catcher/processor'' introductory text.	*Catcher/processor* means:	*Catcher/processor (C/P)* means:	1
§ 679.2 definition of ''Catcher vessel''	*Catcher vessel* means	*Catcher vessel (CV)* means	1
§ 679.2 definition of ''Legal rockfish landing for purposes of qualifying for the Rockfish Program'' paragraph (2)(i).	Weekly Production Report	production report	1
§ 679.2 definition of ''Person''	other entity	other non-individual entity	1
§ 679.2 definition of ''Prohibited species''	Regulated under this part	issued an FFP under § 679.4(b)	1
§ 679.2 definition of ''Stationary floating processor''.	*Stationary floating processor*	*Stationary floating processor (SFP)*	1
§ 679.2 definition of ''U.S. Citizen'' paragraph (2)(ii).	other entity	other non-individual entity	1
§ 679.2 definition of ''Vessel operations category''.	§ 679.5(b)(3)	§ 679.4(b)(3)	1
§ 679.2 definition of ''Weekly production report (WPR)''.	(see § 679.5(i))	is no longer required (see § 679.5(e)(9) and (10)).	1
§ 679.4(b)(5)(ii)	owner; and the name	owner; and if applicable, the name	1
§ 679.4(b)(5)(iii)	horsepower; whether this is a vessel of the United States; and whether this vessel will be used as a stationary floating processor.	horsepower; and whether this is a vessel of the United States.	1
§ 679.4(d)(1)(i), (d)(2)(i), (d)(3)(i), and (d)(3)(iv).	suspended, or modified	suspended, surrendered in accordance with paragraph (a)(9) of this section, or modified.	1
§ 679.4(k) heading	*Licenses for license limitation groundfish or crab species.*	*Licenses for license limitation program (LLP) groundfish or crab species.*	1
§ 679.4(k)(3)(ii)(A)(*3*) and (k)(4) introductory text.	Weekly Production Reports	production reports	1
§ 679.4(k)(5)(iv)	Pacific time	Alaska local time	1
§ 679.5(g)(1)(i) heading	*Groundfish*	*Groundfish and donated prohibited species.*	1
§ 679.5(p)(2)	Alaska Department of Fish & Game, Division of Commercial Fisheries.	ADF&G Division of Commercial Fisheries	1
§ 679.5(r)(3)	SPELR	eLandings	2
§ 679.5(r)(5) heading	*Weekly production report (WPR)*	*Production reports.*	1
§ 679.5(r)(5)	submit a WPR as described in paragraph (i) of this section.	submit a production report as described in paragraphs (e)(9) and (10) of this section.	1
§ 679.5(r)(10)(i)(B)(*2*)	as reported in a WPR	as reported in a production report	1
§ 679.20(e) heading	*Maximum retainable amounts—*	*Maximum retainable amounts (MRA)—*	1
§ 679.20(g)(2)(iii)	§ 679.5(a)(9)	§ 679.5(a)(7)(v)(C)	1
§ 679.21(a)(2)	motherships and shoreside processors	motherships, shoreside processors, and SFPs.	1
§ 679.21(e)(7)(vii)	during August	during the period August	1
§ 679.22(b)(1)(iii)	open to any trawl other than a pelagic trawl gear year round.	open unless otherwise closed to trawling	1
§ 679.27(j)(2)	weekly production report required at § 679.5(i).	production report required at § 679.5(e)(10).	1
§ 679.28(c)(3)(i)	§ 679.5(a)(13)	§ 679.5(a)(5)(ii)	1
§ 679.40(a)(2)(i)(D)	other entity	other non-individual entity	1
§ 679.40(a)(3)(v)(B)	WPRs	production reports	1
§ 679.40(a)(6)(i)	corporation or partnership	corporation, partnership, or other non-individual entity.	2
§ 679.41(d)(2)(ii)	A corporation, partnership, or other entity	A corporation, partnership, or other non-individual entity.	1
§ 679.42(j) heading	*corporations and partnerships*	*corporations, partnerships, or other non-individual entities.*	1
§ 679.42(j)	corporation, partnership, or other entity	corporation, partnership, association, or other non-individual entity.	13
§ 679.42(j)	corporation or partnership	corporation, partnership, association, or other non-individual entity.	10
§ 679.50(c)(3)(i)	weekly production report submitted to the Regional Administrator under § 679.5(i).	production report submitted to the Regional Administrator under § 679.5(e)(10).	1
§ 679.50(c)(3)(ii)	weekly production report submitted to the Regional Administrator for that week by the mothership under § 679.5(i).	production reports submitted to the Regional Administrator under § 679.5(e)(10).	1
§ 679.61(d)(1)	paragraph (c) of this section	this paragraph (d)	1
§ 679.61(e)(1)	paragraph (c) of	this section this paragraph (d)	1

Location	Remove	Add	Frequency
§ 679.84(b)	§ 679.4(m)	§ 679.4(n)	1

12. The map in Figure 3 to part 679 is revised to read as follows:

BILLING CODE 3510–22–P

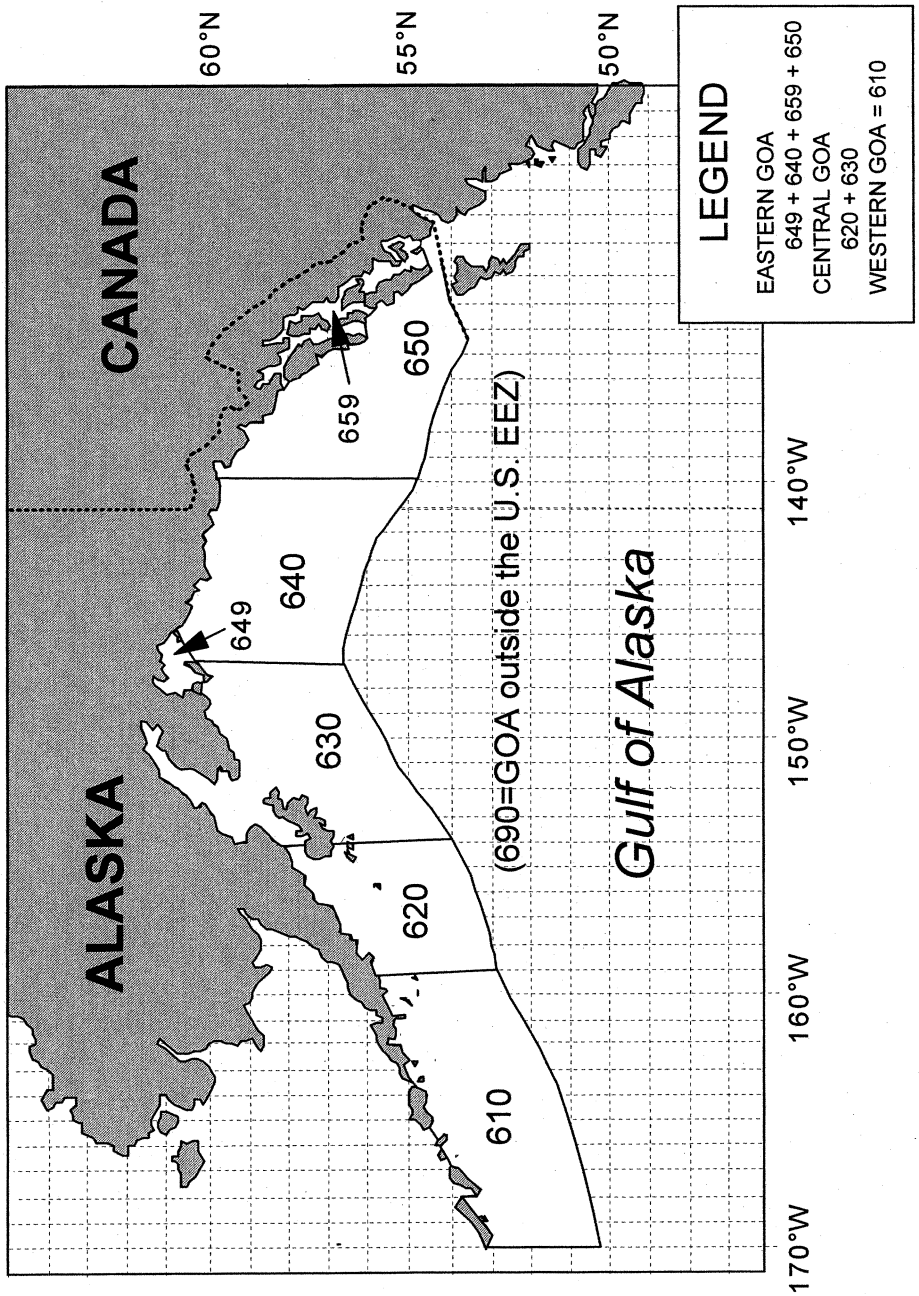

Figure 3 to Part 679–Gulf of Alaska statistical and reporting areas

a. Map

* * * * *

13. The map in Figure 5 to part 679 is revised to read as follows:

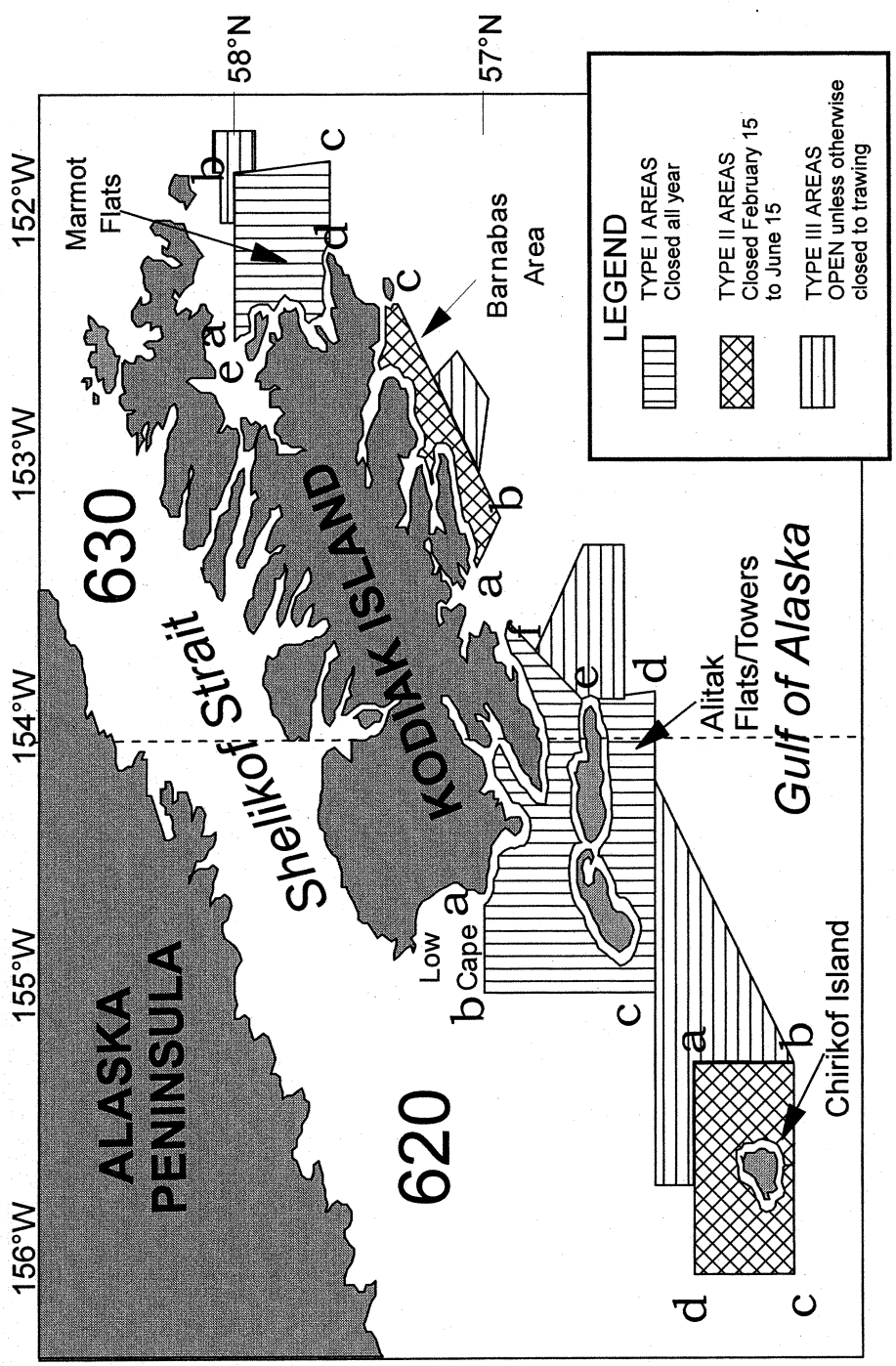

Figure 5 to Part 679– Kodiak Island Closure Status for Vessels Using Non-pelagic Trawl Gear (see § 679.22(b)(1))

a. Map

* * * * *

14. Figure 7 to part 679 is revised to read as follows:

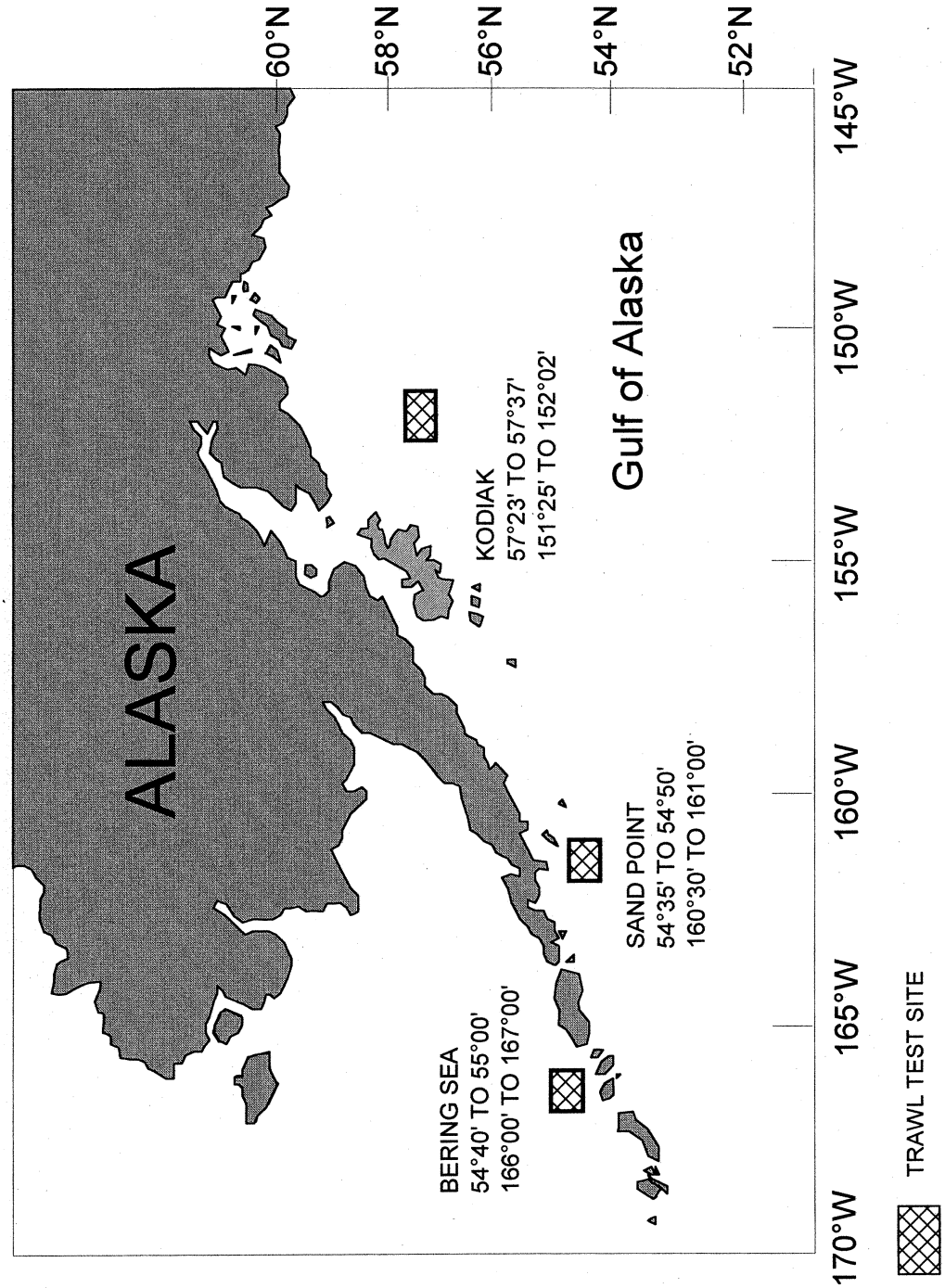

Figure 7 to Part 679--Location of Trawl Gear Test Areas in the GOA and the BSAI (see § 679.24(d)(4))

15. Figure 12 to part 679 is revised to read as follows:

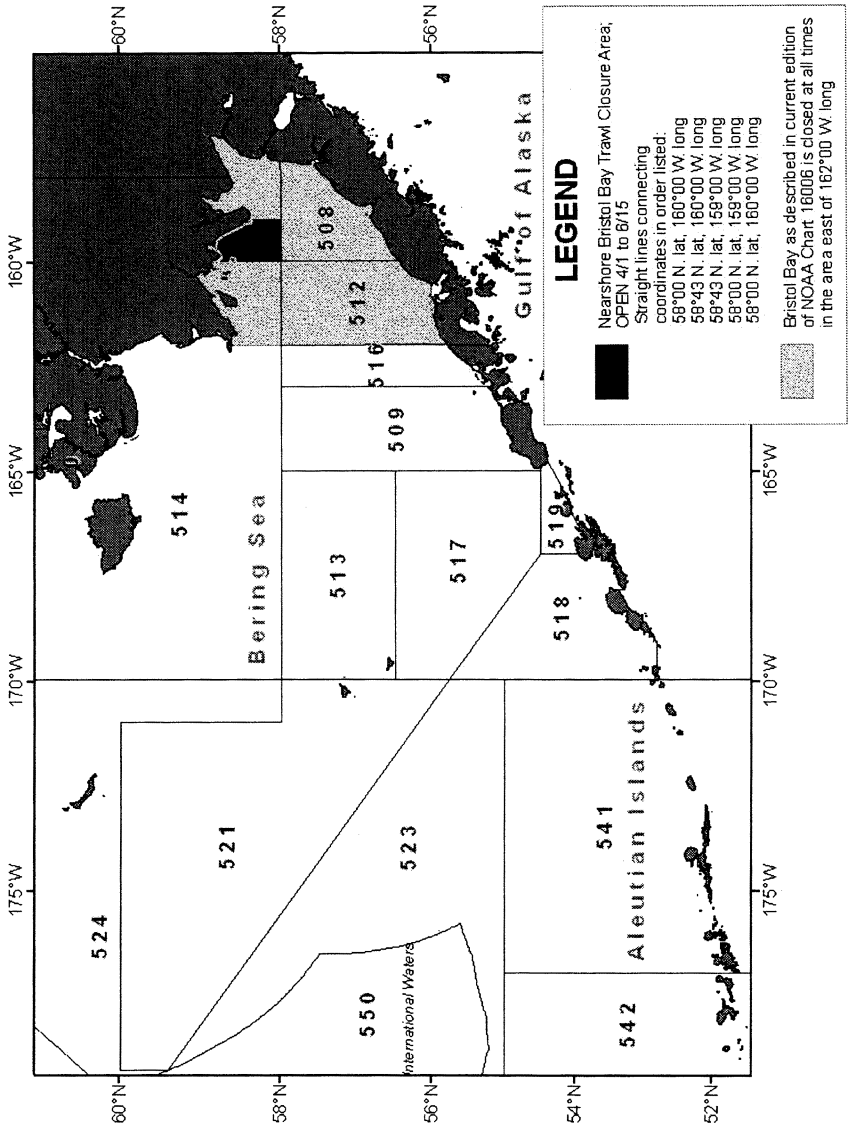

Figure 12 to Part 679–Bristol Bay Trawl Closure Area (see 679.22(a)(9))

16. Table 1 to part 679 is removed; Tables 1a, 1b, and 1c to part 679 are added; and Tables 2a and 2b to part 679 are revised to read as follows:

TABLE 1A TO PART 679—DELIVERY CONDITION AND PRODUCT CODES

Description	Code
General Use Codes	
Belly flaps. Flesh in region of pelvic and pectoral fins and behind head (ancillary only)	19
Bled only. Throat or isthmus slit to allow blood to drain	03
Bled fish destined for fish meal (includes offsite production). DO NOT RECORD ON PTR.	42
Bones (if meal, report as 32) (ancillary only)	39
Butterfly, no backbone.	
Head removed, belly slit, viscera and most of backbone removed; fillets attached	37
Cheeks. Muscles on sides of head (ancillary only)	17
Chins. Lower jaw (mandible), muscles, and flesh (ancillary only)	18
Fillets, deep-skin. Meat with skin, adjacent meat with silver lining, and ribs removed from sides of body behind head and in front of tail, resulting in thin fillets	24
Fillets, skinless/boneless. Meat with both skin and ribs removed, from sides of body behind head and in front of tail	23
Fillets with ribs, no skin.	
Meat with ribs with skin removed, from sides of body behind head and in front of tail	22
Fillets with skin and ribs.	
Meat and skin with ribs attached, from sides of body behind head and in front of tail	20
Fillets with skin, no ribs.	
Meat and skin with ribs removed, from sides of body behind head and in front of tail	21
Fish meal. Meal from whole fish or fish parts; includes bone meal	32

TABLE 1A TO PART 679—DELIVERY CONDITION AND PRODUCT CODES—Continued

Description	Code
Fish oil. Rendered oil from whole fish or fish parts. Record only oil destined for sale and not oil stored or burned for fuel onboard	33
Gutted, head on. Belly slit and viscera removed	04
Gutted, head off. Belly slit and viscera removed	05
Head and gutted, with roe	06
Headed and gutted, Western cut.	
Head removed just in front of the collar bone, and viscera removed	07
Headed and gutted, Eastern cut.	
Head removed just behind the collar bone, and viscera removed	08
Headed and gutted, tail removed.	
Head removed usually in front of collar bone, and viscera and tail removed	10
Heads. Heads only, regardless where severed from body (ancillary only)	16
Kirimi (Steak). Head removed either in front or behind the collar bone, viscera removed, and tail removed by cuts perpendicular to the spine, resulting in a steak	11
Mantles, octopus or squid. Flesh after removal of viscera and arms	36
Milt (in sacs, or testes) (ancillary only)	34
Minced. Ground flesh	31
Other retained product. If product is not listed on this table, enter code 97 and write a description and product recovery rate next to it in parentheses.	97
General Use Codes	
Pectoral girdle. Collar bone and associated bones, cartilage and flesh	15
Roe. Eggs, either loose or in sacs, or skeins (ancillary only)	14
Salted and split. Head removed, belly slit, viscera removed, fillets cut from head to tail but remaining attached near tail. Product salted	12
Stomachs. Includes all internal organs (ancillary only)	35
Surimi. Paste from fish flesh and additives	30
Whole fish or shellfish/food fish	01
Wings. On skates, side fins are cut off next to body.	13
Shellfish Only	
Soft shell crab	75
Bitter crab	76
Deadloss	79
Sections	80
Meat	81

Note: When using whole fish codes, record round weights not product weights, even if the whole fish is not used.

TABLE 1B TO PART 679—DISCARD AND DISPOSITION CODES

Description	Code
Confiscation	63
Deadloss (crab only)	79
Halibut retained for future sale (Halibut only)	87
Overage (Specify overage type in comment)	62
Tagged Fish (Exempt from IFQ)	64
Whole fish/bait, not sold. Used as bait on board vessel	92
Whole fish/bait, sold	61
Whole fish/discard at sea	98
Whole groundfish and prohibited species discarded by catcher vessels, catcher/processors, motherships, or tenders. DO NOT RECORD ON PTR.	
Whole fish/discard, damaged.	
Whole fish damaged by observer's sampling procedures	93
Whole fish/discard, decomposed. Decomposed or previously discarded fish	89
Whole fish/discard, infested. Flea-infested fish, parasite-infested fish	88
Whole fish/discard, onshore. Discard after delivery and before processing by shoreside processors, stationary floating processors, and buying stations and in-plant discard of whole groundfish and prohibited species during processing. DO NOT RECORD ON PTR	99
Whole fish/donated prohibited species	86
Number of Pacific salmon or Pacific halibut, otherwise required to be discarded that is donated to charity under a NMFS-authorized program.	
Whole fish/fish meal.	
Whole fish destined for meal (includes offsite production.) DO NOT RECORD ON PTR	41

TABLE 1B TO PART 679—DISCARD AND DISPOSITION CODES—Continued

Description	Code
Whole fish/personal use, consumption. Fish or fish products eaten on board or taken off the vessel for personal use. Not sold or utilized as bait	95
Whole fish/sold, for human consumption	60

Note: When using whole fish codes, record round weights not product weights, even if the whole fish is not used.

TABLE 1C TO PART 679—PRODUCT TYPE CODES

Description	Code
Ancillary product.	
A product, such as meal, heads, internal organs, pectoral girdles, or any other product that may be made from the same fish as the primary product.	A
Primary product.	
A product, such as fillets, made from each fish, with the highest recovery rate	P
Reprocessed or rehandled product.	
A product, such as meal, that results from processing a previously reported product or from rehandling a previously reported product	R

TABLE 2A TO PART 679—SPECIES CODES: FMP GROUNDFISH

Species description	Code
Atka mackerel (greenling)	193
Flatfish, miscellaneous (flatfish species without separate codes)	120
FLOUNDER:	
Alaska plaice	133
Arrowtooth and/or Kamchatka	121
Starry	129
Octopus, North Pacific	870
Pacific cod	110
Pollock	270
ROCKFISH:	
Aurora (*Sebastes aurora*)	185
Black (BSAI) (*S. melanops*)	142
Blackgill (*S. melanostomus*)	177
Blue (BSAI) (*S. mystinus*)	167
Bocaccio (*S. paucispinis*)	137
Canary (*S. pinniger*)	146
Chilipepper (*S. goodei*)	178
China (*S. nebulosus*)	149
Copper (*S. caurinus*)	138
Darkblotched (*S. crameri*)	159
Dusky (*S. ciliatus*)	154
Greenstriped (*S. elongatus*)	135
Harlequin (*S. variegatus*)	176
Northern (*S. polyspinis*)	136

TABLE 2A TO PART 679—SPECIES CODES: FMP GROUNDFISH—Continued

Species description	Code
Pacific Ocean perch (*S. alutus*)	141
Pygmy (*S. wilsoni*)	179
Quillback (*S. maliger*)	147
Redbanded (*S. babcocki*)	153
Redstripe (*S. proriger*)	158
Rosethorn (*S. helvomaculatus*)	150
Rougheye (*S. aleutianus*)	151
Sharpchin (*S. zacentrus*)	166
Shortbelly (*S. jordani*)	181
Shortraker (*S. borealis*)	152
Silvergray (*S. brevispinis*)	157
Splitnose (*S. diploproa*)	182
Stripetail (*S. saxicola*)	183
Thornyhead (all Sebastolobus species)	143
Tiger (*S. nigrocinctus*)	148
Vermilion (*S. miniatus*)	184
Widow (*S. entomelas*)	156
Yelloweye (*S. ruberrimus*)	145
Yellowmouth (*S. reedi*)	175
Yellowtail (*S. flavidus*)	155
Sablefish (*blackcod*)	710
Sculpins	160
SHARKS:	

TABLE 2A TO PART 679—SPECIES CODES: FMP GROUNDFISH—Continued

Species description	Code
Other (if salmon, spiny dogfish or Pacific sleeper shark—use specific species code)	689
Pacific sleeper	692
Salmon	690
Spiny dogfish	691
SKATES:	
Big	702
Longnose	701
Other (If longnose or big skate—use specific species code)	700
SOLE:	
Butter	126
Dover	124
English	128
Flathead	122
Petrale	131
Rex	125
Rock	123
Sand	132
Yellowfin	127
Squid, majestic	875
Turbot, Greenland	134

Table 2b to Part 679 – Species Codes: FMP Prohibited Species and CR Crab

Species Description			Code	CR Crab	Groundfish PSC
CRAB					
	Box	Lopholithodes mandtii	900		✔
	Dungeness	Cancer magister	910		✔
	King, blue	Paralithodes platypus	922	✔	✔
	King, golden (brown)	Lithodes aequispinus	923	✔	✔
	King, red	Paralithodes amtshaticus	921	✔	✔
	King, scarlet (deepsea)	Lithodes couesi	924	✔	✔
	Korean horsehair crab	Erimacrus isenbeckii	940		✔
	Multispinus crab	Paralomis multispinus	951		✔
	Tanner, Bairdi	Chionoecetes bairdi	931	✔	✔
	Tanner, grooved	Chionoecetes tanneri	933	✔	✔
	Tanner, snow	Chionoecetes opilio	932	✔	✔
	Tanner, triangle	Chionoecetes angulatus	934	✔	✔
	Verrilli crab	Paralomis verrilli	953		✔
PACIFIC HALIBUT		Hippoglossus stenolepis	200		✔
PACIFIC HERRING		Family Clupeidae	235		✔
SALMON					
	Chinook (king)	Oncorhynchus tshawytscha	410		✔
	Chum (dog)	Oncorhynchus keta	450		✔
	Coho (silver)	Oncorhynchus kisutch	430		✔
	Pink (humpback)	Oncorhynchus gorbuscha	440		✔
	Sockeye (red)	Oncorhynchus nerka	420		✔
STEELHEAD TROUT		Oncorhynchus mykiss	540		✔

TABLE 2D TO PART 679—SPECIES CODES: NON-FMP SPECIES

General use	
Species description	Code
Arctic char (anadromous)	521
Bering flounder (*Hippoglossoides robustus*)	116
Dolly varden (anadromous)	531
Eels or eel-like fish	210
Eel, wolf	217
GREENLING:	
Kelp	194
Rock	191
Whitespot	192
Grenadier, giant	214
Grenadier (rattail)	213
Jellyfish (unspecified)	625
Lamprey, Pacific	600
Lingcod	130
Lumpsucker	216
Pacific flatnose	260
Pacific hagfish	212
Pacific hake	112
Pacific lamprey	600
Pacific saury	220
Pacific tomcod	250

TABLE 2D TO PART 679—SPECIES CODES: NON-FMP SPECIES—Continued

General use	
Species description	Code
Poacher (Family Agonidae)	219
Prowfish	215
Ratfish	714
Rockfish, black (GOA)	142
Rockfish, blue (GOA)	167
Sardine, Pacific (pilchard)	170
Sea cucumber, red	895
Shad	180
Skilfish	715
Snailfish, general (genus *Liparis* and genus *Careproctus*)	218
Sturgeon, general	680
Wrymouths	211
SHELLFISH:	
Abalone, northern (pinto)	860
CLAMS:	
Arctic surf	812
Cockle	820
Eastern softshell	842
Pacific geoduck	815

TABLE 2D TO PART 679—SPECIES CODES: NON-FMP SPECIES—Continued

General use	
Species description	Code
Pacific littleneck	840
Pacific razor	830
Washington butter	810
Coral	899
Mussel, blue	855
Oyster, Pacific	880
Scallop, weathervane	850
Scallop, pink (or calico)	851
SHRIMP:	
Coonstripe	964
Humpy	963
Northern (pink)	961
Sidestripe	962
Spot	965
Snails	890
Urchin, green sea	893
Urchin, red sea	892

18. Table 4 to part 679 is revised to read as follows:

TABLE 4 TO PART 679—STELLER SEA LION PROTECTION AREAS POLLOCK FISHERIES RESTRICTIONS

Site name	Area or subarea	Boundaries from		Boundaries to [1]		Pollock no-fishing zones for trawl gear [2,8] (nm)
		Latitude	Longitude	Latitude	Longitude	
Column No. 1	2	3	4	5	6	7
St. Lawrence I./S Punuk I	Bering Sea	63°04.00 N	168°51.00 W			20
St. Lawrence I./SW Cape	Bering Sea	63°18.00 N	171°26.00 W			20
Hall I	Bering Sea	60°37.00 N	173°00.00 W			20
St. Paul I./Sea Lion Rock	Bering Sea	57°06.00 N	170°17.50 W			3
St. Paul I./NE Pt	Bering Sea	57°15.00 N	170°06.50 W			3
Walrus I. (Pribilofs)	Bering Sea	57°11.00 N	169°56.00 W			10
St. George I./Dalnoi Pt	Bering Sea	56°36.00 N	169°46.00 W			3
St. George I./S Rookery	Bering Sea	56°33.50 N	169°40.00 W			3
Cape Newenham	Bering Sea	58°39.00 N	162°10.50 W			20
Round (Walrus Islands)	Bering Sea	58°36.00 N	159°58.00 W			20
Attu I./Cape Wrangell	Aleutian I	52°54.60 N	172°27.90 E	52°55.40 N	172°27.20 E	20
Agattu I./Gillon Pt	Aleutian I	52°24.13 N	173°21.31 E			20
Attu I./Chirikof Pt	Aleutian I	52°49.75 N	173°26.00 E			20
Agattu I./Cape Sabak	Aleutian I	52°22.50 N	173°43.30 E	52°21.80 N	173°41.40 E	20
Alaid I	Aleutian I	52°46.50 N	173°51.50 E	52°45.00 N	173°56.50 E	20
Shemya I	Aleutian I	52°44.00 N	174°08.70 E			20
Buldir I	Aleutian I	52°20.25 N	175°54.03 E	52°20.38 N	175°53.85 E	20
Kiska I./Cape St. Stephen	Aleutian I	51°52.50 N	177°12.70 E	51°53.50 N	177°12.00 E	20
Kiska I./Sobaka & Vega	Aleutian I	51°49.50 N	177°19.00 E	51°48.50 N	177°20.50 E	20
Kiska I./Lief Cove	Aleutian I	51°57.16 N	177°20.41 E	51°57.24 N	177°20.53 E	20
Kiska I./Sirius Pt	Aleutian I	52°08.50 N	177°36.50 E			20
Tanadak I. (Kiska)	Aleutian I	51°56.80 N	177°46.80 E			20
Segula I	Aleutian I	51°59.90 N	178°05.80 E	52°03.06 N	178°08.80 E	20
Ayugadak Point	Aleutian I	51°45.36 N	178°24.30 E			20
Rat I./Krysi Pt	Aleutian I	51°49.98 N	178°12.35 E			20
Little Sitkin I	Aleutian I	51°59.30 N	178°29.80 E			20
Amchitka I./Column Rocks	Aleutian I	51°32.32 N	178°49.28 E			20
Amchitka I./East Cape	Aleutian I	51°22.26 N	179°27.93 E	51°22.00 N	179°27.00 E	20
Amchitka I./Cape Ivakin	Aleutian I	51°24.46 N	179°24.21 E			20
Semisopochnoi/Petrel Pt	Aleutian I	52°01.40 N	179°36.90 E	52°01.50 N	179°39.00 E	20
Semisopochnoi I./Pochnoi Pt	Aleutian I	51°57.30 N	179°46.00 E			20
Amatignak I. Nitrof Pt	Aleutian I	51°13.00 N	179°07.80 W			20
Unalga & Dinkum Rocks	Aleutian I	51°33.67 N	179°04.25 W	51°35.09 N	179°03.66 W	20
Ulak I./Hasgox Pt	Aleutian I	51°18.90 N	178°58.90 W	51°18.70 N	178°59.60 W	20
Kavalga I	Aleutian I	51°34.50 N	178°51.73 W	51°34.50 N	178°49.50 W	20
Tag I	Aleutian I	51°33.50 N	178°34.50 W			20
Ugidak I	Aleutian I	51°34.95 N	178°30.45 W			20
Gramp Rock	Aleutian I	51°28.87 N	178°20.58 W			20
Tanaga I./Bumpy Pt	Aleutian I	51°55.00 N	177°58.50 W	51°55.00 N	177°57.10 W	20
Bobrof I	Aleutian I	51°54.00 N	177°27.00 W			20
Kanaga I./Ship Rock	Aleutian I	51°46.70 N	177°20.72 W			20
Kanaga I./North Cape	Aleutian I	51°56.50 N	177°09.00 W			20
Adak I	Aleutian I	51°35.50 N	176°57.10 W	51°37.40 N	176°59.60 W	20
Little Tanaga Strait	Aleutian I	51°49.09 N	176°13.90 W			20
Great Sitkin I	Aleutian I	52°06.00 N	176°10.50 W	52°06.60 N	176°07.00 W	20
Anagaksik I	Aleutian I	51°50.86 N	175°53.00 W			20
Kasatochi I	Aleutian I	52°11.11 N	175°31.00 W			20
Atka I./North Cape	Aleutian I	52°24.20 N	174°17.80 W			20
Amlia I./Sviech. Harbor [11]	Aleutian I	52°01.80 N	173°23.90 W			20
Sagigik I [11]	Aleutian I	52°00.50 N	173°09.30 W			20
Amlia I./East [11]	Aleutian I	52°05.70 N	172°59.00 W	52°05.75 N	172°57.50 W	20
Tanadak I. (Amlia [11])	Aleutian I	52°04.20 N	172°57.60 W			20
Agligadak I [11]	Aleutian I	52°06.09 N	172°54.23 W			20
Seguam I./Saddleridge Pt [11]	Aleutian I	52°21.05 N	172°34.40 W	52°21.02 N	172°33.60 W	20
Seguam I./Finch Pt	Aleutian I	52°23.40 N	172°27.70 W	52°23.25 N	172°24.30 W	20
Seguam I./South Side	Aleutian I	52°21.60 N	172°19.30 W	52°15.55 N	172°31.22 W	20
Amukta I. & Rocks	Aleutian I	52°27.25 N	171°17.90 W			20
Chagulak I	Aleutian I	52°34.00 N	171°10.50 W			20
Yunaska I	Aleutian I	52°41.40 N	170°36.35 W			20
Uliaga [3]	Bering Sea	53°04.00 N	169°47.00 W	53°05.00 N	169°46.00 W	20,10
Chuginadak	Gulf of Alaska	52°46.70 N	169°41.90 W			20
Kagamil [3]	Bering Sea	53°02.10 N	169°41.00 W			20,10
Samalga	Gulf of Alaska	52°46.00 N	169°15.00 W			20
Adugak I [3]	Bering Sea	52°54.70 N	169°10.50 W			10
Umnak I./Cape Aslik [3]	Bering Sea	53°25.00 N	168°24.50 W			BA
Ogchul I	Gulf of Alaska	52°59.71 N	168°24.24 W			20
Bogoslof I./Fire I [3]	Bering Sea	53°55.69 N	168°02.05 W			BA

TABLE 4 TO PART 679—STELLER SEA LION PROTECTION AREAS POLLOCK FISHERIES RESTRICTIONS—Continued

Site name	Area or subarea	Boundaries from		Boundaries to [1]		Pollock no-fishing zones for trawl gear [2,8] (nm)
		Latitude	Longitude	Latitude	Longitude	
Column No. 1	2	3	4	5	6	7
Polivnoi Rock	Gulf of Alaska	53°15.96 N	167°57.99 W			20
Emerald I	Gulf of Alaska	53°17.50 N	167°51.50 W			20
Unalaska/Cape Izigan	Gulf of Alaska	53°13.64 N	167°39.37 W			20
Unalaska/Bishop Pt [9]	Bering Sea	53°58.40 N	166°57.50 W			10
Akutan I./Reef-lava [9]	Bering Sea	54°08.10 N	166°06.19 W	54°09.10 N	166°05.50 W	10
Unalaska I./Cape Sedanka [6]	Gulf of Alaska	53°50.50 N	166°05.00 W			20
Old Man Rocks [6]	Gulf of Alaska	53°52.20 N	166°04.90 W			20
Akutan I./Cape Morgan [6]	Gulf of Alaska	54°03.39 N	165°59.65 W	54°03.70 N	166°03.68 W	20
Akun I./Billings Head [9]	Bering Sea	54°17.62 N	165°32.06 W	54°17.57 N	165°31.71 W	10
Rootok [6]	Gulf of Alaska	54°03.90 N	165°31.90 W	54°02.90 N	165°29.50 W	20
Tanginak I [6]	Gulf of Alaska	54°12.00 N	165°19.40 W			20
Tigalda/Rocks NE [6]	Gulf of Alaska	54°09.60 N	164°59.00 W	54°09.12 N	164°57.18 W	20
Unimak/Cape Sarichef [9]	Bering Sea	54°34.30 N	164°56.80 W			10
Aiktak [6]	Gulf of Alaska	54°10.99 N	164°51.15 W			20
Ugamak I [6]	Gulf of Alaska	54°13.50 N	164°47.50 W	54°12.80 N	164°47.50 W	20
Round (GOA) [6]	Gulf of Alaska	54°12.05 N	164°46.60 W			20
Sea Lion Rock (Amak) [9]	Bering Sea	55°27.82 N	163°12.10 W			10
Amak I. And rocks [9]	Bering Sea	55°24.20 N	163°09.60 W	55°26.15 N	163°08.50 W	10
Bird I	Gulf of Alaska	54°40.00 N	163°17.2 W			10
Caton I	Gulf of Alaska	54°22.70 N	162°21.30 W			3
South Rocks	Gulf of Alaska	54°18.14 N	162°41.3 W			10
Clubbing Rocks (S)	Gulf of Alaska	54°41.98 N	162°26.7 W			10
Clubbing Rocks (N)	Gulf of Alaska	54°42.75 N	162°26.7 W			10
Pinnacle Rock	Gulf of Alaska	54°46.06 N	161°45.85 W			3
Sushilnoi Rocks	Gulf of Alaska	54°49.30 N	161°42.73 W			10
Olga Rocks	Gulf of Alaska	55°00.45 N	161°29.81 W	54°59.09 N	161°30.89 W	10
Jude I	Gulf of Alaska	55°15.75 N	161°06.27 W			20
Sea Lion Rocks (Shumagins)	Gulf of Alaska	55°04.70 N	160°31.04 W			3
Nagai I./Mountain Pt	Gulf of Alaska	54°54.20 N	160°15.40 W	54°56.00 N	160°15.00 W	3
The Whaleback	Gulf of Alaska	55°16.82 N	160°05.04 W			3
Chernabura I	Gulf of Alaska	54°45.18 N	159°32.99 W	54°45.87 N	159°35.74 W	20
Castle Rock	Gulf of Alaska	55°16.47 N	159°29.77 W			3
Atkins I	Gulf of Alaska	55°03.20 N	159°17.40 W			20
Spitz I	Gulf of Alaska	55°46.60 N	158°53.90 W			3
Mitrofania	Gulf of Alaska	55°50.20 N	158°41.90 W			3
Kak	Gulf of Alaska	56°17.30 N	157°50.10 W			20
Lighthouse Rocks	Gulf of Alaska	55°46.79 N	157°24.89 W			20
Sutwik I	Gulf of Alaska	56°31.05 N	157°20.47 W	56°32.00 N	157°21.00 W	20
Chowiet I	Gulf of Alaska	56°00.54 N	156°41.42 W	56°00.30 N	156°41.60 W	20
Nagai Rocks	Gulf of Alaska	55°49.80 N	155°47.50 W			20
Chirikof I	Gulf of Alaska	55°46.50 N	155°39.50 W	55°46.44 N	155°43.46 W	20
Puale Bay [12]	Gulf of Alaska	57°40.60 N	155°23.10 W			3,10
Kodiak/Cape Ikolik	Gulf of Alaska	57°17.20 N	154°47.50 W			3
Takli I	Gulf of Alaska	58°01.75 N	154°31.25 W			10
Cape Kuliak	Gulf of Alaska	58°08.00 N	154°12.50 W			10
Cape Gull	Gulf of Alaska	58°11.50 N	154°09.60 W	58°12.50 N	154°10.50 W	10
Kodiak/Cape Ugat	Gulf of Alaska	57°52.41 N	153°50.97 W			10
Sitkinak/Cape Sitkinak	Gulf of Alaska	56°34.30 N	153°50.96 W			10
Shakun Rock	Gulf of Alaska	58°32.80 N	153°41.50 W			10
Twoheaded I	Gulf of Alaska	56°54.50 N	153°32.75 W	56°53.90 N	153°33.74 W	10
Cape Douglas (Shaw I.) [12]	Gulf of Alaska	59°00.00 N	153°22.50 W			20, 10
Kodiak/Cape Barnabas	Gulf of Alaska	57°10.20 N	152°53.05 W			3
Kodiak/Gull Point [4]	Gulf of Alaska	57°21.45 N	152°36.30 W			10, 3
Latax Rocks	Gulf of Alaska	58°40.10 N	152°31.30 W			10
Ushagat I./SW	Gulf of Alaska	58°54.75 N	152°22.20 W			10
Ugak I [4]	Gulf of Alaska	57°23.60 N	152°17.50 W	57°21.90 N	152°17.40 W	10, 3
Sea Otter I	Gulf of Alaska	58°31.15 N	152°13.30 W			10
Long I	Gulf of Alaska	57°46.82 N	152°12.90 W			10
Sud I	Gulf of Alaska	58°54.00 N	152°12.50 W			10
Kodiak/Cape Chiniak	Gulf of Alaska	57°37.90 N	152°08.25 W			10
Sugarloaf I	Gulf of Alaska	58°53.25 N	152°02.40 W			20
Sea Lion Rocks (Marmot)	Gulf of Alaska	58°20.53 N	151°48.83 W			10
Marmot I [5]	Gulf of Alaska	58°13.65 N	151°47.75 W	58°09.90 N	151°52.06 W	15, 20
Nagahut Rocks	Gulf of Alaska	59°06.00 N	151°46.30 W			10
Perl	Gulf of Alaska	59°05.75 N	151°39.75 W			10
Gore Point	Gulf of Alaska	59°12.00 N	150°58.00 W			10
Outer (Pye) I	Gulf of Alaska	59°20.50 N	150°23.00 W	59°21.00 N	150°24.50 W	20

TABLE 4 TO PART 679—STELLER SEA LION PROTECTION AREAS POLLOCK FISHERIES RESTRICTIONS—Continued

Site name	Area or subarea	Boundaries from		Boundaries to [1]		Pollock no-fishing zones for trawl gear [2,8] (nm)
		Latitude	Longitude	Latitude	Longitude	
Column No. 1	2	3	4	5	6	7
Steep Point	Gulf of Alaska	59°29.05 N	150°15.40 W			10
Seal Rocks (Kenai)	Gulf of Alaska	59°31.20 N	149°37.50 W			10
Chiswell Islands	Gulf of Alaska	59°36.00 N	149°34.00 W			10
Rugged Island	Gulf of Alaska	59°50.00 N	149°23.10 W	59°51.00 N	149°24.70 W	10
Point Elrington [7 10]	Gulf of Alaska	59°56.00 N	148°15.20 W			20
Perry I [7]	Gulf of Alaska	60°44.00 N	147°54.60 W			
The Needle [7]	Gulf of Alaska	60°06.64 N	147°36.17 W			
Point Eleanor [7]	Gulf of Alaska	60°35.00 N	147°34.00 W			
Wooded I. (Fish I.)	Gulf of Alaska	59°52.90 N	147°20.65 W			20
Glacier Island [7]	Gulf of Alaska	60°51.30 N	147°14.50 W			
Seal Rocks (Cordova) [10]	Gulf of Alaska	60°09.78 N	146°50.30 W			20
Cape Hinchinbrook [10]	Gulf of Alaska	60°14.00 N	146°38.50 W			20
Middleton I	Gulf of Alaska	59°28.30 N	146°18.80 W			10
Hook Point [10]	Gulf of Alaska	60°20.00 N	146°15.60 W			20
Cape St. Elias	Gulf of Alaska	59°47.50 N	144°36.20 W			20

Notes to Table 4 to part 679:

[1] Where two sets of coordinates are given, the baseline extends in a clockwise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.

[2] Closures as stated in § 679.22(a)(7)(iv), (a)(8)(ii), and (b)(2)(ii).

[3] This site lies within the Bogoslof area (BA). The BA consists of all waters of area 518 as described in Figure 1 of this part south of a straight line connecting 55°00′ N / 170°00′ W, and 55°00′ N / 168°11′4.75″ W. Closure to directed fishing for pollock around Uliaga and Kagamil is 20 nm for waters west of 170°W long. and 10 nm for waters east of 170°W long.

[4] Trawl closure between 0 nm to 10 nm is effective from January 20 through May 31. Trawl closure between 0 nm to 3 nm is effective from August 25 through November 1.

[5] Trawl closure between 0 nm to 15 nm is effective from January 20 through May 31. Trawl closure between 0 nm to 20 nm is effective from August 25 to November 1.

[6] Restriction area includes only waters of the Gulf of Alaska Area.

[7] Contact the Alaska Department of Fish and Game for fishery restrictions at these sites.

[8] No-fishing zones are the waters between 0 nm and the nm specified in column 7 of this table around each site and within the BA.

[9] This site is located in the Bering Sea Pollock Restriction Area, closed to pollock trawling during the A season. This area consists of all waters of the Bering Sea subarea south of a line connecting the points 55°46′30″ N lat. 163°00′00″ W long., 54°42′9″ N lat. 165°08′00″ W long., 54°26′30″ N lat. 165°40′00″ W long., 54°18′40″ N lat. 166°12′00″ W long. and 54°8′50″ N lat. 167°00′00″ W long.

[10] The 20 nm closure around this site is effective in federal waters outside of State of Alaska waters of Prince William Sound.

[11] Some or all of the restricted area is located in the Seguam Foraging area (SFA) which is closed to all gears types. The SFA is established as all waters within the area between 52°N lat. and 53°N lat. and between 173°30′ W long. and 172°30′ W long.

[12] The 3 nm trawl closure around Puale Bay and the 20 nm trawl closure around Cape Douglas/Shaw I. are effective January 20 through May 31. The 10 nm trawl closure around Puale Bay and the 10 nm trawl closure around Cape Douglas/Shaw I. are effective August 25 through November 1.

19. Table 9 is removed and reserved; and Tables 10, 11, and 12 to part 679 are revised to read as follows:

BILLING CODE 3510–22–P

Table 10 to Part 679 -- Gulf of Alaska Retainable Percentages

BASIS SPECIES		INCIDENTAL CATCH SPECIES (for DSR caught on catcher vessels in the SEO, see § 679.20(j)[6])														
Code	Species	Pollock	Pacific cod	DW flat	Rex sole	Flathead sole	SW Flat	Arrowtooth flounder	Sablefish	Aggregated rockfish[8]	SR/RE ERA	DSR SEO (C/Ps only)	Atka mackerel	Aggregated forage fish[10]	Skates [11]	Other [7] species
110	Pacific cod	20	na[9]	20	20	20	20	35	1	5	[1]	10	20	2	20	20
121	Arrowtooth	5	5	0	0	0	0	na	0	0	0	0	0	2	0	20
122	Flathead sole	20	20	20	20	na	20	35	7	15	7	1	20	2	20	20
125	Rex sole	20	20	20	na	20	20	35	7	15	7	1	20	2	20	20
136	Northern rockfish	20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
141	Pacific ocean perch	20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
143	Thornyhead	20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
152/151	Shortraker/rougheye [1]	20	20	20	20	20	20	35	7	15	na	1	20	2	20	20
193	Atka mackerel	20	20	20	20	20	20	35	1	5	[1]	10	na	2	20	20
270	Pollock	na	20	20	20	20	20	35	1	5	[1]	10	20	2	20	20
710	Sablefish	20	20	20	20	20	20	35	na	15	7	1	20	2	20	20
Flatfish, deep-water [2]		20	20	na	20	20	20	35	7	15	7	1	20	2	20	20
Flatfish, shallow-water [3]		20	20	20	20	20	na	35	1	5	[1]	10	20	2	20	20
Rockfish, other [4]		20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
Rockfish, pelagic [5]		20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
Rockfish, DSR-SEO [6]		20	20	20	20	20	20	35	7	15	7	na	20	2	20	20
Skates[11]		20	20	20	20	20	20	35	1	5	[1]	10	20	2	na[9]	20
Other species [7]		20	20	20	20	20	20	35	1	5	[1]	10	20	2	20	na[9]
Aggregated amount of non-groundfish species[12]		20	20	20	20	20	20	35	1	5	[1]	10	20	2	20	20

Notes to Table 10 to part 679

1	Shortraker/rougheye rockfish				
		SR/RE	Shortraker/rougheye rockfish (171)		
			Shortraker rockfish (152)		
			Rougheye rockfish (151)		
		SR/RE ERA	Shortraker/rougheye rockfish in the Eastern Regulatory Area.		
	Where numerical percentage is not indicated, the retainable percentage of SR/RE is included under Aggregated Rockfish				
2	Deep-water flatfish	Dover sole, Greenland turbot, and deep-sea sole			
3	Shallow water flatfish	Flatfish not including deep water flatfish, flathead sole, rex sole, or arrowtooth flounder			
4	Other rockfish	Western Regulatory Area	means slope rockfish and demersal shelf rockfish		
		Central Regulatory Area			
		West Yakutat District			
		Southeast Outside District	means slope rockfish		
		Slope rockfish			
		S. aurora (aurora)	*S. variegatus* (harlequin)	*S. brevispinis* (silvergrey)	
		S. melanostomus (blackgill)	*S. wilsoni* (pygmy)	*S. diploproa* (splitnose)	
		S. paucispinis (bocaccio)	*S. babcocki* (redbanded)	*S. saxicola* (stripetail)	
		S. goodei (chilipepper)	*S. proriger* (redstripe)	*S. miniatus* (vermilion)	
		S. crameri (darkblotch)	*S. zacentrus* (sharpchin)	*S. reedi* (yellowmouth)	
		S. elongatus (greenstriped)	*S. jordani* (shortbelly)		
	In the Eastern GOA only, Slope rockfish also includes *S. polyspinous*. (Northern)				
5	Pelagic shelf rockfish	*S. ciliatus* (dusky)	*S. entomelas* (widow)	*S. flavidus* (yellowtail)	
6	Demersal shelf rockfish (DSR)	*S. pinniger* (canary)	*S. maliger* (quillback)	*S. ruberrimus* (yelloweye)	
		S. nebulosus (china)	*S. helvomaculatus* (rosethorn		
		S. caurinus (copper)	*S. nigrocinctus* (tiger)		
		DSR-SEO = Demersal shelf rockfish in the Southeast Outside District (SEO) The operator of a catcher vessel that is required to have a Federal fisheries permit, or that harvests IFQ halibut with hook and line or jig gear, must retain and land all DSR that is caught while fishing for groundfish or IFQ halibut in the SEO. Limits on sale and requirements for disposal of DSR are set out at § 679.20(j).			
7	Other species	sculpins	octopus	Sharks	Squid
8	Aggregated rockfish	Means rockfish of the genera *Sebastes* and *Sebastolobus* defined at § 679.2 except in:			
		Southeast Outside District	where DSR is a separate category for those species marked with a numerical percentage		
		Eastern Regulatory Area (ERA)	where SR/RE is a separate category for those species marked with a numerical percentage		

Notes to Table 10 to part 679

9	N/A	not applicable	
10	Aggregated forage fish (all species of the following families)		
		Bristlemouths, lightfishes, and anglemouths (family *Gonostomatidae*)	209
		Capelin smelt (family *Osmeridae*)	516
		Deep-sea smelts (family *Bathylagidae*)	773
		Eulachon smelt (family *Osmeridae*)	511
		Gunnels (family *Pholidae*)	207
		Krill (order *Euphausiacea*)	800
		Laternfishes (family *Myctophidae*)	772
		Pacific herring (family *Clupeidae*)	235
		Pacific Sand fish (family *Trichodontidae*)	206
		Pacific Sand lance (family *Ammodytidae*)	774
		Pricklebacks, war-bonnets, eelblennys, cockscombs and Shannys (family *Stichaeidae*)	208
		Surf smelt (family *Osmeridae*)	515
11	Skates Species and Groups		
		Big Skates	702
		Longnose Skates	701
		Other Skates	700
12	Aggregated non-groundfish	All legally retained species of fish and shellfish, including IFQ halibut, that are not listed as FMP groundfish in Tables 2a and 2c to this part.	

Table 11 to Part 679–BSAI Retainable Percentages

BASIS SPECIES		INCIDENTAL CATCH SPECIES[5]															
Code	Species	Pollock	Pacific cod	Atka mackerel	Alaska plaice	Arrow-tooth	Yellowfin sole	Other flatfish[2]	Rock sole	Flathead sole	Green-land turbot	Sable-fish[1]	Short-raker/ rougheye	Aggregated rockfish[6]	Squid	Aggregated Forage fish[7]	Other species[4]
110	Pacific cod	20	na[5]	20	20	35	20	20	20	20	1	1	2	5	20	2	20
121	Arrowtooth	0	0	0	0	na	0	0	0	0	0	0	0	0	0	2	0
122	Flathead sole	20	20	20	35	35	35	35	35	na	35	15	7	15	20	2	20
123	Rock sole	20	20	20	35	35	35	35	na	35	1	1	2	15	20	2	20
127	Yellowfin sole	20	20	20	35	35	na	35	35	35	1	1	2	5	20	2	20
133	Alaska Plaice	20	20	20	na	35	35	35	35	35	1	1	2	5	20	2	20
134	Greenland turbot	20	20	20	20	35	20	20	20	20	na	15	7	15	20	2	20
136	Northern	20	20	20	20	35	20	20	20	20	35	15	7	15	20	2	20
141	Pacific Ocean perch	20	20	20	20	35	20	20	20	20	35	15	7	15	20	2	20
152/151	Shortraker/ Rougheye	20	20	20	20	35	20	20	20	20	35	15	na	5	20	2	20
193	Atka mackerel	20	20	na	20	35	20	20	20	20	1	1	2	5	20	2	20
270	Pollock	na	20	20	20	35	20	20	20	20	1	1	2	5	20	2	20
710	Sablefish[1]	20	20	20	20	35	20	20	20	20	35	na	7	15	20	2	20
875	Squid	20	20	20	20	35	20	20	20	20	1	1	2	5	na	2	20
Other flatfish[2]		20	20	20	35	35	35	na	35	35	1	1	2	5	20	2	20
Other rockfish[3]		20	20	20	20	35	20	20	20	20	35	15	7	15	20	2	20
Other species[4]		20	20	20	20	35	20	20	20	20	1	1	2	5	20	2	na
Aggregated amount non-groundfish species[8]		20	20	20	20	35	20	20	20	20	1	1	2	5	20	2	20

[1]Sablefish: for fixed gear restrictions, see § 679.7(f)(3)(ii) and (f)(11).
[2]Other flatfish includes all flatfish species, except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Alaska plaice, and arrowtooth flounder.
[3]Other rockfish includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch; and northern, shortraker, and rougheye rockfish.
[4]Other species includes sculpins, sharks, skates and octopus. Forage fish, as defined at Table 2c to this part are not included in the "other species" category.
[5]na = not applicable
[6]Aggregated rockfish includes all of the genera *Sebastes* and *Sebastolobus*, except shortraker and rougheye rockfish.
[7]Forage fish are defined at Table 2c to this part.
[8]All legally retained species of fish and shellfish, including CDQ halibut and IFQ halibut that are not listed as FMP groundfish in Tables 2a and 2c to this part.

TABLE 12 TO PART 679—STELLER SEA LION PROTECTION AREAS, 3 NM NO GROUNDFISH FISHING SITES

Site name	Area or subarea	Boundaries from		Boundaries to [1]		No transit [2] 3 nm
		Latitude	Longitude	Latitude	Longitude	
Column No. 1	2	3	4	5	6	7
Walrus I. (Pribilofs)	Bering Sea	57°11.00 N	169°56.00 W			Y
Attu I./Cape Wrangell	Aleutian I.	52°54.60 N	172°27.90 E	52°55.40 N	172°27.20 E	Y
Agattu I./Gillon Pt.	Aleutian I.	52°24.13 N	173°21.31 E			Y
Agattu I./Cape Sabak	Aleutian I.	52°22.50 N	173°43.30 E	52°21.80 N	173°41.40 E	Y
Buldir I.	Aleutian I.	52°20.25 N	175°54.03 E	52°20.38 N	175°53.85 E	Y
Kiska I./Cape St. Stephen	Aleutian I.	51°52.50 N	177°12.70 E	51°53.50 N	177°12.00 E	Y
Kiska I./Lief Cove	Aleutian I.	51°57.16 N	177°20.41 E	51°57.24 N	177°20.53 E	Y
Ayugadak Point	Aleutian I.	51°45.36 N	178°24.30 E			Y
Amchitka I./Column Rocks	Aleutian I.	51°32.32 N	178°49.28 E			Y
Amchitka I./East Cape	Aleutian I.	51°22.26 N	179°27.93 E	51°22.00 N	179°27.00 E	Y
Semisopochnoi/Petrel Pt.	Aleutian I.	52°01.40 N	179°36.90 E	52°01.50 N	179°39.00 E	Y
Semisopochnoi I./Pochnoi Pt.	Aleutian I.	51°57.30 N	179°46.00 E			Y
Ulak I./Hasgox Pt.	Aleutian I.	51°18.90 N	178°58.90 W	51°18.70 N	178°59.60 W	Y
Tag I.	Aleutian I.	51°33.50 N	178°34.50 W			Y
Gramp Rock	Aleutian I.	51°28.87 N	178°20.58 W			Y
Adak I.	Aleutian I.	51°35.50 N	176°57.10 W	51°37.40 N	176°59.60 W	Y
Kasatochi I.	Aleutian I.	52°11.11 N	175°31.00 W			Y
Agligadak I.	Aleutian I.	52°06.09 N	172°54.23 W			Y
Seguam I./Saddleridge Pt.	Aleutian I.	52°21.05 N	172°34.40 W	52°21.02 N	172°33.60 W	Y
Yunaska I.	Aleutian I.	52°41.40 N	170°36.35 W			Y
Adugak I.	Bering Sea	52°54.70 N	169°10.50 W			Y
Ogchul I.	Gulf of Alaska	52°59.71 N	168°24.24 W			Y
Bogoslof I./Fire I.	Bering Sea	53°55.69 N	168°02.05 W			Y
Akutan I./Cape Morgan	Gulf of Alaska	54°03.39 N	165°59.65 W	54°03.70 N	166°03.68 W	Y
Akun I./Billings Head	Bering Sea	54°17.62 N	165°32.06 W	54°17.57 N	165°31.71 W	Y
Ugamak I.	Gulf of Alaska	54°13.50 N	164°47.50 W	54°12.80 N	164°47.50 W	Y
Sea Lion Rock (Amak)	Bering Sea	55°27.82 N	163°12.10 W			Y
Clubbing Rocks (S)	Gulf of Alaska	54°41.98 N	162°26.7 W			Y
Clubbing Rocks (N)	Gulf of Alaska	54°42.75 N	162°26.7 W			Y
Pinnacle Rock	Gulf of Alaska	54°46.06 N	161°45.85 W			Y
Chernabura I.	Gulf of Alaska	54°45.18 N	159°32.99 W	54°45.87 N	159°35.74 W	Y
Atkins I.	Gulf of Alaska	55°03.20 N	159°17.40 W			Y
Chowiet I.	Gulf of Alaska	56°00.54 N	156°41.42 W	56°00.30 N	156°41.60 W	Y
Chirikof I.	Gulf of Alaska	55°46.50 N	155°39.50 W	55°46.44 N	155°43.46 W	Y
Sugarloaf I.	Gulf of Alaska	58°53.25 N	152°02.40 W			Y
Marmot I.	Gulf of Alaska	58°13.65 N	151°47.75 W	58°09.90 N	151°52.06 W	Y
Outer (Pye) I.	Gulf of Alaska	59°20.50 N	150°23.00 W	59°21.00 N	150°24.50 W	Y
Wooded I. (Fish I.)	Gulf of Alaska	59°52.90 N	147°20.65 W			
Seal Rocks (Cordova)	Gulf of Alaska	60°09.78 N	146°50.30 W			

[1] Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.
[2] See 50 CFR 223.202(a)(2)(i) for regulations regarding 3 nm no transit zones.

Note: No groundfish fishing zones are the waters between 0 nm to 3 nm surrounding each site.

20. Tables 14a and 14b to part 679 are revised to read as follows:

TABLE 14A TO PART 679—PORT OF LANDING CODES, ALASKA

Port name	NMFS code	ADF&G code
Adak	186	ADA
Akutan, Akutan Bay.	101	AKU
Alitak	103	ALI
Anchorage	105	ANC
Angoon	106	ANG
Aniak	300	ANI
Anvik	301	ANV
Atka	107	ATK
Auke Bay	136	JNU

TABLE 14A TO PART 679—PORT OF LANDING CODES, ALASKA—Continued

Port name	NMFS code	ADF&G code
Beaver Inlet	119	DUT
Bethel	302	BET
Captains Bay	119	DUT
Chefornak	189	CHF
Chignik	113	CHG
Cordova	115	COR
Craig	116	CRG
Dillingham	117	DIL
Douglas	136	JNU
Dutch Harbor/Unalaska.	119	DUT
Egegik	122	EGE
Ekuk	303	EKU
Elfin Cove	123	ELF
Emmonak	304	EMM
Excursion Inlet	124	XIP
False Pass	125	FSP

TABLE 14A TO PART 679—PORT OF LANDING CODES, ALASKA—Continued

Port name	NMFS code	ADF&G code
Fairbanks	305	FBK
Galena	306	GAL
Glacier Bay	307	GLB
Glennallen	308	GLN
Gustavus	127	GUS
Haines	128	HNS
Homer	132	HOM
Hoonah	133	HNH
Hydaburg	309	HYD
Hyder	134	HDR
Juneau	136	JNU
Kake	137	KAK
Kaltag	310	KAL
Kasilof	138	KAS
Kenai	139	KEN
Kenai River	139	KEN
Ketchikan	141	KTN

TABLE 14A TO PART 679—PORT OF LANDING CODES, ALASKA—Continued

Port name	NMFS code	ADF&G code
King Cove	142	KCO
King Salmon	143	KNG
Kipnuk	144	KIP
Klawock	145	KLA
Kodiak	146	KOD
Kotzebue	311	KOT
Larsen Bay	327	LRB
Mekoryuk	147	MEK
Metlakatla	148	MET
Moser Bay	312	MOS
Naknek	149	NAK
Nenana	313	NEN
Nikiski (or Nikishka).	150	NIK
Ninilchik	151	NIN
Nome	152	NOM
Nunivak Island	314	NUN
Old Harbor	153	OLD
Other Alaska[1]	499	OAK

TABLE 14A TO PART 679—PORT OF LANDING CODES, ALASKA—Continued

Port name	NMFS code	ADF&G code
Pelican	155	PEL
Petersburg	156	PBG
Port Alexander	158	PAL
Port Armstrong	315	PTA
Port Bailey	159	PTB
Port Graham	160	GRM
Port Lions	316	LIO
Port Moller	317	MOL
Port Protection	161	PRO
Quinhagak	187	QUK
Sand Point	164	SPT
Savoonga	165	SAV
Selawik	326	SWK
Seldovia	166	SEL
Seward	167	SEW
Sitka	168	SIT
Skagway	169	SKG
Soldotna	318	SOL
St. George	170	STG

TABLE 14A TO PART 679—PORT OF LANDING CODES, ALASKA—Continued

Port name	NMFS code	ADF&G code
St. Mary	319	STM
St. Paul	172	STP
Tee Harbor	136	JNU
Tenakee Springs	174	TEN
Togiak	176	TOG
Toksook Bay	177	TOB
Tununak	178	TUN
Ugashik	320	UGA
Unalakleet	321	UNA
Valdez	181	VAL
Wasilla	322	WAS
Whittier	183	WHT
Wrangell	184	WRN
Yakutat	185	YAK

[1]To report a landing at an Alaska location not currently assigned a location code number, use ''Other Alaska'' code ''499'' or ''OAK.''

TABLE 14B TO PART 679—PORT OF LANDING CODES: NON-ALASKA

[California, Canada, Oregon, and Washington]

Port State or country	Port name	NMFS code	ADF&G code
CALIFORNIA	Eureka	500	EUR
	Other California[1]	599	OCA
CANADA	Other Canada[1]	899	OCN
	Port Edward, B.C.	802	PRU
	Prince Rupert, B.C.	802	PRU
	Vancouver, B.C.	803	VAN
OREGON	Astoria	600	AST
	Newport	603	NPT
	Other Oregon[1]	699	OOR
	Portland	323	POR
	Warrenton	604	WAR
WASHINGTON	Anacortes	700	ANA
	Bellingham	702	BEL
	Blaine	717	BLA
	Everett	704	EVT
	La Conner	708	LAC
	Olympia	324	OLY
	Other Washington[1]	799	OWA
	Seattle	715	SEA
	Tacoma	325	TAC

[1]To report a landing at a location not currently assigned a location code number, use the code for ''Other California'', ''Other Oregon'', ''Other Washington'', or ''Other Canada'' at which the landing occurs.

21. Table 15 to part 679 is revised to read as follows:

BILLING CODE 3510–22–P

Table 15 to Part 679–Gear Codes, Descriptions, and Use
(X indicates where this code is used)

Name of gear	Use alphabetic code to complete the following:			Use numeric code to complete the following:		
	Alpha gear code	NMFS logbooks	Electronic check-in/ check-out	Numeric gear code	IERS eLandings	ADF&G COAR
NMFS AND ADF&G GEAR CODES						
Hook-and-line	HAL	X	X	61	X	X
Jig, mechanical	JIG	X	X	26	X	X
Pot	POT	X	X	91	X	X
Trawl, nonpelagic/bottom	NPT	X	X	07	X	X
Trawl, pelagic/midwater	PTR	X	X	47	X	X
Troll, dinglebar	TROLL	X	X	25	X	X
Troll, hand	TROLL	X	X	05	X	X
Troll, power gurdy	TROLL	X	X	15	X	X
All other gear types	OTH	X	X			
ADF&G GEAR CODES						
Diving				11	X	X
Dredge				22	X	X
Dredge, hydro/mechanical				23	X	X
Fish ladder/raceway				77	X	X
Fish wheel				08	X	X
Gillnet, drift				03	X	X
Gillnet, herring				34	X	X
Gillnet, set				04	X	X
Gillnet, sunken				41	X	X
Handpicked				12	X	X
Net, dip				13	X	X
Net, ring				10	X	X
Other/specify				99	X	X
Pound				21	X	X
Seine, purse				01	X	X
Seine, beach				02	X	X
Shovel				18	X	X
Trap				90	X	X
Trawl, beam				17	X	X
Trawl, double otter				27	X	
Trawl, pair				37	X	X
Weir				14	X	X

Name of gear	Use alphabetic code to complete the following:			Use numeric code to complete the following:		
	Alpha gear code	NMFS logbooks	Electronic check-in/ check-out	Numeric gear code	IERS eLandings	ADF&G COAR
FIXED GEAR						
Authorized gear for sablefish harvested from any GOA reporting area	All longline gear (hook-and-line, jig, troll, and handline) and, for purposes of determining initial IFQ allocation, all pot gear used to make a legal landing.					
Authorized gear for sablefish harvested from any BSAI reporting area	All hook-and-line gear and all pot gear.					
Authorized gear for halibut harvested from any IFQ regulatory area	All fishing gear comprised of lines with hooks attached, including one or more stationary, buoyed, and anchored lines with hooks attached.					

PART 680—SHELLFISH FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

22. The authority citation for part 680 continues to read as follows:

Authority: 16 U.S.C. 1862.

23. In § 680.2, paragraphs (1), (2) introductory text, (3), and (4) in the definition for ''Crab individual fishing quota (crab IFQ)'' are revised and a definition for ''Sideboards'' is added in alphabetical order to read as follows:

§ 680.2 Definitions.

* * * * *

Crab individual fishing quota (crab IFQ) * * *

(1) *Catcher vessel crew (CVC) IFQ* means crab IFQ derived from QS initially issued to persons who historically held CFEC crab permits and signed fish tickets for qualifying landings based on pounds delivered raw, to annually harvest, but not process, CR crab onboard the vessel used to harvest that crab.

(2) *Catcher vessel owner (CVO) IFQ* means crab IFQ derived from QS initially issued to persons who held LLP crab permits and had qualifying landings based on pounds delivered raw, to annually harvest, but not process, CR crab onboard the vessel used to harvest that crab.

* * * * *

(3) *Catcher/processor owner (CPO) IFQ* means crab IFQ derived from QS initially issued to persons who held LLP crab permits and had qualifying landings derived from landings processed at sea, to annually harvest and process CR crab.

(4) *Catcher/processor crew (CPC) IFQ* means crab IFQ derived from QS initially issued to persons who historically held CFEC crab permits and signed fish tickets for qualifying landings based on landings processed at sea, to annually harvest and process CR crab.

* * * * *

Sideboards (see § 680.22).

* * * * *

24. In § 680.4, paragraph (d)(3) is revised to read as follows:

§ 680.4 Permits.

* * * * *

(d) * * *

(3) On an annual basis, the Regional Administrator will issue a crab IFQ permit to a person who submits a complete annual application for a crab IFQ/IPQ permit, described at paragraph (f) of this section, that is subsequently approved by the Regional Administrator.

* * * * *

25. In § 680.5:

A. Paragraphs (c) and (d) are removed and reserved.

B. Paragraphs (a)(2)(i)(G) and (b) are revised.

C. Paragraphs (a)(2)(i) (L) and (m) are added.

The revisions and additions read as follows:

§ 680.5 Recordkeeping and reporting (R&R).

(a) * * *

(2) * * *

(i) * * *

Recordkeeping and reporting report	Person responsible	Reference
* * * * *	*	*
(G) CR crab landing report	RCR	§ 679.5(e)(9)
* * * * *	*	*
(L) CR RCR Ex-vessel Volume and Value Report	RCR	§ 80.5(m)

* * * * *

(b) *IFQ crab landings*—(1) *Landing reports.* See § 679.5(e) of this chapter.

(2) *Properly debited landing.* All landed crab catch must be weighed, reported, and debited from the appropriate IFQ account under which the catch was harvested, and IPQ account under which it was received, as

appropriate (see § 679.5(e) of this chapter).

* * * * *

(m) *CR Registered Crab Receiver (RCR) Ex-vessel Volume and Value Report*—(1) *Applicability.* An RCR that also operates as a shoreside processor or stationary floating crab processor and receives and purchases landings of CR crab must submit annually to NMFS a complete CR RCR Ex-vessel Volume and Value Report, as described in this paragraph (m), for each reporting period in which the RCR receives CR crab.

(2) *Reporting period.* The reporting period of the CR RCR Ex-vessel Volume and Value Report shall extend from August 15 through April 30 of the following year, inclusive.

(3) *Due date.* A complete CR RCR Ex-vessel Volume and Value Report must be received by the Regional Administrator not later than May 15 of the reporting period in which the RCR received the CR crab.

(4) *Information required.* The RCR must log in to *http://www.alaskafisheries.noaa.gov* using his or her password and NMFS person ID to submit a CR RCR Ex-vessel Volume and Value Report. A complete CR RCR Ex-vessel Volume and Value Report must include the information in paragraphs (m)(4)(i) through (iv) of this section only for priced crab delivered raw:

(i) *RCR identification.* This includes:

(A) Name;

(B) RCR permit number;

(C) Social security number or tax identification number;

(D) NMFS person ID;

(E) Business mailing address, indicate whether permanent or temporary;

(F) Business telephone number, fax number; and e-mail address (if any); and

(G) Facility or vessel location (port location).

(ii) *CR crab program* (e.g., IFQ, CDQ, ADAK).

(iii) *CR crab pounds purchased and ex-vessel value*—(A) *Pounds purchased.* The total CR crab pounds purchased by fishery and species for each month.

(B) *Ex-vessel value paid.* The total gross ex-vessel value paid for raw CR crab pounds before any deductions are made for goods and services provided to the CR crab harvesters. The gross value includes all value paid in any form (e.g., dollars, goods, services, bait, ice, fuel, repairs, machinery replacement, etc.).

(C) *Value paid for price adjustments.* Enter the monthly total U.S. dollar amount (value paid for price adjustments) of any CR crab retro-payments (correlated by CR crab species and fishery, landing month(s), and month of payment) made in the current year to CR crab permit holders for landings made during the previous calendar year.

(iv) *Certification.* By using the RCR NMFS ID and password and submitting the report, the RCR certifies that all information is true, correct, and complete to the best of his or her knowledge and belief.

(5) *Submittal.* The RCR must complete and submit online by electronic submission to NMFS the CR Registered Crab Receiver Ex-vessel Volume and Value Report available at *http://alaskafisheries.noaa.gov/ram.*

26. In § 680.23, paragraph (b)(4) is revised to read as follows:

§ 680.23 Equipment and operational requirements.

* * * * *

(b) * * *

(4) Offload all CR crab product processed onboard at a shoreside location in the United States accessible by road or regularly scheduled air service and weigh that product on a scale approved by the state in which the CR crab product is removed from the vessel that harvested the CR crab; and

* * * * *

27. In § 680.44, paragraph (a)(2)(i) is revised to read as follows:

§ 680.44 Cost recovery.

(a) * * *

(2) * * *

(i) All CR allocation holders and RCR permit holders will be subject to a fee liability for any CR crab debited from a CR allocation during a crab fishing year, except for crab designated as personal use or deadloss, or crab confiscated by NMFS or the State of Alaska.

* * * * *

§§ 680.7, 680.20, and 680.40 [Amended]

28. At each of the locations shown in the Location column, remove the phrase indicated in the ''Remove'' column and replace it with the phrase indicated in the ''Add'' column for the number of times indicated in the ''Frequency'' column.

Location	Remove	Add	Frequency
§ 680.7(e)(1)	without a valid crab IFQ permit	without a legible copy of a valid crab IFQ permit.	1
§ 680.20(g)(2)(ix)	not required under this section, except as permitted by paragraph (j) of this section.	unless required under this section	1
§ 680.40(c)(2)(vi)(A)	§ 679.40(k)(5)(v)	§ 679.4(k)(5)(v) of this chapter.	1

[FR Doc. E8–21722 Filed 9–23–08; 8:45 am]

BILLING CODE 3510–22–P

Federal Register

Wednesday,
September 24, 2008

Part IV

Postal Regulatory Commission

39 CFR Part 3020

Administrative Practice and Procedure, Postal Service; Final Rule

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2008–6, CP2008–14, and CP2008–15; Order No. 105]

Administrative Practice and Procedure, Postal Service

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adding the Postal Service's negotiated agreements with China Post Group and Hong Kong Post to the competitive product list. This action is consistent with changes in a recent law governing postal operations. Republication of the lists of market dominant and competitive products is also consistent with new requirements in the law.

DATES: Effective September 24, 2008.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820 and *stephen.sharfman@prc.gov*.

SUPPLEMENTARY INFORMATION: *Regulatory History,* 73 FR 49723 (August 22, 2008).

In these dockets, the Postal Service requests that the Commission add a new product to the competitive product list and add two new contracts to that competitive product. For the reasons discussed below, the Commission grants the Postal Service's requests.

I. Background

On August 5, 2008, the Postal Service filed three requests announcing prices and classification changes for competitive products not of general applicability. The requests incorporate notices, pursuant to 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.* The request in Docket No. MC2008–6 informs the Commission that ''the Governors have established prices and classifications not of general applicability for Inbound Direct Entry Contracts with Foreign Postal Administrations,'' and attaches a redacted copy of the Governors' Decision.[1] *See* Request, Attachment 1. The Postal Service also provides a revision of the draft Mail Classification Schedule (MCS) (section 2612) concerning Inbound Direct Entry Contracts with Foreign Postal Administrations to the Request.[2] *See* Request, Attachment 1, Attachment A.

In support of these dockets, the Postal Service provides a Statement of Supporting Justification of Pranab Shah. *See* Request, Attachment 2. The Postal Service also provides materials under seal, including the unredacted Governors' Decision in Docket No. MC2008–6. The Postal Service claims that ''[p]rices and other contract terms relating to the foreign posts' processes and procedures are highly confidential in the business world . * * * [and that its] ability * * * to negotiate individual contracts would be severely compromised if prices * * * [for] these types of agreements were publicly disclosed.'' Request at 2–3.

Docket Nos. CP2008–14 and CP2008–15 announce specific Inbound Direct Entry Contracts that the Postal Service has entered into with the individual Foreign Postal Administrations, namely China Post Group and Hong Kong Post, respectively.[3] *Id.* at 2. In support of these dockets, the Postal Service also provides materials, including the contracts and supporting certifications, under seal.[4]

The Postal Service's filings in these dockets are related. Docket No. MC2008–6 establishes, in essence, a shell classification, while Docket Nos. CP2008–14 and CP2008–15 are specific agreements negotiated pursuant to the conditions of the shell classification. Given this interrelationship, the Commission reviews these proceedings together in this order.

In Order No. 43, the Commission issued regulations establishing a modern system of rate regulation, including a list of competitive products. Docket No. RM2007–1, Order Establishing Ratemaking Regulations for Market Dominant and Competitive Products, October 29, 2007, Appendix A. Among other things, the Commission determined that each negotiated service agreement would initially be classified as a separate product. The Commission also acknowledged the possibility of grouping substantially equivalent agreements as a single product if they exhibit similar cost and market characteristics. *Id.,* paras. 2177 and 3001. In its filings, the Postal Service contends that these two agreements are premised on similar cost and market characteristics and provides arguments to support this claim. Request at 5–6. The Postal Service requests that the Commission classify the two agreements filed in Docket Nos. CP2008–14 and CP2008–15 as part of the same product.

II. Comments

Comments were filed by the Public Representative.[5] These comments discuss (1) Confidentiality; (2) the Governors' Decision; (3) pricing, cost coverage, and contribution; (4) functional equivalency; (5) whether the contracts belong on the competitive or market dominant products list; and (6) practical considerations. *Id.* The Public Representative finds that the Postal Service adequately justifies its under seal submissions, has confidence in the Governors' Decision, and acknowledges that the pricing, cost coverage, and contribution comport with the provisions of title 39. *Id.* at 3–5. The Public Representative believes that the Postal Service persuasively reasons that the proposed contracts are functionally equivalent. *Id.* at 5–6. With respect to whether the product should be classified as market dominant or competitive, the Public Representative believes that Inbound Direct Entry contracts are hybrids[6] because they include mostly competitive products but also include inbound First-Class Mail, a market dominant product. *Id.* at 6–10. Due to practical considerations and the fact that the Inbound Direct Entry contracts are predominantly comprised of competitive products, the Public Representative contends that classifying the product as competitive is appropriate. *Id.* at 10–12.

III. Commission Analysis

A. Statutory Requirements

The statutory responsibility of the Commission, in this instance, is to assign new products to either the market dominant list or the competitive product list. 39 U.S.C. 3642. As part of this responsibility, the Commission also will preliminarily review the proposals for compliance with the requirements of the Postal Accountability and Enhancement Act (PAEA) of 2006. For proposed competitive products, this includes a review of the provisions

[1] Request of United States Postal Service to Add Inbound Direct Entry Contracts with Foreign Postal Administrations to the Competitive Product List, and Notice of Filing (Under Seal) the Enabling Governors' Decision and Two Functionally Equivalent Contracts with Foreign Posts, August 5, 2008 (Request).

[2] The draft MCS remains under review. The Commission anticipates providing interested persons an opportunity to comment on the draft MCS in the near future.

[3] The Commission characterizes the Governors' Decision and associated materials filed in Docket No. MC2008–6 as material that supports the specific negotiated service agreements filed in Docket Nos. CP2008–14 and CP2008–15.

[4] *See* PRC Order No. 95, August 11, 2008, at 2 regarding the filing of certifications under seal. The Postal Service is directed to follow the practice established in Docket Nos. CP2008–11, CP2008–12, and CP2008–13 regarding the filing of redacted versions of certifications for the above-captioned ''CP'' cases.

[5] Public Representative Comments in Response to United States Postal Service Request to Add Inbound Direct Entry Contracts with Foreign Postal Administrations to the Competitive Products List, August 25, 2008 (Public Representative Comments).

[6] The term ''hybrid'' here means has characteristics of both market dominant and competitive products. *See* Public Representative Comments at 9.

applicable to rates for competitive products. 39 U.S.C. 3633.

The Postal Service explains that adding the Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6) product will allow Foreign Postal Administrations the ability to prepare individual items from their customers for shipment, print USPS mail labels and permit imprints, package the items in receptacles, and dispatch these items to Postal Service incoming acceptance points. *See* Request, Attachment 2, at 2–3. The fees to be charged identified in the Postal Service's Request would cover the sack handling activities upon arrival of the dispatches from the foreign posts. *Id.* The Postal Service believes that adding these agreements to the competitive product list will improve the Postal Service's competitive posture and that the contracts cover their attributable costs, make a positive contribution to coverage of institutional costs, and do not result in subsidization of competitive products by market dominant products. *Id.* at 2.

The Commission has reviewed the financial analyses provided under seal that accompanies the two agreements as well as the comments filed by interested persons. A preliminary review of the proposed Inbound Direct Entry Contract with Foreign China Post Group and the proposed Inbound Direct Entry Contract with Hong Kong Post indicate that they both comport with the provisions applicable to rates for competitive products. Based on the information provided, the Commission finds that the proposed contracts submitted should cover their individual attributable costs (39 U.S.C. 3633(a)(2)); each agreement should not lead to the subsidization of competitive products by market dominant products (39 U.S.C. 3633(a)(1)), and each should have a positive effect on competitive products' contribution to institutional costs (39 U.S.C. 3633(a)(3)).

In determining whether to assign the Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6) product to the market dominant product list or the competitive product list the Commission must consider whether

> [T]he Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing a significant level of business to other firms offering similar products.

39 U.S.C. 3642(b)(1). If this is the case, the product will be categorized as market dominant. The competitive category of products shall consist of all other products.

The Commission is further required to consider the availability and nature of enterprises in the private sector engaged in the delivery of the product, the views of those that use the product, and the likely impact on small business concerns. 39 U.S.C. 3642(b)(3).

The Postal Service asserts that its bargaining position is constrained by the existence of other shippers who can provide similar services. Thus, the market precludes the Postal Service from taking unilateral action to increase prices without the risk of losing volume to private companies. The Postal Service states that large private consolidators and freight forwarders also may offer international shipping arrangements whereby they provide inbound direct entry services under similar conditions using their own networks or the Postal Service's domestic mail network for domestic delivery. Request, Attachment 2, at 3–4. The Postal Service also contends that the Postal Service may not decrease quality or output without risking the loss of business to competitors that offer similar expedited delivery services. *Id.* at 4. The Postal Service believes the classification will have little, if any, impact upon small business concerns, and it is unaware of any small businesses that could offer comparable services. *Id.* Finally, it states that it does not have any data on whether the users/contract partners prefer to have the contracts placed on either the list of competitive or market dominant products. *Id.* at 6.

No commenter opposes the proposed regulatory classification of the Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6) as competitive and no late-filed comments were received,[7] although the Public Representative does raise an issue with respect to the proper classification of the contracts. Having considered the statutory requirements, the argument put forth by the Postal Service, and the public comments, the Commission finds that the contracts are appropriately classified and should be added to the list of competitive products. The product/contracts are for the provision of the service of accepting sacks of certain types of mail and entering the parcels contained in the sacks into the domestic mailstream at published domestic rates. *See* Request at 5. For the provision of these services, the Postal Service charges a sack handling fee, regardless of the actual type of mail that is contained in the sacks. Since the types of mail contained in the sacks do not receive discounted postage, the Commission does not view these contracts as ''hybrid'' products.[8]

B. Substantially Equivalent Agreements

The Postal Service has filed two agreements with foreign postal administrations that it believes are substantially similar, and accordingly should be grouped under one product. Request at 6. It argues these contracts share the same cost and market characteristics; in particular, they both cover the same underlying services and similar preparation requirements. *Id.* at 5–6.

The Postal Service also identifies differences between the two proposed new contracts. *Id.* It notes the following differences: (1) Different account types are authorized in order to make payments, and (2) different dispute resolution procedures are allowed.

The Commission has reviewed the contracts in Docket Nos. CP2008–14 and CP2008–15 and finds those agreements to be substantially equivalent in all pertinent respects. The contracts will be classified as one product within the competitive product list.

The revisions to the competitive product list are shown below the signature of this Order, and shall become effective upon publication in the **Federal Register**.

C. Updating the Mail Classification Schedule

The agreements contain provisions for early termination and automatic renewal. The Postal Service shall promptly notify the Commission of an early termination no later than the actual termination date. The Commission then will remove the contract from the Mail Classification Schedule at the earliest possible opportunity. The Postal Service also shall notify the Commission of an automatic renewal of the agreement 15 days prior to its occurrence. Otherwise, the Commission will assume that the contract has lapsed and remove the agreement from the Mail Classification Schedule without notice.

IV. Ordering Paragraphs

It is Ordered:

1. The China Post Group contract submitted in Docket No. CP2008–14 and the Hong Kong Post contract submitted in Docket No. CP2008–15 will be added to the competitive product list as one product under Negotiated Service Agreements as Inbound Direct Entry

[7] *See* Public Representative Comments at 2.

[8] This finding is preliminary and does not preclude the Commission from revisiting this issue at a future date if circumstances warrant. *See* 39 U.S.C. 3642.

Contracts with Foreign Postal Administrations (MC2008–6).

2. The Postal Service is directed to file redacted versions of the certifications for the above-captioned cases as discussed in the body of this order.

3. The Secretary shall arrange for publication of this Order in the **Federal Register**.

Issued September 4, 2008.

By the Commission.

Steven W. Williams,

Secretary.

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure, Postal Service.

■ For the reasons stated in the preamble, under the authority at 39 U.S.C. 503, the Postal Regulatory Commission amends 39 CFR part 3020 as follows:

PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A to subpart A of part 3020 to read as follows:

Appendix A to Subpart A of Part 3020—Mail Classification Schedule

Part A—Market Dominant Products

1000 Market Dominant Product List

First-Class Mail
- Single-Piece Letters/Postcards
- Bulk Letters/Postcards
- Flats
- Parcels
- Outbound Single-Piece First-Class Mail International
- Inbound Single-Piece First-Class Mail International

Standard Mail (Regular and Nonprofit)
- High Density and Saturation Letters
- High Density and Saturation Flats/Parcels
- Carrier Route
- Letters
- Flats
- Not Flat-Machinables (NFMs)/Parcels

Periodicals
- Within County Periodicals
- Outside County Periodicals

Package Services
- Single-Piece Parcel Post
- Inbound Surface Parcel Post (at UPU rates)
- Bound Printed Matter Flats
- Bound Printed Matter Parcels
- Media Mail/Library Mail

Special Services
- Ancillary Services
- International Ancillary Services
- Address List Services
- Caller Service
- Change-of-Address Credit Card Authentication
- Confirm
- International Reply Coupon Service
- International Business Reply Mail Service
- Money Orders
- Post Office Box Service

Negotiated Service Agreements
- HSBC North America Holdings Inc. Negotiated Service Agreement
- Bookspan Negotiated Service Agreement
- Bank of America Corporation Negotiated Service Agreement
- The Bradford Group Negotiated Service Agreement

Market Dominant Product Descriptions

First-Class Mail

[Reserved for Class Description]
- Single-Piece Letters/Postcards
  - [Reserved for Product Description]
- Bulk Letters/Postcards
  - [Reserved for Product Description]
- Flats
  - [Reserved for Product Description]
- Parcels
  - [Reserved for Product Description]
- Outbound Single-Piece First-Class Mail International
  - [Reserved for Product Description]
- Inbound Single-Piece First-Class Mail International
  - [Reserved for Product Description]

Standard Mail (Regular and Nonprofit)

[Reserved for Class Description]
- High Density and Saturation Letters
  - [Reserved for Product Description]
- High Density and Saturation Flats/Parcels
  - [Reserved for Product Description]
- Carrier Route
  - [Reserved for Product Description]
- Letters
  - [Reserved for Product Description]
- Flats
  - [Reserved for Product Description]
- Not Flat-Machinables (NFMs)/Parcels
  - [Reserved for Product Description]

Periodicals

[Reserved for Class Description]
- Within County Periodicals
  - [Reserved for Product Description]
- Outside County Periodicals
  - [Reserved for Product Description]

Package Services

[Reserved for Class Description]
- Single-Piece Parcel Post
  - [Reserved for Product Description]
- Inbound Surface Parcel Post (at UPU rates)
  - [Reserved for Product Description]
- Bound Printed Matter Flats
  - [Reserved for Product Description]
- Bound Printed Matter Parcels
  - [Reserved for Product Description]
- Media Mail/Library Mail
  - [Reserved for Product Description]

Special Services

[Reserved for Class Description]
- Ancillary Services
  - [Reserved for Product Description]
- Address Correction Service
  - [Reserved for Product Description]
- Applications and Mailing Permits
  - [Reserved for Product Description]
- Business Reply Mail
  - [Reserved for Product Description]
- Bulk Parcel Return Service
  - [Reserved for Product Description]
- Certified Mail
  - [Reserved for Product Description]
- Certificate of Mailing
  - [Reserved for Product Description]
- Collect on Delivery
  - [Reserved for Product Description]
- Delivery Confirmation
  - [Reserved for Product Description]
- Insurance
  - [Reserved for Product Description]
- Merchandise Return Service
  - [Reserved for Product Description]
- Parcel Airlift (PAL)
  - [Reserved for Product Description]
- Registered Mail
  - [Reserved for Product Description]
- Return Receipt
  - [Reserved for Product Description]
- Return Receipt for Merchandise
  - [Reserved for Product Description]
- Restricted Delivery
  - [Reserved for Product Description]
- Shipper-Paid Forwarding
  - [Reserved for Product Description]
- Signature Confirmation
  - [Reserved for Product Description]
- Special Handling
  - [Reserved for Product Description]
- Stamped Envelopes
  - [Reserved for Product Description]
- Stamped Cards
  - [Reserved for Product Description]
- Premium Stamped Stationery
  - [Reserved for Product Description]
- Premium Stamped Cards
  - [Reserved for Product Description]
- International Ancillary Services
  - [Reserved for Product Description]
- International Certificate of Mailing
  - [Reserved for Product Description]
- International Registered Mail
  - [Reserved for Product Description]
- International Return Receipt
  - [Reserved for Product Description]
- International Restricted Delivery
  - [Reserved for Product Description]
- Address List Services
  - [Reserved for Product Description]
- Caller Service
  - [Reserved for Product Description]
- Change-of-Address Credit Card Authentication
  - [Reserved for Product Description]
- Confirm
  - [Reserved for Product Description]
- International Reply Coupon Service
  - [Reserved for Product Description]
- International Business Reply Mail Service
  - [Reserved for Product Description]
- Money Orders
  - [Reserved for Product Description]
- Post Office Box Service
  - [Reserved for Product Description]

Negotiated Service Agreements

[Reserved for Class Description]
- HSBC North America Holdings Inc. Negotiated Service Agreement
  - [Reserved for Product Description]
- Bookspan Negotiated Service Agreement
  - [Reserved for Product Description]
- Bank of America Corporation Negotiated Service Agreement
- The Bradford Group Negotiated Service Agreement

Part B—Competitive Products

Competitive Product List

Express Mail
- Express Mail
- Outbound International Expedited Services
- Inbound International Expedited Services
- Inbound International Expedited Services 1 (CP2008–7)

Priority Mail
  Priority Mail
  Outbound Priority Mail International
  Inbound Air Parcel Post
Parcel Select
Parcel Return Service
International
  International Priority Airlift (IPA)
  International Surface Airlift (ISAL)
  International Direct Sacks—M-Bags
  Global Customized Shipping Services
  Inbound Surface Parcel Post (at non-UPU rates)
  International Money Transfer Service
  International Ancillary Services
Special Services
  Premium Forwarding Service
Negotiated Service Agreements
  Domestic
  Express Mail Contract 1 (MC2008–5)
  Outbound International
  Global Expedited Package Services (GEPS) Contracts
  GEPS 1 (CP2008–5, CP2008–11, CP2008–12, and CP2008–13)
  Global Plus Contracts
  Global Plus 1 (CP2008–9 and CP2008–10)
  Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6)
Competitive Product Descriptions
Express Mail
[Reserved for Group Description]
Express Mail
[Reserved for Product Description]
Outbound International Expedited Services
[Reserved for Product Description]
Inbound International Expedited Services
[Reserved for Product Description]
Priority
[Reserved for Product Description]
Priority Mail
[Reserved for Product Description]
Outbound Priority Mail International
[Reserved for Product Description]
Inbound Air Parcel Post
[Reserved for Product Description]
Parcel Select
[Reserved for Group Description]
Parcel Return Service
[Reserved for Group Description]
International
[Reserved for Group Description]
International Priority Airlift (IPA)
[Reserved for Product Description]
International Surface Airlift (ISAL)
[Reserved for Product Description]
International Direct Sacks—M-Bags
[Reserved for Product Description]
Global Customized Shipping Services
[Reserved for Product Description]
International Money Transfer Service
[Reserved for Product Description]
Inbound Surface Parcel Post (at non-UPU rates)
[Reserved for Product Description]
International Ancillary Services
[Reserved for Product Description]
International Certificate of Mailing
[Reserved for Product Description]
International Registered Mail
[Reserved for Product Description]
International Return Receipt
[Reserved for Product Description]
International Restricted Delivery
[Reserved for Product Description]
International Insurance
[Reserved for Product Description]
Negotiated Service Agreements
[Reserved for Group Description]
Domestic
[Reserved for Product Description]
Outbound International
[Reserved for Group Description]

Part C—Glossary of Terms and Conditions [Reserved]

Part D—Country Price Lists for International Mail [Reserved]

[FR Doc. E8–22328 Filed 9–23–08; 8:45 am]

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Federal Register

Wednesday,
September 24, 2008

Part V

Department of Veterans Affairs

Loan Guaranty: Loan Servicing and Claims Procedures Modifications; Segments 4 Through 8; Notices

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Loan Servicing and Claims Procedures Modifications Segment 4 Effective Date

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of applicability of Subpart F of 38 CFR, Part 36, to Segment 4 of the mortgage servicing industry.

SUMMARY: This publication is to serve as notice that on June 27, 2008, Subpart F of Title 38, Code of Federal Regulations, Part 36, will be applicable to industry segment 4. Program participants in the VA Home Loan Guaranty Program's servicing and claims activities were assigned to one of nine industry segments as part of the planned phased implementation of the rules in Subpart F. All program participants were given notice of their respective segments and were afforded opportunity to comment during the regulatory development process (see **SUPPLEMENTARY INFORMATION** section, below). Segment 4 participants will be under the authority of Subpart F rules on June 27, 2008. VA continues to work with these participants to ensure that all necessary servicing system modifications, defect corrections, interface testing and data transmission are addressed.

SUPPLEMENTARY INFORMATION: On Friday, February 1, 2008, VA published final regulations that modify its Loan Guaranty Program's loan servicing and claims procedures modifications (73 FR 6294). In response to comments received to the proposed regulations (70 FR 8472, published February 18, 2005) and to a supplemental notice published on November 27, 2006 (71 FR 68498), VA published a second supplemental notice on June 1, 2007 (72 FR 30505), in which the agency put forth a proposal to phase-in implementation of the new tracking system.

Based on comments received to the proposed regulations and the first supplemental notice, VA decided to proceed with gradual implementation of the new rules and its computer-based tracking system, the VA Loan Electronic Reporting Interface (VALERI), with nine separate industry segments to be phased in over a period of approximately 11 months. The first segment was subject to the new rules upon publication of the final regulations, when the rules became effective. The second segment was subject to the new rules effective April 19, 2008 (73 FR 21176). The third segment was subject to the new rules effective May 30, 2008 (73 FR 34993). In order to ease confusion that was created by the original schedule showing the fourth segment not subject to the new rules until approximately the same time as the ninth segment, VA moved the former members of industry segment four into the last segment, and renumbered all subsequent segments accordingly. This resulted in only eight industry segments. The segment groupings may be found on VA's Web site at *http://www.homeloans.va.gov/valeri.htm*. The fourth segment will be subject to the new rules effective June 27, 2008. Notices about effective dates for other industry segments may be found in this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mike Frueh, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–9521 (Not a toll-free number).

Approved: September 17, 2008.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

[FR Doc. E8–22299 Filed 9–23–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Loan Servicing and Claims Procedures Modifications Segment 5 Effective Date

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of applicability of Subpart F of 38 CFR, Part 36, to Segment 5 of the mortgage servicing industry.

SUMMARY: This publication is to serve as notice that on July 25, 2008, Subpart F of Title 38, Code of Federal Regulations, Part 36, will be applicable to industry segment 5. Program participants in the VA Home Loan Guaranty Program's servicing and claims activities were assigned to one of nine industry segments as part of the planned phased implementation of the rules in Subpart F. All program participants were given notice of their respective segments and were afforded opportunity to comment during the regulatory development process (see **SUPPLEMENTARY INFORMATION** section below). Segment 5 participants will be under the authority of Subpart F rules on July 25, 2008. VA continues to work with these participants to ensure that all necessary servicing system modifications, defect corrections, interface testing and data transmission are addressed.

SUPPLEMENTARY INFORMATION: On Friday, February 1, 2008, VA published final regulations that modify its Loan Guaranty Program's loan servicing and claims procedures modifications (73 FR 6294). In response to comments received to the proposed regulations (70 FR 8472, published February 18, 2005) and to a supplemental notice published on November 27, 2006 (71 FR 68498), VA published a second supplemental notice on June 1, 2007 (72 FR 30505), in which the agency put forth a proposal to phase-in implementation of the new tracking system.

Based on comments received to the proposed regulations and the first supplemental notice, VA decided to proceed with gradual implementation of the new rules and its computer-based tracking system, the VA Loan Electronic Reporting Interface (VALERI), with nine separate industry segments to be phased in over a period of approximately 11 months. In order to ease confusion that was created by the original schedule showing the fourth segment not subject to the new rules until approximately the same time as the ninth segment, VA moved the former members of industry segment four into the last segment, and renumbered all subsequent segments accordingly. This resulted in only eight industry segments. The first segment was subject to the new rules upon publication of the final regulations, when the rules became effective. The second segment was subject to the new rules effective April 19, 2008 (73 FR 21176). The third segment was subject to the new rules effective May 30, 2008 (73 FR 34993). The fourth segment was subject to the new rules effective June 27, 2008. The fifth segment will be subject to the new rules effective July 25, 2008. Notices about effective dates for other industry segments may be found in this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mike Frueh, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–9521 (Not a toll-free number).

Approved: September 16, 2008.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

[FR Doc. E8–22303 Filed 9–23–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Loan Servicing and Claims Procedures Modifications Segment 6 Effective Date

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of applicability of Subpart F of 38 CFR, Part 36, to Segment 6 of the mortgage servicing industry.

SUMMARY: This publication is to serve as notice that on September 19, 2008, Subpart F of Title 38, Code of Federal Regulations, Part 36, will be applicable to industry segment 6. Program participants in the VA Home Loan Guaranty Program's servicing and claims activities were assigned to one of nine industry segments as part of the planned phased implementation of the rules in Subpart F. All program participants were given notice of their respective segments and were afforded opportunity to comment during the regulatory development process (see **SUPPLEMENTARY INFORMATION** section, below). Segment 6 participants will be under the authority of Subpart F rules on September 19, 2008. VA continues to work with these participants to ensure that all necessary servicing system modifications, defect corrections, interface testing and data transmission are addressed.

SUPPLEMENTARY INFORMATION: On Friday, February 1, 2008, VA published final regulations that modify its Loan Guaranty Program's loan servicing and claims procedures modifications (73 FR 6294). In response to comments received to the proposed regulations (70 FR 8472, published February 18, 2005) and to a supplemental notice published on November 27, 2006 (71 FR 68498), VA published a second supplemental notice on June 1, 2007 (72 FR 30505), in which the agency put forth a proposal to phase-in implementation of the new tracking system.

Based on comments received to the proposed regulations and the first supplemental notice, VA decided to proceed with gradual implementation of the new rules and its computer-based tracking system, the VA Loan Electronic Reporting Interface (VALERI), with nine separate industry segments to be phased in over a period of approximately 11 months. In order to ease confusion that was created by the original schedule showing the fourth segment not subject to the new rules until approximately the same time as the ninth segment, VA moved the former members of industry segment four into the last segment, and renumbered all subsequent segments accordingly. This resulted in only eight industry segments. The first segment was subject to the new rules upon publication of the final regulations, when the rules became effective. The second segment was subject to the new rules effective April 19, 2008 (73 FR 21176). The third segment was subject to the new rules effective May 30, 2008 (73 FR 34993). The fourth segment was subject to the new rules effective June 27, 2008. The fifth segment was subject to the new rules effective July 25, 2008. The sixth segment will be subject to the new rules effective September 19, 2008. Notices about effective dates for other industry segments may be found in this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mike Frueh, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–9521 (Not a toll-free number).

Approved: September 16, 2008.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

[FR Doc. E8–22304 Filed 9–23–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Loan Servicing and Claims Procedures Modifications Segment 7 Effective Date

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of applicability of Subpart F of 38 CFR, Part 36, to Segment 7 of the mortgage servicing industry.

SUMMARY: This publication is to serve as notice that on October 17, 2008, Subpart F of Title 38, Code of Federal Regulations, Part 36, will be applicable to industry segment 7. Program participants in the VA Home Loan Guaranty Program's servicing and claims activities were assigned to one of nine industry segments as part of the planned phased implementation of the rules in Subpart F. All program participants were given notice of their respective segments and were afforded opportunity to comment during the regulatory development process (see **SUPPLEMENTARY INFORMATION** section, below). Segment 7 participants will be under the authority of Subpart F rules on October 17, 2008. VA continues to work with these participants to ensure that all necessary servicing system modifications, defect corrections, interface testing and data transmission are addressed.

SUPPLEMENTARY INFORMATION: On Friday, February 1, 2008, VA published final regulations that modify its Loan Guaranty Program's loan servicing and claims procedures modifications (73 FR 6294). In response to comments received to the proposed regulations (70 FR 8472, published February 18, 2005) and to a supplemental notice published on November 27, 2006 (71 FR 68498), VA published a second supplemental notice on June 1, 2007 (72 FR 30505), in which the agency put forth a proposal to phase-in implementation of the new tracking system.

Based on comments received to the proposed regulations and the first supplemental notice, VA decided to proceed with gradual implementation of the new rules and its computer-based tracking system, the VA Loan Electronic Reporting Interface (VALERI), with nine separate industry segments to be phased in over a period of approximately 11 months. In order to ease confusion that was created by the original schedule showing the fourth segment not subject to the new rules until approximately the same time as the ninth segment, VA moved the former members of industry segment four into the last segment, and renumbered all subsequent segments accordingly. This resulted in only eight industry segments. The first segment was subject to the new rules upon publication of the final regulations, when the rules became effective. The second segment was subject to the new rules effective April 19, 2008 (73 FR 21176). The third segment was subject to the new rules effective May 30, 2008 (73 FR 34993). The fourth segment was subject to the new rules effective June 27, 2008. The fifth segment was subject to the new rules effective July 25, 2008. The sixth segment was subject to the new rules effective September 19, 2008. The seventh segment will be subject to the new rules effective October 17, 2008. Notices about effective dates for other industry segments may be found in this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mike Frueh, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–9521 (Not a toll-free number).

Approved: September 16, 2008.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

[FR Doc. E8–22224 Filed 9–23–08; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Loan Servicing and Claims Procedures Modifications Segment 8 Effective Date

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of applicability of Subpart F of 38 CFR, Part 36, to Segment 8 of the mortgage servicing industry.

SUMMARY: This publication is to serve as notice that on November 14, 2008, Subpart F of Title 38, Code of Federal Regulations, Part 36, will be applicable to industry segment 8. Program participants in the VA Home Loan Guaranty Program's servicing and claims activities were assigned to one of nine industry segments as part of the planned phased implementation of the rules in Subpart F. All program participants were given notice of their respective segments and were afforded opportunity to comment during the regulatory development process (see **SUPPLEMENTARY INFORMATION** section, below). Segment 8 participants will be under the authority of Subpart F rules on November 14, 2008. VA continues to work with these participants to ensure that all necessary servicing system modifications, defect corrections, interface testing and data transmission are addressed.

SUPPLEMENTARY INFORMATION: On Friday, February 1, 2008, VA published final regulations that modify its Loan Guaranty Program's loan servicing and claims procedures modifications (73 FR 6294). In response to comments received to the proposed regulations (70 FR 8472, published February 18, 2005) and to a supplemental notice published on November 27, 2006 (71 FR 68498), VA published a second supplemental notice on June 1, 2007 (72 FR 30505), in which the agency put forth a proposal to phase-in implementation of the new tracking system.

Based on comments received to the proposed regulations and the first supplemental notice, VA decided to proceed with gradual implementation of the new rules and its computer-based tracking system, the VA Loan Electronic Reporting Interface (VALERI), with nine separate industry segments to be phased in over a period of approximately 11 months. In order to ease the confusion that was created by the original schedule showing the fourth segment not subject to the new rules until approximately the same time as the ninth segment, VA moved the former members of industry segment four into the last segment and renumbered all subsequent segments accordingly. This resulted in only eight industry segments. The first segment was subject to the new rules upon publication of the final regulations, when the rules became effective. The second segment was subject to the new rules effective April 19, 2008 (73 FR 21176). The third segment was subject to the new rules effective May 30, 2008 (73 FR 34993). The fourth segment was subject to the new rules effective June 27, 2008. The fifth segment was subject to the new rules effective July 25, 2008. The sixth segment was subject to the new rules effective September 19, 2008. The seventh segment was subject to the new rules effective October 17, 2008. The eighth segment will be subject to the new rules effective November 14, 2008.

FOR FURTHER INFORMATION CONTACT: Mike Frueh, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–9521 (Not a toll-free number).

Approved: September 16, 2008.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

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Insurer Reporting Requirements; List of Insurers Required to File Reports; comments due by 10-2-08; published 8-18-08 [FR E8-18882]

TRANSPORTATION DEPARTMENT

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials:

Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; et al.; comments due by 9-29-08; published 7-31-08 [FR E8-16579]

Hazardous Materials: Requirements for the Storage of Explosives During Transportation; comments due by 10-1-08; published 7-3-08 [FR E8-15119]

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Internal Revenue Service

Amendments to the Section 7216 Regulations; Disclosure or Use of Information by Preparers of Returns; comments due by 9-30-08; published 7-2-08 [FR E8-15047]

Extension of Time for Filing Returns; comments due by 9-29-08; published 7-1-08 [FR E8-14901]

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Privacy Act; Implementation; comments due by 10-2-08; published 9-2-08 [FR E8-20205]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 6456/P.L. 110–321

To provide for extensions of certain authorities of the Department of State, and for other purposes. (Sept. 19, 2008; 122 Stat. 3535)

S. 2450/P.L. 110–322

To amend the Federal Rules of Evidence to address the waiver of the attorney-client

privilege and the work product doctrine. (Sept. 19, 2008; 122 Stat. 3537)

H.R. 5683/P.L. 110–323

Government Accountability Office Act of 2008 (Sept. 22, 2008; 122 Stat. 3539)

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