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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, February 24, 2009
9:00 a.m.–12:30 p.m.

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

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

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

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2006–0011]

RIN 3150–AH84

Notification of Impending Waiver Termination

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of impending waiver termination.

SUMMARY: Section 651(e) of the Energy Policy Act of 2005 (EPAct) authorized the U.S. Nuclear Regulatory Commission (Commission or NRC) to issue a time-limited waiver (70 FR 51581; August 31, 2005) to allow continued use and possession of naturally-occurring and accelerator-produced radioactive materials (NARM) while the Commission developed a regulatory framework for regulation of the new byproduct material. The Commission has begun terminating the time-limited waiver in phases in accordance to the provisions of the ''Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material'' (transition plan) issued by the Commission on October 19, 2007 (72 FR 59157). The first phase of waiver terminations occurred on November 30, 2007 (72 FR 68043), and the second phase occurred on September 30, 2008 (73 FR 14376).

This document provides advance notification that on August 7, 2009, the Commission will terminate the time-limited waivers for all remaining non-Agreement States and Canadian licenses that are under NRC jurisdiction.

Alaska, Connecticut, Hawaii, Michigan, New Jersey, and Virginia.

As provided in the transition plan, for existing NRC licensees, NARM use amendments are required within 6 months from the date of waiver termination. For NARM users in non-Agreement States and Canadian licensees without a NRC license, the license applications are required within 12 months from the date waiver termination.

FOR FURTHER INFORMATION CONTACT: Shirley Xu, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–7640 or e-mail *Shirley.xu@nrc.gov.*

Dated at Rockville, Maryland, this 26th day of January 2009.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E9–2179 Filed 1–30–09; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 360

RIN 3064–AD26

Processing of Deposit Accounts in the Event of an Insured Depository Institution Failure

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The FDIC is adopting a final rule establishing the FDIC's practices for determining deposit and other liability account balances at a failed insured depository institution. Except as noted, the FDIC practices defined in the final rule represent a continuation of long-standing FDIC procedures in processing such balances at a failed depository institution. The final rule also imposes certain disclosure requirements in connection with sweep accounts. The final rule replaces the FDIC's interim rule on this subject and applies to all insured depository institutions.

DATES: *Effective Dates:* The final rule is effective March 4, 2009.

FOR FURTHER INFORMATION CONTACT: James Marino, Project Manager, Division of Resolutions and Receiverships, (202) 898–7151 or *jmarino@fdic.gov*; or Joseph A. DiNuzzo, Counsel, Legal Division, (202) 898–7349 or *jdinuzzo@fdic.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Upon the failure of an FDIC-insured depository institution, the FDIC must determine the total insured amount for each depositor. 12 U.S.C. 1821(f). To make this determination, the FDIC must ascertain the balances of all deposit accounts owned by the same depositor in the same ownership capacity at a failed institution as of the day of failure.

A deposit account balance can be affected by transactions [1] presented during the day. A customer, a third party or the depository institution can initiate a deposit account transaction. All depository institutions process and post these deposit account transactions according to a predetermined set of rules to determine whether to include a deposit account transaction either in that day's end-of-day ledger balances or in a subsequent day's balances. These rules establish cutoff times that vary by institution and by type of deposit account transaction—for example, check clearing, Fedwire, ATM, and teller transactions. Institutions post transactions initiated before the respective cutoff time as part of that day's business and generally post transactions initiated after the cutoff time the following business day. Further, institutions automatically execute prearranged ''sweep'' instructions affecting deposit and other liability balances at various points throughout the day. The cutoff rules for posting deposit account transactions and the prearranged automated instructions define the end-of-day balance for each deposit account on any given business day.[2]

In the past, the FDIC usually took over an institution as receiver after it had closed on a Friday. For institutions with

[1] A deposit account transaction, such as deposits, withdrawals, transfers and payments, causes funds to be debited from or credited to the account.

[2] Some depository institutions operate ''real-time'' deposit systems in which some deposit account transactions are posted throughout the business day. Most depository institutions, however, process at least some deposit account transactions in a ''batch mode,'' where deposit account transactions presented before the cutoff time are posted that evening or in the early morning hours of the following day. With either system—batch or real-time—the institution calculates a close-of-business deposit balance for each deposit account on each business day.

a few branches in one state, deposit account transactions for the day were completed and determining account balances on that day was relatively straightforward. The growth of interstate banking and branching over the past two decades and the increasing complexity of bank products and practices (such as sweep accounts) has made the determination of end-of-day account balances on the day of closing much more complicated.

In July 2008, the FDIC issued an interim rule on the ''Processing of Deposit Accounts in the Event of an Insured Depository Institution Failure'' (''interim rule'').[3] Generally, the interim rule established practices for determining deposit and other liability account balances at a failed insured depository institution. Concurrent with the adoption of the interim rule, the FDIC issued a related final rule requiring the largest insured depository institutions to adopt mechanisms that would, in the event of the institution's failure: Provide the FDIC with standard deposit account and other customer information; and allow the FDIC, as receiver, to place and release holds on liability accounts, including deposits (''Large Bank Modernization Rule'').[4]

The comment period on the interim rule ended on September 15, 2008. We received four comments on the interim rule. The comments are summarized below and may be viewed in their entirety on the FDIC's Web site at *http://www.fdic.gov/regulations/laws/federal/2008/08comAD26.html*.[5]

II. Summary of the Interim Rule

Since the final rule is essentially the same as the interim rule, the details of the interim rule are provided below in the discussion of the final rule. In summary, the interim rule: (1) Articulated general principles underlying the FDIC's existing and future practices and procedures for determining account balances in the event of an insured depository institution failure; (2) identified and defined the end-of-day *ledger balance* of the deposit or other liability account as the account balance the FDIC will use to make deposit insurance determinations in institution failures; (3) provided that, in an institution failure, the FDIC will use *cutoff* rules previously applied by the institution in establishing the end-of-day ledger balances for deposit insurance determination purposes, but noted the possibility that, if necessary, the FDIC might establish an *FDIC Cutoff Point* coinciding with the point at which the FDIC, as receiver, acts to stop deposit transactions which might result in creating new liabilities or extinguishing existing liabilities; (4) indicated how uncollected deposited checks and swept funds will be treated, for deposit insurance purposes, at failed institutions; and (5) imposed requirements, effective July 1, 2009, that insured depository institutions inform their sweep account customers of the nature of their swept funds and how those funds would be treated if the institution should fail.

III. Comments on the Interim Rule

As noted, the FDIC received four comments on the interim rule. Three of the comments were from banking industry trade associations and one was from a large commercial bank. The comments addressed the FDIC Cutoff Point, the treatment of swept funds and sweep account disclosures.

FDIC Cutoff Point

Two industry trade association commenters expressed concern over the establishment and use of the FDIC Cutoff Point. One suggested an FDIC Cutoff Point should be rarely used ''because it would create uncertainty and inconsistency in how accounts are handled in a bank failure. Each institution has different cutoff times depending on the type of transaction as well as geographic location. The associations instead support the proposed general approach for determining deposit account balances based on the closing ledger balances after the normal processes of the failed bank are completed for the day.'' The other trade association noted ''its concern that establishing a single cut-off time is problematic for financial institutions. From a technological standpoint, most operational systems at large banks are not capable of changing the current cutoff time limitations when immediately directed by the FDIC. Additionally, an arbitrary cutoff time may theoretically precede normal business days or intraday transfers by customers, particularly in reference to those accounts at international banks. Therefore, we once again *recommend* that the FDIC utilize the established cutoff times used by banks in their normal business hours.''

Treatment of Swept Funds

One industry trade association noted ''there is continuing uncertainty as to how sweep accounts will be affected, and how swept funds would be treated in a bank failure. Bankers find the term 'swept funds' unclear, especially when applied to non-automated transactions. It would therefore be useful for the FDIC to clarify the intended scope of its regulation, including whether it is meant to apply to funds transferred outside the books of a bank.''

Sweep Account Disclosure

All three industry trade associations agreed with the FDIC's intent to provide clear disclosure to sweep account customers. One association noted, however, that ''all of the bankers we consulted on the proposal said that their sweep agreements currently detail for customers the sweep process, how funds are swept into specific investments, and that funds swept out of the bank are not FDIC-insured deposits. Thus, it is not clear what additional information would be provided as a result of an FDIC sweep disclosure requirement.''

Two industry trade associations and the large bank argued that the disclosure requirement should not be overly prescriptive. These comment letters noted that sweep arrangements and their processes vary considerably across institutions and that specifically worded disclosures may be unsuitable when applied across the industry. One of the trade associations and the large bank argued that the FDIC should not dictate the specific language to be included in the disclosure. Alternatively, one trade association expressed mixed feelings indicating some of its members feel that a model disclosure form would be appropriate.

All of the commenters recommended a one-time disclosure to the customer, most preferably when the account is opened. They noted that periodic disclosures would be an unnecessary financial and regulatory burden on institutions offering sweep products. One trade association indicated ''the FDIC should allow banks to provide

[3] 73 FR 41170 (July 17, 2008).

[4] 73 FR 41180 (July 17, 2008).

[5] Throughout this preamble the terms ''deposit'' (or ''domestic deposit''), ''foreign deposit'' and ''international banking facility deposit'' identify liabilities having different meanings for deposit insurance purposes. A ''deposit'' is used as defined in section 3(l) of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)) (''Section 3(l)''). A deposit includes only deposit liabilities payable in the United States, typically those deposits maintained in a domestic office of an insured depository institution. Only deposits meeting these criteria are eligible for insurance coverage. Insured depository institutions may maintain deposit liabilities in a foreign branch (''foreign deposits''), but these liabilities are not deposits in the statutory sense (for insurance or depositor preference purposes) for the time that they are payable solely at a foreign branch or branches. Insured depository institutions also may maintain liabilities in an international banking facility (''IBF''). An ''international banking facility deposit,'' as defined by the Board of Governors of the Federal Reserve System in Regulation D (12 CFR 204.8(a)(2)), also is excluded from the definition of ''deposit'' in Section 3(l) and the depositor preference statute (12 U.S.C. 1821(d)(11)).

notice via several established means of communication, such as sweep contracts, client letters, transaction confirmation statements, and month-end statements. In addition, the final rule should clarify that banks will not be required to modify existing client contracts, which may have been negotiated years ago. This would allay banker concerns that changes in disclosure provisions will be expensive to implement and disruptive to sweep customer relationships.''

Several commenters indicated that the potential for using the FDIC Cutoff Point would complicate disclosure. Since the institution cannot determine when the FDIC Cutoff Point may be established in the event of failure, it would be difficult to explain to customers how their swept funds would be treated. Some commenters also wondered whether the possibility of provisional holds should be disclosed to sweep customers.

IV. The Final Rule

The final rule essentially is unchanged from the interim rule, except that the preamble and the regulatory text provide examples of sweep accounts subject to the final rule and explain how the FDIC will treat each of those sweep arrangements in the event of an institution failure. The final rule also clarifies how the FDIC will treat repo sweeps in the event of an institution failure and slightly modifies the disclosure requirements for sweep products. The following is an explanation of the final rule.

Underlying Principles

The final rule describes the method for determining the value and nature of claims against a failed insured depository institution to be used in the event of failure. Upon taking control of a failed insured depository institution the receiver must construct an ending balance sheet for the depository institution (which becomes the beginning balance sheet for the receivership) and determine the value and nature of the claims against the failed institution, including claims to be made by depositors, general creditors, subordinated creditors, and shareholders. Those claims determinations will be made consistent with the principles described below, which are unchanged from the principles articulated in the interim rule and, for the most part, reflect existing FDIC practices and procedures used to determine account balances at institution failures.

- In making deposit insurance determinations and in determining the value and nature of claims against the receivership on the institution's date of failure the FDIC, as insurer and receiver, will treat deposits and other liabilities of the failed institution according to the ownership and nature of the underlying obligations based on end-of-day ledger balances for each account using, except as expressly provided otherwise in the final rule, the depository institution's normal posting procedures.
- In its role as receiver of a failed insured depository institution, in order to ensure the proper distribution of the failed institution's assets under the FDI Act (12 U.S.C. 1821(d)(11)) as of the FDIC Cutoff Point, the FDIC will use its best efforts to take all steps necessary to stop the generation, via transactions or transfers coming from or going outside the institution, of new liabilities or extinguishing existing liabilities for the depository institution.[6]
- End-of-day ledger balances are subject to corrections for posted transactions that are inconsistent with the above principles.

End-of-Day Ledger Balances and Cutoff Points

As in the interim rule, in the final rule the deposit or liability account balance used for deposit insurance determination purposes is defined as the end-of-day *ledger* balance of the deposit or other liability on the day of failure. Except as noted, the FDIC will use the cutoff rules previously applied by the failed insured depository institution in establishing the end-of-day ledger balance for deposit insurance determination purposes. However, as under the interim rule, the final rule allows the FDIC to establish an FDIC Cutoff Point, coinciding with the point in time at which the receiver acts to stop deposit transactions which might result in creating new liabilities or extinguishing existing liabilities resulting from external transactions. The FDIC Cutoff Point will facilitate the orderly winding up of the institution and the FDIC's final determination of the ledger balances of the deposit accounts.

The FDIC's intention is to complete internal postings of transactions presented or authorized prior to the institution's normal cutoff rules or the FDIC Cutoff Point, as applicable, according to the depository institution's normal procedures—thus, as explained below, the nature of the liability may change after the FDIC Cutoff Point. Any transaction—including sweep arrangements—would be completed for that day according to normal procedures if it involves only the movement of funds between accounts within the confines of the depository institution. Some sweep arrangements shift funds within the depository institution from a deposit account to ownership in a sweep investment vehicle. The value and nature of these claims will be determined as they rest on the books and records of the depository institution as reflected in its end-of-day ledger balances.

If the institution's ordinary cutoff time for the day's business on the day of failure *for any particular kind of transaction* precedes the FDIC Cutoff Point, the institution's ordinary cutoff time will be used. Where the institution's ordinary cutoff time for an individual kind of transaction is later than the FDIC Cutoff Point, the institution's cutoff time will be replaced by the FDIC Cutoff Point. The ''Applicable Cutoff Time'' used for any kind of transaction, thus, will be the earlier of the institution's ordinary cutoff time or the FDIC Cutoff Point. Different kinds of transactions may have different Applicable Cutoff Times. Transactions occurring after the Applicable Cutoff Time will be posted as a subsequent day's business, if the operations of the failed institution are carried on by a successor institution or by the FDIC as receiver or insurer.

As under the interim rule, in a depository institution failure where deposit operations are not continued by a successor institution, account transactions on the day of failure also will be posted to the applicable accounts as described above. Since there is no next business day in this case, rather than posting transactions occurring after the Applicable Cutoff Time as the next day's business, such transactions will be handled depending on the nature of the transaction. In the case of a cash or other deposit occurring after the Applicable Cutoff Time, such funds—which would *not* be included in the end-of-day ledger balance used for claims purposes—would be disbursed to the account owner. If a cash or other withdrawal is made after the Applicable

[6] This principle draws a sharp distinction between transactions involving the transfer of funds into or out of the failed institution and transactions intended to move funds between accounts or otherwise on the books and records of the failed institution. The receiver will act to stop the inflow and outflow of cash/assets at the point at which it takes control of the failed institution; thus, transactions involving the transfer of assets into or out of the failed institution may be blocked or suspended. Transactions internal to the failed institution's operations initiated prior to the FDIC Cutoff Point—including those initiated through prearranged automated instructions—will still be conducted after the point of failure as part of a necessary process to arrive at the end-of-day ledger balances and to establish the nature of the claim recognized by the receiver.

Cutoff Time, such funds—again which would *not* be included in the end-of-day ledger balance used for claims purposes—could be used by the receiver to satisfy a claim against the receivership.[7]

Like the interim rule, the final rule does not establish any new operational requirements for insured institutions relative to the FDIC Cutoff Point. Also, the final rule explicitly authorizes the FDIC, as receiver, to correct errors and omissions after the day of failure and reflect them in the end-of-day ledger balances.

In response to the comments on this issue, FDIC reiterates that the final rule imposes no requirements on institutions to establish mechanisms or in any way prepare for the possibility that the FDIC would use its own FDIC Cutoff Point if the institution should fail. The FDIC emphasizes that it will apply the institution's normal cutoff times in most cases, but establishing an FDIC Cutoff Point may be essential to efficiently produce end-of-day ledger balances in some situations. Strictly applying a depository institution's pre-established cutoff times in all circumstances is inconsistent with the duties and responsibilities of the receiver—as articulated in one of the principles, specifically in the event of failure the receiver will take control of the failed institution and simultaneously will act to stop deposit or other transactions involving creating new liabilities or extinguishing existing liabilities. In many cases, this can be done consistent with the institution's normal cutoff times, but in others it cannot and the FDIC will establish an FDIC Cutoff Point. If the receiver is successful in stopping these external transactions after it takes control, there will be no new transactions to be posted affected by an FDIC Cutoff Point. In this case, the end-of-day ledger balances on the day of failure will be calculated using the failed institution's pre-established cutoff points. If the receiver is unsuccessful in stopping the external transactions, the FDIC Cutoff Point establishes a basis for posting these transactions the following day, if that is the course of action selected by the receiver.

Treatment of Uncollected Deposited Checks

As with the interim rule, under the final rule, in determining deposit account balances at a failed insured depository institution, the FDIC will deem all checks deposited into and posted to a deposit account by the Applicable Cutoff Time as part of the end-of-day ledger balance for insurance purposes. This treatment of uncollected deposited checks is warranted because: Depository institutions use and calculate the ledger balance in a more consistent way than other balances; it is consistent with the way that depository institutions report deposits on Call Reports and Thrift Financial Reports; it is the balance the FDIC uses to determine an institution's assessment base for calculating the institution's deposit insurance assessments;[8] it is the easiest balance for depositors to understand; and it is the most frequently used balance on financial statements provided to customers. Using ledger balances also is consistent with the definition of a deposit in the Federal Deposit Insurance Act (''FDI Act''), which includes balances both ''conditionally'' or ''unconditionally'' credited to a deposit account. 12 U.S.C. 1813(l).

Further, especially in a large depository institution failure, using end-of-day ledger balances may be the only operationally feasible means for the FDIC to make deposit insurance determinations timely and expeditiously. As discussed in more detail in the Large Bank Modernization Rule, the FDIC is statutorily obligated to pay insured deposits ''as soon as possible'' after an insured depository institution fails. 12 U.S.C. 1821(f)(1). The FDIC places a high priority on providing access to insured deposits promptly and, in the past, has usually been able to allow most depositors access to their deposits on the business day following closing. The largest insured institutions today are much bigger than any institution has been in the past and are growing increasingly complex. Providing prompt access to depositors if one of these institutions were to fail would prove difficult if adjustments for uncollected funds were necessary.

Sweep Accounts and Their Treatment in the Event of an Institution Failure

A sweep account covered by the final rule involves the pre-arranged transfer of funds from a deposit account to: (1) An investment vehicle located *outside* the depository institution, or (2) another account or investment vehicle located *within* the depository institution. The pre-arranged transfer of funds out of the deposit account typically occurs prior to the establishment of the depository institution's normal end-of-day balances for the deposit account. Such arrangements also may call for a return of the transferred funds to the deposit account the following business day in a cycle that repeats itself daily.

After funds are swept from the originating deposit account, the sweep process may involve one or more intermediate transfer steps before the funds arrive at their final destination on any given business day, as reflected in the depository institution's end-of-day balances. Consistent with the general principles identified in the final rule (and discussed above), the FDIC will make its claims determinations based on deposit and other account balances reflected on the books and records of the depository institution after all normal end-of-day processing has been completed.

In making claims determinations on funds swept from a deposit account, yet still residing *within* the depository institution at the institution's normal end-of-day, the FDIC will use the following guidelines:

- Ownership of the funds and the nature of the claim will be based on records established and maintained by the depository institution for that specific account or investment vehicle.
- Depositor owned funds residing in a general ledger account as of the institution's end-of-day will be treated as a deposit for insurance purposes. Further, in calculating deposit insurance, these funds will be aggregated with the balance in the deposit account from which they originally were swept if their ownership interest has not changed. If there has been a change in ownership, the funds will be aggregated with the transaction deposit account balances of the new owner.
- The full amount of swept funds attributable to an individual customer residing in an omnibus or other commingled account as of the depository institution's normal end-of-day will be treated as belonging to that customer, regardless of any netting practices established by the depository institution.

[7] A deposit account withdrawal in the form of an official check drawn on the failed depository institution would not be used by the receiver to satisfy the insured deposit claim. Official items are considered to be deposits for deposit insurance purposes; therefore, such official withdrawals would be treated differently from cash withdrawals.

[8] The FDIC's recent revisions to the FDIC's risk-based assessment system have made an institution's assessment base, which is used to determine its deposit insurance assessment, virtually identical with an institution's deposits as defined in the Federal Deposit Insurance Act. The revisions eliminated the ''float'' deductions previously used to compute an institution's assessment base; hence, deposits posted to a deposit account but not yet collected are now part of the assessment base. The stated rationale for eliminating the float deduction from the calculation of an institution's assessment base was that such deductions were small and decreasing as a result of legal, technological and system payment changes. 71 FR 69720 (Nov. 30, 2006).

In the case of sweeps out of the depository institution into deposits or investment vehicles *not residing* on the books of the depository institution, in the event of failure the swept funds also will be treated consistent with their status in the end-of-day ledger balances of the depository institution and the external entity. If an expected transfer to the external sweep investment vehicle is not completed prior to the FDIC Cutoff Point, coinciding with the time the FDIC as receiver takes control of the failed institution, the external investment will not be purchased and the funds will remain in the account identified on the end-of-day ledger balance.

Most sweep arrangements involve a transactional deposit account. Under the final rule, the FDIC will treat deposits and other liabilities of the failed institution according to the ownership and nature of the underlying obligations based on end-of-day ledger balances for each account using the depository institution's normal posting procedures, except that, in its role as receiver of a failed insured depository institution, the FDIC will use its best efforts to take all steps necessary to stop the generation, via transactions or transfers coming from or going outside the institution, of new liabilities or extinguishing existing liabilities for the depository institution. In other words, at the point the FDIC as receiver takes control of the failed institution, it will use its best efforts to stop funds from flowing into or out of the depository institution (*e.g.*, blocking wire transactions). The final rule does not require a depository institution to adjust its systems, policies or procedures to accommodate the receiver's responsibility in this regard.

If, after taking control of the failed depository institution, the receiver is successful in stopping funds from flowing into or out of the depository institution, the end-of-day balances generated from the depository institution's normal posting processes will be used for insurance purposes. Only if the receiver cannot stop funds from flowing into or out of the depository institution will adjustments be necessary. Thus, the treatment of swept funds may vary from the depository institution's normal end-of-day balances if the receiver cannot stop all funds from flowing into or out of the depository institution.

The following is a discussion of how, under the final rule, the FDIC will treat funds associated with various sweep products in the event of failure.

Deposit-to-deposit sweeps. A deposit-to-deposit sweep moves funds between two deposit accounts within the same insured depository institution (''internal sweep''). Deposit-to-deposit sweeps include ''zero balance accounts'' (''ZBAs'') where funds are moved between a master demand deposit account (''parent'') and various subsidiary demand deposit accounts (''child''), typically leaving a zero balance in the subsidiary accounts at the institution's end-of-day. ZBAs allow a customer to have multiple demand deposit accounts, each with a different business purpose, while permitting an automatic movement of funds between accounts necessary to fund deposit transactions. Under the final rule, the FDIC will treat for insurance purposes each account as it is determined at the institution's normal end-of-day for each account. Since ZBA arrangements typically call for all child accounts to have a zero balance at the institution's end-of-day, then all child accounts associated with a ZBA will have been reduced to zero with all of the customer's funds residing in the parent account.

Many depository institutions have established ''retail sweep'' or ''reserve sweep'' products where a single account is divided into two sub-accounts—a transaction account and a money market deposit account (''MMDA''). Retail sweep accounts are established for the purpose of lowering required reserves. The amount and frequency of sweeps are determined by the depository institution using an algorithm designed to minimize required reserves yet still honor the limit of six transactions per month imposed on MMDAs. The customer may be unaware that this sweep mechanism is in place, as it may not be indicated in the original account agreement signed by the customer. For statement purposes the customer sees all deposit balances as being in the transaction account; the MMDA is not indicated. Under the final rule a sweep account involves the pre-arranged transfer of funds from a deposit account to another account or investment vehicle. In the case of retail or reserve sweep accounts only a single deposit account has been established; thus, under the final rule retail or reserve sweep arrangements would not be treated as a sweep account, rather as a single account as viewed by the customer.

An alternative arrangement with a single account, also not considered to be a sweep product under the final rule, involves a MMDA with a linked NOW account (sub-account). The customer only is aware of the MMDA, as all funds reported on statements are listed as MMDA balances. Any transactions presented against this account are cleared using the NOW sub-account. The depository institution uses an algorithm for transferring funds from the MMDA to the NOW sub-account to ensure the NOW sub-account has the necessary funds to clear transactions yet honor the limit of six monthly transactions from the MMDA.

Eurodollar and IBF sweep accounts. Eurodollar and IBF accounts also are two examples of internal sweep investment vehicles. As indicated in the account agreement, funds in the deposit account above a specified threshold are swept into the Eurodollar or IBF account owned by the same customer. Thus, at the end of the business day, the customer's funds in excess of the pre-established threshold are reported as residing in a Eurodollar account (typically associated with the institution's branch in the Cayman Islands or Bahamas) or an IBF account. At the start of the next business day, the depository institution will sweep the balance back into the domestic deposit account. The cycle typically repeats itself daily.

In the case of Eurodollar and IBF sweep accounts the FDIC will, for insurance purposes, use deposit and account balances as they are reflected as of the institution's normal end-of-day. Thus, funds remaining in the domestic deposit account (below the pre-established threshold) will be treated as a deposit for insurance purposes. Funds that have been swept into the Eurodollar or IBF account, as reflected on the institution's end-of-day records, will be treated as unsecured general creditor claims against the receivership. Usually the underlying contract for a Eurodollar sweep specifies that the obligation at the foreign branch is not payable in the United States and, hence, is not a *deposit*,[9] for deposit insurance and depositor preference purposes. Upon an institution's failure, amounts in a Eurodollar account in a foreign branch of the failed institution are treated as unsecured, non-deposit liabilities and are not eligible for insurance or depositor preference status. The same treatment will apply to sweeps to IBFs, which by statutory definition are not

[9] The definition of ''deposit'' in the FDI Act expressly excludes: ''any obligation of a depository institution which is carried on the books and records of an office of such bank or savings association located outside of any State, unless (i) such obligation would be a deposit if it were carried on the books and records of the depository institution, and would be payable at an office located in any State; and (ii) the contract evidencing the obligation provides by express terms, and not by implication, for payment at an office of the depository institution located in any State.'' 12 U.S.C. 1813(l)(5)(A). Also, the FDI Act defines IBF obligations as non-deposits, which are not eligible for deposit insurance or deposit preference status. 12 U.S.C. 1813(l)(5)(B).

deposits. Eurodollar and IBF accountholders will thus be accorded general creditor status in the receivership estate.

Repo sweep accounts. Repo sweep arrangements typically are conducted via internal transfers on the institution's books. As with Eurodollar and IBF sweep accounts, repo sweep arrangements move funds out of a deposit account as of the depository institution's end-of-day. The swept funds could be processed differently depending on the institution's particular sweep mechanism.

In a properly executed repo sweep arrangement, as of the depository institution's normal end-of-day, the sweep customer either becomes the legal owner of identified assets (typically government securities) subject to a repurchase agreement or obtains a perfected security interest in those assets. In such cases, where the sweep customer either owns or possesses a perfected security interest in the identified securities, upon an institution failure, the FDIC will recognize the customer's ownership or security interest in the securities. If the value of the securities at least equals the dollar amount of funds swept from the customer's account, the customer's swept funds will be fully protected in the event of failure. After failure, the disposition of the swept funds invested in securities will depend on the nature of the transaction structured by the FDIC. In a purchase and assumption transaction, the securities and the underlying repo arrangement will be transferred to an acquiring institution, which could include a bridge institution. Under this transaction structure, the funds normally would be swept back into the customer's deposit account on the business day following failure, thus giving the customer full access to these funds at that point. In a payoff of insured deposits, the customer would receive a check or other payment from the FDIC to reacquire the customer's interest in the securities according to the FDIC normal procedures.

The FDIC has observed that some institutions' repo arrangements are not properly executed. In those situations, the sweep customer obtains neither an ownership interest nor a perfected security interest in the applicable securities. A common example is where a customer's swept funds rest (as of the institution's end-of-day) in an account in which a pool of securities are also transferred, but where the customer has neither an ownership interest or a perfected security interest in any identified security(ies). In such cases, upon an institution failure, under the final rule the FDIC will treat the swept funds as if they had not left the deposit account from which they originated. The FDIC notes that, in cases where repo sweeps are improperly executed (so that the customer obtains neither an ownership interest or perfected security interest in the applicable securities), institutions should report the swept funds as deposits in their Call or Thrift Financial Reports, for assessment and other purposes.

Money market mutual fund sweep accounts. Money market mutual fund sweeps are structured in a variety of ways. In some cases the money market mutual fund shares are held directly in the name of the sweep account holder, but in other cases the money market mutual fund account is either in the name of the depository institution or in the name of the transfer agent for the mutual fund. Shares are sold or allocated to the individual sweep customer depending on the particulars of the sweep arrangement. Some money market mutual fund sweep arrangements result in a ''same-day'' purchase of fund shares while ''next-day'' sweeps delay the purchase of fund shares by the customer until the day following the investment decision. In some cases the depository institution will wire funds to the money market mutual fund in payment for shares purchased, while in other cases the money market mutual fund will maintain an account at the depository institution for the purpose of accepting new purchases. Under the final rule, the FDIC will treat funds swept to a money market mutual fund depending on whether it is a same-day or next-day sweep arrangement, and whether the money market mutual fund maintains an account at the depository institution used for share purchases. These different variations of money market fund sweep arrangements and the FDIC's treatment of them in the event of an institution failure are discussed below.

The first type of account is a *same-day* money market mutual fund sweep where the mutual fund does not maintain an account at the depository institution. The investment decision on funds to be swept from a customer's account typically is made in the early afternoon. Funds are wired to the money market mutual fund prior to a pre-established cutoff point that same afternoon, usually by 4 p.m. Most failed depository institutions are closed after 4 p.m. If this is the case, on the day of failure, funds associated with same-day money market mutual fund sweeps will already have been wired outside the depository institution prior to the failure. In this case, the sweep transaction will be deemed as completed and the customer's deposit account will reflect the sweep before arriving at the end-of-day balance for that day. In a purchase and assumption transaction, the customer's deposit account associated with the sweep product normally would be transferred to the acquiring institution, which could include a bridge bank. Under this arrangement, the funds held with the money market mutual fund would be available to be swept back into the customer's deposit account on the business day following failure.[10] In a payoff the sweep customer will receive a check or other means of payment for the value of the ownership interest in the money market mutual fund.

For same-day money market mutual fund sweeps, the depository institution may be closed prior to completion of the transmission of funds to the money market mutual fund. In this case, the FDIC as receiver will use its best efforts to stop this transmission. If the transmission of funds is blocked, the sweep transaction will not be completed and the customer's deposit account will *not* reflect the sweep before arriving at the end-of-day balance for that day. In this case, for insurance purposes, the funds swept on the day of failure will be treated as if they had not left the originating deposit account.

The second type of arrangement is a *next-day* money market mutual fund sweep where the mutual fund does not maintain an account at the depository institution. The investment decision on funds to be swept from a customer's account typically is made after the day's transactions are posted against the deposit account, usually in the late evening or early the following morning. Funds above the pre-established threshold are swept from the deposit account into a temporary holding account, which could be an omnibus account, where they reside as of the institution's normal end-of-day. The transaction with the money market mutual fund to complete the purchase of shares is made the following business day, usually in the morning. For insurance purposes the FDIC will use end-of-day ledger balances on the day of failure. In this case, on the day of

[10] This assumes the assets of the money market mutual fund are sufficient to maintain a $1.00 share price. If the value of the money market share price is compromised below $1.00 the sweep customer's interests will reflect this loss in value. The customer is not eligible to file a claim against the receiver to recover the loss in value of the money market mutual fund shares as such shares are not part of the receivership estate.

failure, funds associated with next-day money market mutual fund sweeps for that day will not have left the depository institution, but will reside in the omnibus account. In this case, for insurance purposes, the funds swept on the day of failure will be treated as if they had not left the originating deposit account. Funds already residing in the money market mutual fund resulting from prior day sweeps will be treated as described above for fully completed same-day money market mutual fund sweeps.

Under the next-day sweep arrangement, on any given day the deposit account balance could fall below the pre-established threshold, thus triggering a sweep of funds from the money market mutual fund to the deposit account. In this case, prior to the depository institution's normal end-of-day, the deposit account will be credited for the shortfall below the pre-established threshold and the omnibus account used by the institution for this next-day money market mutual fund sweep product will receive an offsetting debit entry. As of the depository institution's normal end-of-day, the next-day money market mutual fund omnibus account will consist of a series of debit entries (reflecting instances where funds are to be moved from the money market mutual fund to a deposit account) and credit entries (where funds are to be moved from a deposit account to the money market mutual fund). For claims purposes, the FDIC will not net the debits and credit entries in the omnibus account. In effect, as discussed in the previous paragraph, the sweep transaction with the money market mutual fund will not have occurred as of the depository institution's end-of-day—and the FDIC will regard the funds as remaining in the money market mutual fund. Thus, the debit entry in the omnibus account will be used to offset the corresponding credit to the originating deposit account to determine account balances for insurance purposes.

A variation of the next-day money market mutual fund sweep does not involve the use of a temporary holding account such as an omnibus account. Under this structure the investment decision on funds to be swept from a customer's account still is made after the day's transactions are posted against the deposit account, but excess funds are not debited from the deposit account until the following morning, after end-of-day balances have been determined. Funds are wired to the money market mutual fund the following business day as well. For insurance purposes, the FDIC will use end-of-day ledger balances on the day of failure. In this case, on the day of failure, funds associated with next-day money market mutual fund sweeps for that day will not have been removed from the deposit account; thus the sweep will not have occurred on the day of failure and all funds will reside in the deposit account. Funds already residing in the money market mutual fund resulting from prior day sweeps will be treated in the event of failure as described above for fully completed same-day money market mutual fund sweeps.

The third type of account is a money market mutual fund sweep where the mutual fund maintains an account with the depository institution for the purpose of accepting new share purchases. Under this arrangement funds swept out of a customer's deposit account are credited, either directly or through a series of intermediate transactions, to an account owned solely by the money market mutual fund. The structure does not require that funds be wired to the money market mutual fund in order to purchase new shares. The movement of funds from the customer's deposit account into another account at the depository institution, in this case one owned by the money market mutual fund, constitutes an internal deposit transaction. Accordingly, in the event of failure, the FDIC as receiver would process all internal transactions prior to arriving at end-of-day balances used for insurance purposes. If the depository institution's ownership records establish the money market mutual fund as the actual owner of the swept funds,[11] these sweep transactions would be deemed to be completed. In the event of failure the funds residing in the money market mutual fund would be treated as described earlier, depending on whether the FDIC engages in a purchase and assumption or payoff transaction to resolve the institution. If the depository institution's ownership records establish the depositors as the actual owners of the swept funds, such as if the money market mutual fund's account was established for the benefit of the sweep customers, then the swept funds would be deemed to be owned by the sweep customers. In this case, for insurance purposes, the funds swept on the day of failure will be treated as if they had not left the deposit account.

Fed Funds sweep accounts. A Fed Funds account is another example of an internal sweep investment vehicle. These sweep arrangements function similarly to a Eurodollar or IBF sweep. Thus, at the end of the business day, the customer's funds in excess of the pre-established threshold are swept to a Fed Funds account, a liability of the depository institution. At the start of the next business day, the depository institution will sweep the balance back to the deposit account. The cycle typically repeats itself daily.

In the case of Fed Funds sweep accounts the FDIC will for insurance purposes use deposit and account balances as they are reflected as of the institution's normal end-of-day. Thus, funds remaining in the domestic deposit account (below the pre-established threshold) will be treated as a deposit for insurance purposes. Funds having been swept to the Fed Funds account, as reflected on the institution's end-of-day records, will be treated as other similarly situated Fed Funds liabilities. Upon an institution's failure, amounts in a Fed Funds account in a failed institution generally are treated as unsecured, non-deposit liabilities and are not eligible for insurance or depositor preference status.

Holding company commercial paper sweep account. Under this arrangement the investment decision on funds to be swept from a customer's account typically is made after the day's transactions are posted against the deposit account, usually in the late evening or early the following morning. The customer's funds in excess of the pre-established threshold are swept out of the deposit account to a general ledger account on the depository institution's books. The depository institution, acting as agent for its holding company, will book the commercial paper on the holding company's books. The treatment of the swept funds in the event of failure will depend on the ownership of the general ledger account into which the funds are swept. If the general ledger account is held for the benefit of the sweep customers, then a purchase of commercial paper will not have been completed. Thus, the swept funds will be treated as if they had not left the deposit account. If the general ledger account is owned solely by the holding company, then a purchase of commercial paper will have been completed. Thus, the swept funds will be treated as having purchased the holding company commercial paper.

If the swept funds have purchased the holding company commercial paper, in the event of the depository institution's failure the ability of the sweep customer to redeem the commercial paper the day following failure will depend upon a number of factors, including the holding company's liquidity position and

[11] Deposits owned by a mutual fund are insured under the FDIC's insurance rules as funds owned by a corporation. 12 CFR 330.11.

whether it enters bankruptcy. In a purchase and assumption transaction, the FDIC as receiver normally will seek to recover the swept funds, but the ability of the sweep customer to access these funds, and the ultimate recovery of these funds, may depend on factors outside the control of the receivership. In the event of a payoff, the sweep customer's recovery of swept funds will likewise be limited by the same factors outside the control of the receivership.

Loan sweep account. A loan sweep account uses a customer's excess deposit balances to automatically pay down a loan or other credit account balance at the depository institution. This is another example of an internal sweep transaction. In this case excess balances in a customer's deposit account, above a pre-established threshold, are swept out of the deposit account and used to pay down a loan at the depository institution. In the event of failure this transaction will be completed prior to determining end-of-day deposit and account balances. Thus, the funds will have been swept out of the deposit account and used to reduce the loan balance. For insurance purposes the FDIC would treat the funds residing in the deposit account, those below the pre-established threshold, as a deposit account.

Disclosure Requirements

The interim rule imposed certain disclosure requirements in connection with sweep accounts, effective July 1, 2009. In particular, institutions must prominently disclose in all sweep account contracts and account statements reflecting sweep account balances whether swept funds are *deposits* (as defined in 12 U.S.C. 1813(l)). If the funds are not deposits, the institution must further disclose the status such funds would have if the institution failed. In addition, the interim rule required that the disclosures be consistent with how the institution reports such funds on its Call Reports or Thrift Financial Reports. In issuing the interim rule, the FDIC asked for comments on specific issues associated with the sweep account disclosure requirements.[12]

As discussed below, based on comments received, the final rule reflects modifications to the disclosure requirements in the interim rule. Under the final rule, effective July 1, 2009, institutions must prominently disclose in writing to sweep account customers whether their swept funds are deposits within the meaning of 12 U.S.C. 1813(l): (1) Within sixty days after July 1, 2009, and no less than annually thereafter, (2) in all new sweep account contracts, and (3) in renewals of existing sweep account contracts. If the funds are not deposits, the institution must further disclose the status such funds would have if the institution failed—for example, general creditor status or secured creditor status. Such disclosures must be consistent with how the institution reports such funds on its Call Reports or Thrift Financial Reports. The disclosure requirements do not apply to sweep accounts where: The transfers are within a single account, or a sub-account; or the sweep account involves only deposit-to-deposit sweeps, such as zero-balance accounts, unless the sweep results in a change in the customer's insurance coverage.

As noted in the comment summary, the three industry trade associations that commented on this issue agreed with the FDIC's intent to have institutions provide clear disclosures to sweep account customers. In response to the comment that institutions already provide adequate disclosures to sweep account customers, the FDIC notes that under the final rule (as under the interim rule) no change to such preexisting disclosures would be required as long as they indicate: (1) Whether the swept funds are *deposits*; and (2) if the swept funds are not deposits, how they would be treated if the institution should fail.

Several commenters asked for greater clarity regarding which sweep products would be subject to the disclosure requirement. Under the final rule a sweep account involves the *pre-arranged* transfer of funds from a deposit account to: (1) An investment vehicle located *outside* the depository institution, or (2) another account or investment vehicle located *within* the depository institution. The transaction must be pre-arranged according to the terms of the account agreement which specifies rules governing the automated transfer of funds out of and into the deposit account. Further, the funds must be transferred from a deposit account to an account or investment vehicle, either located within or outside the depository institution. Under the final rule, the disclosure requirements do not apply to arrangements where the customer initiates transfers through instructions provided to the depository institution, which could be on a daily basis, to move funds from a deposit account to another account or investment vehicle. The disclosure rules also do not apply to arrangements where transfers are within a single account (to a sub-account), such as may be the case with retail or reserve sweeps. In addition, the disclosure rules do not apply to other deposit-to-deposit sweeps, such as ZBAs, unless the sweep results in a change in the customer's insurance coverage. In the deposit-to-deposit sweep arrangements of which the FDIC is aware, the sweep does not change the insurance coverage available to the customer.

The FDIC agrees with the commenters who stated that the disclosure requirements should not be overly prescriptive and, specifically, should not require that specific language be included in the disclosures. Hence, the final rule does not impose specific disclosure language, allowing institutions to fashion their own disclosures, as long as they satisfy the disclosure requirements.

Despite the comment that the disclosures should be required to be provided just one time to sweep account customers, the FDIC continues to believe that, in order for the disclosure requirements to be meaningful and effective, they must be provided at the initiation of a new sweep account agreement between the institution and the customer, in all agreement renewals and on a periodic basis, but not less than annually.

The FDIC agrees with the trade association that suggested flexibility in communicating the disclosure requirements to sweep customers. Hence, in complying with the final rule, institutions need not modify their existing contracts with sweep customers, but the disclosures should be made in all new agreements and agreement renewals. Also, an institution may comply with the requirement for the initial and periodic disclosures through, for example, client letters, transaction confirmation statements or account statements. The requirement in the interim rule that such disclosures be provided in account statements, therefore, is not part of the final rule.

The FDIC agrees with the comments that the potential, under the final rule, for the FDIC using the FDIC Cutoff Point (instead of the institution's ordinary cutoff point) upon the institution failure complicates the disclosure requirements. As discussed above, for *internal* sweep arrangements, it would not matter whether the FDIC uses the institution's ordinary cutoff point or an FDIC Cutoff Point, the sweep would still be completed as of the failure date; thus,

[12] Specifically, the FDIC asked for information on what disclosures are currently made in connection with sweep account arrangements which allow sweep customers to ascertain the treatment of such funds if the institution should fail? Also, what form the disclosures take, when they are provided and what is their frequency? In addition, the FDIC asked if the disclosures are consistent with how such funds are reported in Call and Thrift Financial Reports.

the status of the swept funds would be the same under either cutoff point. For external sweep arrangements (for example, external money market mutual fund sweeps), the required disclosures should indicate the possibility that, if the institution should fail, the applicable funds might not be swept to the source outside the institution and should indicate how the funds would be treated in that situation—for example, they would be treated as deposits and insured under the applicable insurance rules and limits.

As to the question raised in the comments about this issue, the final rule does not require institutions to disclose to customers the possibility that the FDIC would impose provisional holds on their deposits if the institution should fail.

VIII. Plain Language

Section 722 of the Gramm-Leach-Bliley Act, Public Law 106–102, 113 Stat. 1338, 1471 (Nov. 12, 1999), requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. No commenters suggested that the interim rule was unclear, and the final rule is substantively similar to the interim rule.

IX. Paperwork Reduction Act

OMB Number: New Collection.

Frequency of Response: On occasion.

Affected Public: Insured depository institutions offering sweep account products.

Estimated Number of Respondents: 1,170 to 1,970.

Estimated Time per Response: 25–43 hours per respondent.

Estimated Total Annual Burden: 28,870–84,400 hours.

Background/General Description of Collection: The final rule contains a collection of information pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) (''PRA''). In particular, the final rule requires, subject to a delayed effective date, depository institutions offering sweep products to disclose whether the swept funds are deposits for insurance purposes and, if not, how these funds would be treated in the event of failure. In accordance with the requirements of the Paperwork Reduction Act of 1995, the FDIC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (''OMB'') control number. The FDIC submitted the information collection contained in this rule to OMB for review. No collection of information will be made until OMB approval has been obtained.

Estimated costs: Compliance with the disclosure requirement will require insured depository institutions offering sweep products, which do not currently provide adequate disclosures, to modify their sweep account documentation to include new language indicating whether swept funds are a deposit for insurance purposes and, if not, how such funds would be treated in the event of failure. Further, additional documentation may be provided to sweep customers as part of a statement or other mailing. Implementation cost will be mitigated by the delayed effective date of this requirement. Sweep account documents must be reprinted periodically in any case, and the cost of including the disclosure requirement should be minimal. Further, most insured depository institutions already make certain disclosures to customers, and the new requirements would simply replace or supplement these disclosures. After implementation, on-going cost should be negligible. Future printings of sweep account documentation will have to be conducted in any case to replenish stock, and the disclosure requirement should not add to the cost of such printings given its brief nature. Customer account statements would continue to be provided according to normal business practices. Further, staff training must be conducted periodically, and the disclosure requirement should not materially add to the length or complexity of this training.

The exact number of insured depository institutions offering sweep products is unknown. It is the FDIC's experience that the vast majority of large institutions offer some sweep arrangement as part of their cash management services. The prevalence of sweep offerings among smaller community banks is far less prevalent. The FDIC's analysis assumes that all insured depository institutions with total assets of at least $2 billion offer at least one sweep product (370 institutions). It is further assumed that between 10 and 20 percent of the remaining 8,000 insured institutions also offer a sweep product (800 to 1,600 institutions). The total number of respondents is estimated to be between 1,170 and 1,970. The FDIC estimates that the hourly burden will range from 25 hours per institution to 43 hours per institution. The total hours are estimated to be from 28,870 hours to 84,400 hours.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC concerning the Paperwork Reduction Act implications of this proposal. Such comments should refer to ''Processing of Deposit Accounts, 3064–AD26,'' in the subject line of the message. Comments may be submitted by any of the following methods:

- *Agency Web Site: http://www.FDIC.gov/regulations/laws/federal.* Follow instructions for submitting comments on the agency Web site.
- *E-mail: comments@FDIC.gov.* Include ''Processing of Deposit Accounts,'' 3064–AD26'' in the subject line of the message.
- *Mail:* Executive Secretary, Attention: Comments, FDIC, 550 17th St., NW., Room F–1066, Washington, DC 20429.
- *Hand Delivery/Courier:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. (EST).
- A copy of the comments may also be submitted to the OMB desk officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal* including any personal information provided.

X. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'') requires a federal agency publishing a notice of proposed rulemaking to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of the proposed rule on small entities. 5 U.S.C. 603(a).

As defined in regulations issued by the Small Business Administration (13 CFR 121.201), a ''small entity'' includes a bank holding company, commercial bank or savings association with assets of $165 million or less (collectively, small banking organizations). The RFA provides that an agency is not required to prepare and publish a regulatory flexibility analysis if the agency certifies that the proposed rule would not have a significant impact on a substantial number of small entities. 5 U.S.C. 605(b).

In publishing the interim rule the FDIC certified that the interim rule would not have a significant economic impact on a substantial number of small entities. The rationale for this certification was that the interim rule would establish the FDIC's practice for determining deposit account balances at a failed insured depository institution and would impose no requirements on insured depository institutions.

The final rule imposes a disclosure requirement on all insured depository institutions offering one or more sweep account products. This requirement is subject to a delayed effective date. The FDIC believes the disclosure requirement in the final rule will not have a substantial impact on a substantial number of small banking organizations, mainly because such entities are much less likely than larger insured depository institutions to offer sweep account products. Such products are typically offered by insured depository institutions serving large commercial and institutional customers. The FDIC received no comments on whether and, if so, to what extent small banking organizations will be affected by the disclosure requirement in the final rule rule.

XI. The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The FDIC has determined that the final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681).

List of Subjects in 12 CFR Part 360

Banks, Banking, Savings associations.

■ For the reasons stated above, the Board of Directors of the Federal Deposit Insurance Corporation hereby amends part 360 of title 12 of the Code of Federal Regulations as follows:

PART 360—RESOLUTION AND RECEIVERSHIP RULES

■ 1. The authority citation for part 360 continues to read as follows:

Authority: 12 U.S.C. 1819(a) Tenth, 1821(d)(1), 1821(d)(10)(c), 1821(d)(11), 1821(e)(1), 1821(e)(8)(D)(i), 1823(c)(4), 1823(e)(2); Sec. 401(h), Public Law 101–73, 103 Stat. 357.

■ 2. Section 360.8 is revised to read as follows:

§ 360.8 Method for determining deposit and other liability account balances at a failed insured depository institution.

(a) *Purpose.* The purpose of this section is to describe the process the FDIC will use to determine deposit and other liability account balances for insurance coverage and receivership purposes at a failed insured depository institution.

(b) *Definitions*—(1) The *FDIC Cutoff Point* means the point in time the FDIC establishes after it has been appointed receiver of a failed insured depository institution and takes control of the failed institution.

(2) The *Applicable Cutoff Time* for a specific type of deposit account transaction means the *earlier* of either the failed institution's normal cutoff time for that specific type of transaction or the *FDIC Cutoff Point.*

(3) *Close-of-Business Account Balance* means the closing end-of-day ledger balance of a deposit or other liability account on the day of failure of an insured depository institution determined by using the *Applicable Cutoff Times.* This balance may be adjusted to reflect steps taken by the receiver to ensure that funds are not received by or removed from the institution after the *FDIC Cutoff Point.*

(4) A *sweep account* is an account held pursuant to a contract between an insured depository institution and its customer involving the pre-arranged, automated transfer of funds from a deposit account to either another account or investment vehicle located within the depository institution (*internal sweep account*), or an investment vehicle located outside the depository institution (*external sweep account*).

(c) *Principles*—(1) In making deposit insurance determinations and in determining the value and nature of claims against the receivership on the institution's date of failure, the FDIC, as insurer and receiver, will treat deposits and other liabilities of the failed institution according to the ownership and nature of the underlying obligations based on end-of-day ledger balances for each account using, except as expressly provided otherwise in this section, the depository institution's normal posting procedures.

(2) In its role as receiver of a failed insured depository institution, in order to ensure the proper distribution of the failed institution's assets under the FDI Act (12 U.S.C. 1821(d)(11)) as of the FDIC Cutoff Point, the FDIC will use its best efforts to take all steps necessary to stop the generation, via transactions or transfers coming from or going outside the institution, of new liabilities or extinguishing existing liabilities for the depository institution.

(3) End-of-day ledger balances are subject to corrections for posted transactions that are inconsistent with the above principles.

(d) *Determining closing day balances*—(1) In determining account balances for insurance coverage and receivership purposes at a failed insured depository institution, the FDIC will use *Close-of-Business Account Balances.*

(2) A check posted to the *Close-of-Business Account Balance* but not collected by the depository institution will be included as part of the balance, subject to the correction of errors and omissions and adjustments for uncollectible items that the FDIC may make in its role as receiver of the failed depository institution.

(3) In determining *Close-of-Business Account Balances* involving sweep accounts:

(i) For internal sweep accounts, the FDIC will determine the ownership of the funds and the nature of the receivership claim based on the records established and maintained by the institution for that specific account or investment vehicle as of the closing day end-of-day ledger balance. (For example, if a sweep account entails the daily transfer of funds from a demand deposit account to a Eurodollar account at a foreign branch of the insured depository institution, if the institution should fail on that day, the FDIC would treat the funds swept to the Eurodollar account, as reflected on the institution's end-of-day records, as an unsecured general creditor's claim against the receivership.);

(ii) For external sweep accounts, the FDIC will treat swept funds consistent with their status in the end-of-day ledger balances of the depository institution and the external entity, as long as the transfer of funds is completed prior to the Applicable Cutoff Time. (For example, if funds held in connection with a money market sweep account are wired from a customer's deposit account at the insured depository institution to the mutual fund prior to the Applicable

Cutoff Time, if the institution should fail on that day, the FDIC would recognize that sweep transaction as completed for claims and receivership purposes.);

(iii) For repurchase agreement sweep accounts, where, as a result of the sweep transaction, the customer becomes either the legal owner of identified assets subject to repurchase or obtains a perfected security interest in those assets, the FDIC will recognize, for receivership purposes, the customer's ownership interest or security interest in the assets.

(4) For deposit insurance and receivership purposes in connection with the failure of an insured depository institution, the FDIC will determine the rights of the depositor or other liability holder as of the point the *Close-of-Business Account Balance* is calculated.

(e) *Disclosure requirements.* Beginning July 1, 2009, in all new sweep account contracts, in renewals of existing sweep account contracts and within sixty days after July 1, 2009, and no less than annually thereafter, institutions must prominently disclose in writing to sweep account customers whether their swept funds are deposits within the meaning of 12 U.S.C. 1813(l). If the funds are not deposits, the institution must further disclose the status such funds would have if the institution failed—for example, general creditor status or secured creditor status. Such disclosures must be consistent with how the institution reports such funds on its quarterly Consolidated Reports of Condition and Income or Thrift Financial Reports. The disclosure requirements imposed under this provision do not apply to sweep accounts where: The transfers are within a single account, or a sub-account; or the sweep account involves only deposit-to-deposit sweeps, such as zero-balance accounts, unless the sweep results in a change in the customer's insurance coverage.

By order of the Board of Directors.

Dated at Washington, DC, this 27th day of January, 2009.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E9–2113 Filed 1–30–09; 8:45 am]

BILLING CODE 6714–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA–2008–0070]

RIN 0960–AG93

Expiration Date Extension for Musculoskeletal Body System Listings

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: This final rule extends for 2 years the date on which the Musculoskeletal System Listing of Impairments will no longer be effective. We use the body system listings at the third step of the sequential evaluation process when we evaluate your claim for benefits based on disability under title II and title XVI of the Social Security Act. Other than extending the effective date of the listings, we have not revised the musculoskeletal listings. This extension will ensure that we continue to have the medical evaluation criteria in the listings to adjudicate disability claims involving disorders of the musculoskeletal body system at the third step of the sequential evaluation process.

DATES: This final rule is effective on February 2, 2009.

FOR FURTHER INFORMATION CONTACT: Cheryl A. Williams, Acting Director, Office of Medical Listings Improvements, 6401 Security Boulevard, Baltimore, MD 21235–6401. Call (410) 966–4163 for further information about this final rule. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at *http://www.gpoaccess.gov/fr/index.html.*

Background

We use the Listing of Impairments (the listings) at the third step of the sequential evaluation process to evaluate claims filed by adults and children for benefits based on disability under the title II and title XVI programs. We divide the listings into two parts: Part A for adults and part B for children. If you are age 18 or over, we apply the listings in part A when we assess your claim. If you are under age 18, we first use the criteria in part B of the listings. If the criteria in part B do not apply, we may use the criteria in part A when those criteria give appropriate consideration to the effects of the impairment(s) in children. (See §§ 404.1525 and 416.925.)

Explanation of Changes

In this final rule, we are extending until February 18, 2011, the date on which the Musculoskeletal System (1.00 and 101.00) listings will no longer be effective. We periodically review and update the listings in light of medical advances in disability evaluation and treatment and our program experience. We last updated the medical criteria for the Musculoskeletal System listings on November 19, 2001. 66 FR 58010. While we intend to publish proposed and final rules to update the Musculoskeletal System listings as quickly as possible, we cannot publish final rules revising these listings by February 19, 2009, the current expiration date.

Regulatory Procedures

Justification for Final Rule

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 when developing regulations. 42 U.S.C. 902(a)(5). The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the notice and public comment procedures for this rule. Good cause exists because this final rule only extends the date on which the musculoskeletal body system listings will no longer be effective. It makes no substantive changes to the listings. The current regulations expressly provide that we may extend, revise, or re-promulgate the listings. Therefore, we have determined that opportunity for prior comment is unnecessary, and we are issuing this regulation as a final rule.

In addition, we find good cause for dispensing with the 30-day delay in the effective date of a substantive rule provided by 5 U.S.C. 553(d)(3). As explained above, we are not making any substantive changes in the body system listings. Without an extension of the expiration dates for these listings, we will lack the medical evaluation criteria needed for assessing impairments in this body system at the third step of the sequential evaluation process. In order to ensure that we continue to have these listings in our rules, we find that it is

in the public interest to make this final rule effective on the date of publication.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as amended. Thus, OMB did not review it. We have also determined that this final rule meets the plain language requirement of Executive Order 12866, as amended.

Regulatory Flexibility Act

We certify that this final rule does not have a significant economic impact on a substantial number of small entities because it affects only individuals. Therefore, a regulatory flexibility analysis, as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

This final rule imposes no reporting/recordkeeping requirements necessitating clearance by OMB.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Dated: January 22, 2009.

Michael J. Astrue,

Commissioner of Social Security.

■ For the reasons set forth in the preamble, we amend part 404, subpart P, chapter III of title 20 of the Code of Federal Regulations as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart P—[Amended]

■ 1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205(a), (b), and (d)–(h), 216(i), 221(a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a), (b), and (d)–(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189; sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 2. Amend appendix 1 to subpart P of part 404 by revising item 2 of the introductory text before part A to read as follows:

Appendix 1 to Subpart P of Part 404—Listing of Impairments

* * * * *

2. Musculoskeletal System (1.00 and 101.00): February 18, 2011.

* * * * *

[FR Doc. E9–2109 Filed 1–30–09; 8:45 am]

BILLING CODE 4191–02–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 215

RIN 0412–AA61

Privacy Act of 1974, Implementation of Exemptions

AGENCY: United States Agency for International Development.

ACTION: Final rule; delay of effective date and addition of comment period.

SUMMARY: This document delays the effective date by 60 days and provides a 30-day public comment period to run concurrently for the final rule exempting portions of the Partner Vetting System from one or more provisions of the Privacy Act, as published in the **Federal Register** on January 2, 2009.

DATES: The effective date for the final rule published on January 2, 2009 (74 FR 9), is delayed until April 3, 2009. Written comments must be received on or before March 4, 2009.

ADDRESSES: Written comments may be submitted electronically through the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the website for submitting comments.

Written comments may also be submitted by mail to Rhonda Turnbow, Deputy Chief Privacy Officer, United States Agency for International Development, 1300 Pennsylvania Avenue, NW., Office 2.12–003, Washington, DC 20523–2120.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact Jeff Denale, Chief, Counterterrorism and Information Security Division, Office of Security, United States Agency for International Development, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Washington, DC 20523.

SUPPLEMENTARY INFORMATION: The United States Agency for International Development published a Final Rule in the **Federal Register** on January 2, 2009 (74 FR 9), FR Doc. E8–31131. Pursuant to a January 20, 2009 White House Memorandum on regulatory review, agencies are requested to consider extending for 60 days the effective date of regulations that have been published in the **Federal Register** but not yet taken effect, for the purpose of reviewing questions of law and policy raised by those regulations. Where such an extension is made, agencies are requested to immediately reopen the notice-and-comment period for 30 days to allow interested parties to provide comments about issues of law and policy raised by those regulations. As a result, USAID has delayed the effective date of the final rule from February 2, 2009 to April 3, 2009. USAID has also opened a 30-day public comment period.

Dated: January 28, 2009.

Randy T. Streufert,

Director, Office of Security.

[FR Doc. E9–2220 Filed 1–30–09; 8:45 am]

BILLING CODE 6116–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 440

[CMS–2232–IFC]

RIN 0938–A048

Medicaid Program; State Flexibility for Medicaid Benefit Packages: Delay of Effective Date

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Interim final rule with comment period: delay of effective date and reopening of the comment period.

SUMMARY: In accordance with the memorandum of January 20, 2009, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' this action temporarily delays for 60 days the effective date of the final rule entitled, Medicaid Program; State Flexibility for Medicaid Benefit Packages'' published in the December 3, 2008 **Federal Register** (73 FR 73694). The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review of the issues of law and policy raised by this rule. In addition, this action reopens the comment period on the policies set out in the December 3, 2008 final rule to allow interested parties to provide comments about issues of law and policy raised by the rule.

DATES: *Effective Date.* This action is effective January 30, 2009. The effective date of the rule amending 42 CFR part 440 published in the December 3, 2008 **Federal Register** (73 FR 73694) is delayed 60 days until April 3, 2009.

Comment Period. To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 4, 2009. Comments may address either December 3, 2008 final rule, or this action (the delay in the effective date, and the reopening of the comment period).

ADDRESSES: In commenting, please refer to file code CMS–2232–IFC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed)

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' and enter the filecode to find the document accepting comments.

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2232–IFC, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2232–IFC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–8016.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the comment period to either of the following addresses:

a. Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201;

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

FOR FURTHER INFORMATION CONTACT: Christine Gerhardt, (410) 786–0693.

SUPPLEMENTARY INFORMATION:

I. Background

On December 3, 2008, we published a final rule in the **Federal Register** entitled ''Medicaid Program; State Flexibility for Medicaid Benefit'' (73 FR 73694). The December 2008 final rule implements provisions of section 6044 of the Deficit Reduction Act of 2005, which amends the Social Security Act by adding a new section 1937 related to the coverage of medical assistance under approved State plans. The final rule also provides States increased flexibility under an approved State plan to define the scope of covered medical assistance by offering coverage of benchmark or benchmark-equivalent benefit packages to certain Medicaid recipients. In addition, the final rule responds to public comments on the February 22, 2008, proposed rule that pertain to the State Medicaid benefit package provisions.

II. Provisions of This Action

This action delays the effective date of the December 3, 2008 final rule and reopens the comment period on the policies set out in the final rule. The effective date of the December 3 final rule, which would have been February 2, 2009, is now April 3, 2009. The 60-day delay in the effective date is necessary to give Department officials the opportunity for further review of the issues of law and policy raised by this rule, to give the public the opportunity to submit additional comments on issues of law and policy raised by the December 3, 2008 final rule, and to provide an opportunity for CMS to consider all additional comments. We also seek comments on this action (the delay in the effective date and the reopening of the comment period).

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule such as this take effect, in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). We also ordinarily provide a 30-day delay in the effective date of the provisions of a rule in accordance with section 553(d) of the APA (5 U.S.C. 553(d)). However, we can waive both the notice and comment procedure and the 30-day delay in the effective date if the Secretary finds, for good cause, that it is impracticable, unnecessary or contrary to the public interest to follow the notice and comment procedure or to comply with the 30-day delay in the effective date, and incorporates a statement of the finding and the reasons in the rule.

This action delays the effective date of the December 3, 2008 final rule that was promulgated through notice and comment rulemaking. A delay in effective date and reopening of the comment period is necessary to ensure that we have the opportunity to receive additional public comments to fully inform our decisions before the policies contained in the final rule become effective. Moreover, we believe it would be contrary to the public interest for the December 3, 2008 final rule to become effective until we are certain that all public comments, including any additional comments that are submitted in the reopened comment period, are considered. To do otherwise could potentially result in uncertainty and confusion as to the finality of the final rule. For the reasons stated above, we find that both notice and comment and the 30-day delay in effective date for this action are unnecessary and contrary to the public interest. Therefore, we find there is good cause to waive notice and comment procedures and the 30-day delay in effective date for this rule.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: January 28, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: January 28, 2009.

Charles Johnson,

Acting Secretary.

[FR Doc. E9–2186 Filed 1–30–09; 8:45 am]

BILLING CODE 4120–01–P

Proposed Rules

Federal Register
Vol. 74, No. 20
Monday, February 2, 2009

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

FEDERAL TRADE COMMISSION

16 CFR Part 255

Guides Concerning the Use of Endorsements and Testimonials in Advertising

AGENCY: Federal Trade Commission.

ACTION: Extension of deadline for submission of comments.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') is extending until March 2, 2009 the deadline for filing comments on its proposed revisions to the Federal Trade Commission's Guides Concerning the Use of Endorsements and Testimonials in Advertising (''the Guides'').

DATES: Written comments must be received by March 2, 2009.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to ''Endorsement Guides Review, Project No. P034520'' to facilitate the organization of comments. Please note that comments will be placed on the public record of this proceeding—including on the publicly accessible FTC website, at (*http://www.ftc.gov/os/publiccomments.shtm*) — and therefore should not include any sensitive or confidential information. In particular, comments should not include any sensitive personal information, such as an individual's Social Security Number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any ''[t]rade secrets and commercial or financial information obtained from a person and privileged or confidential. . . .,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and Commission Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c).[1]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following weblink: (*https://secure.commentworks.com/ftc-endorsements*) (and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink (*https://secure.commentworks.com/ftc-endorsements*). If this Notice appears at (*https://www.regulations.gov/search/index.jsp*), you may also file an electronic comment through that website. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC website at *http://www.ftc.gov*to read the Notice and the news release describing it.

A comment filed in paper form should include the ''Endorsement Guides Review, Project No. P034520'' reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex S), 600 Pennsylvania Avenue, NW, Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

The Federal Trade Commission Act (''FTC Act'') and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC website, to the extent practicable, at (*http://www.ftc.gov/os/publiccomments.shtm*). As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at (*http://www.ftc.gov/ftc/privacy.shtm*).

[1] FTC Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

FOR FURTHER INFORMATION CONTACT: Shira Modell, Attorney, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C., 20580; (202) 326-3116.

SUPPLEMENTARY INFORMATION: On November 21, 2008, the Commission announced that it had approved publication of a **Federal Register** notice seeking public comments on proposed revisions to the Guides Concerning the Use of Endorsements and Testimonials in Advertising (''the Guides''). *See* 73 Fed. Reg. 72,373 (Nov. 28, 2008). The deadline established for the submission of comments was January 30, 2009.

The Association of National Advertisers, the American Association of Advertising Agencies, the Direct Marketing Association, the Electronic Retailing Association, the Interactive Advertising Bureau, the American Advertising Federation, and the Promotion Marketing Association (''the Associations'') have now requested that the comment period be extended for 60 days. The Associations state, among other things, that because of the significance of the changes proposed by the Commission, they anticipate requiring additional time to coordinate comments both within their members and with each other.

The Commission has considered the Associations' request and believes that a 30-day extension is sufficient. Accordingly, it has decided to extend the deadline for submission of comments on the revised Guides to Monday, March 2, 2009. Such comments must be received by March 2, 2009, and must be filed in accordance with the instructions in the **ADDRESSES**

section of this document. By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. E9–1644 Filed 1–30–09: 8:45 am]

BILLING CODE 6750–01–S

Notices

Federal Register

Vol. 74, No. 20

Monday, February 2, 2009

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (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: Submit comments on or before April 3, 2009.

ADDRESSES: Send comments via e-mail at *cmaness@usaid.gov* or mail comments to: Carmelita Maness, Office of American Schools and Hospitals Abroad, United States Agency for International Development, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Washington, DC 20523 (202) 712–1117.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC 20523, (202) 712–1365 or via e-mail *bjohnson@usaid.gov.*

SUPPLEMENTARY INFORMATION: *OMB No:* OMB 0412–0011.

Form No.: AID 1010–2.

Title: Application for Assistance—American Schools and Hospitals Abroad.

Type of Review: Renewal of Information Collection.

Purpose: USAID finances grant assistance to U.S. founders or sponsors who apply for grant assistance from the Office of American Schools and Hospitals Abroad (ASHA) on behalf of their institutions overseas. ASHA is a competitive grants program. The Office of ASHA is charged with judging which applicants may be eligible for consideration and receive what amounts of funding for what purposes. To aid in such determination, the Office of ASHA has established guidelines as the basis for deciding upon the eligibility of the applicants and the resolution on annual grant awards. These guidelines are published in the **Federal Register**, Doc. 79–36221.

Annual Reporting Burden:

Respondents: 85.

Total annual responses: 85.

Total annual hours requested: 900 hours.

Dated: January 26, 2009.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. E9–2174 Filed 1–30–09; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[08–BIS–0006]

Action Affecting Export Privileges; Elecmat, Inc.; In the Matter of: Elecmat, Inc., 390 Utah Street, San Francisco, CA 94103, Respondent; Order Relating to Elecmat, Inc.

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS'') has initiated an administrative proceeding against Elecmat, Inc. (hereinafter referred to as ''Elecmat'') pursuant to Section 766.3 of the Export Administration Regulations (''Regulations'') [1] and Section 13(c) of the Export Administration Act of 1979, as amended (''Act''), [2] through issuance of a charging letter to Elecmat that alleged that Elecmat committed 39 violations of the Regulations. Specifically, the charges are:

Charge 1: 15 CFR 764.2(d)—Conspiracy To Export Items From the United States to Taiwan Without the Required License

Beginning in or about 2003 and continuing through on or about July 29, 2006, Elecmat conspired and acted in concert with others, known and unknown, to violate the Regulations and to bring about an act that constitutes a violation of the Regulations. The purpose of the conspiracy was to export items from the United States to Taiwan without the required U.S. Government authorization. Pursuant to Sections 742.2 and 742.3 of the Regulations, authorization was required from the Department of Commerce before certain chemicals, metals, and electronic components, items subject to the Regulations and classified under Export Control Classification Numbers (''ECCNs'') 1C227, 1C229, 1C231, 1C234, 1C240, and 1C350, could be exported from the United States to Taiwan.

In furtherance of the conspiracy, the conspirators, including Elecmat, participated in a scheme in which a Taiwan company requested that Elecmat procure specific items from U.S. suppliers and export them to Taiwan. The Taiwan company instructed Elecmat not to tell U.S. suppliers that Elecmat would export the items. Pursuant to this instruction, Elecmat procured the items and exported them to Taiwan without the required license. In so doing, Elecmat committed one violation of Section 764.2(d) of the Regulations.

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2008). The charged violations occurred in 2003 through 2006. The Regulations governing the violations at issue are found in the 2003 through 2006 versions of the Code of Federal Regulations (15 CFR parts 730–774 (2003–2006)). The 2008 Regulations govern the procedural aspects of this case.

[2] 50 U.S.C. app. §§ 2401–2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of July 23, 2008 (73 FR 43,603 (July 25, 2008)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)).

Charges 2–19: 15 CFR 764.2(a)—Engaging in Prohibited Conduct by Exporting Certain Chemicals, Metals and Electronic Components Without the Required License

On 18 occasions between on or about August 13, 2003 and on or about May 13, 2006, Elecmat engaged in conduct prohibited by the Regulations by exporting items subject to the Regulations to Taiwan without the required Department of Commerce licenses. Specifically, Elecmat exported certain chemicals, metals, and electronic components, classified under ECCNs 1C227, 1C229, 1C231, 1C234, and 1C240, to an affiliated company in Taiwan without the Department of Commerce licenses required by Section 742.3 of the Regulations. In so doing, Elecmat committed 18 violations of Section 764.2(a) of the Regulations.

Charge 20: 15 CFR 764.2(a)—Engaging in Prohibited Conduct by Exporting Certain Chemicals, Metals and Electronic Components Without the Required License

On one occasion on or about April 15, 2006, Elecmat engaged in conduct prohibited by the Regulations by exporting sodium fluoride, an item subject to the Regulations and classified under ECCN 1C350, to Taiwan without the Department of Commerce license required by Section 742.2 of the Regulations. In so doing, Elecmat committed one violation of Section 764.2(a) of the Regulations.

Charges 21–39: 15 CFR 764.2(e)—Acting with Knowledge of a Violation

On 19 occasions, between on or about August 13, 2003 and on or about May 13, 2006, in connection with the transactions described in Charges 2–25, above, Elecmat ordered, bought, sold, transported, and forwarded certain chemicals, metals, and electronic components, items that are subject to the Regulations, with knowledge that violations of the Regulations were about to occur or was intended to occur in connection with the items. Specifically, Elecmat had knowledge that these items required a license for export to Taiwan and that they were being exported without the required licenses. Elecmat had previously obtained export licenses from the Department of Commerce for exports of similar items to Taiwan, had been informed by a supplier that certain similar items could not be sold for export, had been informed by another supplier and an affiliated Taiwan company that the export of certain similar items required a license. In so doing, Elecmat committed 19 violations of Section 764.2(e) of the Regulations.

Whereas, BIS and Elecmat have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved of the terms of such Settlement Agreement;

It is therefore ordered:

First, that for a period of twenty years from the date of entry of this Order, Elecmat, Inc., 390 Utah Street, San Francisco, CA 94103, (''Elecmat''), its successors or assigns, and, when acting for or on behalf of Elecmat, its officers, representatives, agents or employees (''Denied Person(s)'') may not participate, directly or indirectly, in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

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

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

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the actions described below with respect to an item that is subject to the Regulations that has been, will be, or is intended to be exported or reexported from the United States:

A. Export or reexport to or on behalf of a Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and that is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Elecmat by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Fourth, that the charging letter, amended charging letter, the Settlement Agreement, and this Order, and the record of the cases as defined by Section 766.20 of the Regulations shall be made available to the public.

Fifth, that the Administrative Law Judge shall be notified that this case is withdrawn from adjudication.

Sixth, that this Order shall be served on the Denied Person and on BIS, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 26th day of January 2009.

Kevin Delli-Colli,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. E9–2170 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[08–BIS–0007]

Action Affecting Export Privileges; Hui-Fen Chen, A.K.A. Angela Chen; In the Matter of: Hui-Fen Chen, a.k.a. Angela Chen, No. 9–1, 29 Lane, Dan Kung Rd., Tamsui, Taipei County, Taiwan; Respondent; Order Relating to Hui-Fen Chen A.K.A. Angela Chen

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS'') has initiated an administrative proceeding against Hui-Fen Chen a.k.a. Angela Chen (hereinafter referred to as ''Chen'') pursuant to Section 766.3 of the Export Administration Regulations (''Regulations'') [1] and Section 13(c) of the Export Administration Act of 1979, as amended (''Act''),[2] through issuance of a charging letter to Chen that alleged that Chen committed one violation of the Regulations. Specifically, the charge is:

Charge 1 15 CFR 764.2(d)—Conspiracy to Export Items From the United States to Taiwan Without the Required License

Beginning in or about 2003 and continuing through on or about July 29, 2006, Chen conspired and acted in concert with others, known and unknown, to violate the Regulations and to bring about an act that constitutes a violation of the Regulations. The purpose of the conspiracy was to export items from the United States to Taiwan without the required U.S. Government authorization. Pursuant to Sections 742.2 or 742.3 of the Regulations, authorization was required from the Department of Commerce before certain chemicals, metals, and electronic components, items subject to the Regulations and classified under Export Control Classification Numbers (''ECCNs'') 1C227, 1C299, 1C230, 1C231, 1C234, 1C240, 1C350, and 3A201, could be exported from the United States to Taiwan. In furtherance of the conspiracy, the conspirators, including Chen, participated in a scheme in which a Taiwan company, Chen's employer, requested that an affiliated U.S. company procure specific items from U.S. suppliers and export them to Taiwan. The Taiwan company instructed the affiliated U.S. company not to tell U.S. suppliers that the affiliated U.S. company would export the items. Pursuant to this instruction, the affiliated U.S. company procured the items and exported them to Taiwan without the required license. In so doing, Chen committed one violation of Section 764.2(d) of the Regulations.

Whereas, BIS and Chen have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved of the terms of such Settlement Agreement; It is therefore ordered:

First, that for a period of twenty years from the date of entry of this Order, Hui-Fen Chen a.k.a. Angela Chen, No. 901, 29 Lane, Dan Kung Rd., Tamsui, Taipei County, Taiwan, (''Chen''), her representatives, assigns, or agents (''Denied Person'') may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, set forth in Supplement No. 1 to 15 CFR part 774, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document that involves an item that is subject to the Regulations and listed on the Commerce Control List;

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

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List.

Second, that no person may, directly or indirectly, do any of the actions described below with respect to an item that is subject to the Regulations and listed on the Commerce Control List that has been, will be, or is intended to be exported or reexported from the United States:

A. Export or reexport to or on behalf of a Denied Person any item subject to the Regulations and listed on the Commerce Control List;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the Regulations and listed on the Commerce Control List that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the Regulations and listed on the Commerce Control List with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States and that is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Chen by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2008). The charged violation occurred in 2003 through 2006. The Regulations governing the violation at issue are found in the 2003 through 2006 versions of the Code of Federal Regulations (15 CFR Parts 730–774 (2003–2006)). The 2008 Regulations govern the procedural aspects of this case.

[2] 50 U.S.C. app. §§ 2401–2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of July 23, 2008 (73 FR 43,603 (July 25, 2008)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)).

made subject to the provisions of the Order.

Fourth, that the charging letter, amended charging letter, the Settlement Agreement, and this Order, and the record of the cases as defined by Section 766.20 of the Regulations shall be made available to the public.

Fifth, that the Administrative Law Judge shall be notified that this case is withdrawn from adjudication.

Sixth, that this Order shall be served on the Denied Person and on BIS, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Dated: Entered this 26th day of January, 2009.

Kevin Delli-Colli,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. E9–2169 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[08–BIS–0008]

Action Affecting Export Privileges; Well Being Enterprise Co., Ltd.; In the Matter of: Well Being Enterprise Co., Ltd. 9 F, No. 170 Min Chuan E. Rd., Sec. 3 Taipei 10542 Taiwan Respondent; Order Relating to Well Being Enterprise Co., Ltd.

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS'') has initiated an administrative proceeding against Well Being Enterprise Co., Ltd. (hereinafter referred to as ''Well Being'') pursuant to Section 766.3 of the Export Administration Regulations (''Regulations'') [1] and Section 13(c) of the Export Administration Act of 1979, as amended (''Act''),[2] through issuance of a charging letter to Well Being that alleged that Well Being committed 25 violations of the Regulations. Specifically, the charges are:

Charge 1 15 CFR 764.2(d)—Conspiracy to Export Items from the United States to Taiwan without the Required License

Beginning in or about 2003 and continuing through on or about July 29, 2006, Well Being conspired and acted in concert with others, known and unknown, to violate the Regulations and to bring about an act that constitutes a violation of the Regulations. The purpose of the conspiracy was to export items from the United States to Taiwan without the required U.S. Government authorization. Pursuant to Sections 742.2 or 742.3 of the Regulations, authorization was required from the Department of Commerce before certain chemicals, metals, and electronic components, items subject to the Regulations and classified under Export Control Classification Numbers (''ECCNs'') 1C227, 1C299, 1C231, 1C234, 1C240, and 1C350, could be exported from the United States to Taiwan. In furtherance of the conspiracy, the conspirators, including Well Being, participated in a scheme in which Well Being requested that an affiliated U.S. company procure specific items from U.S. suppliers and export them to Taiwan. Well Being instructed the affiliated U.S. company not to tell U.S. suppliers that the affiliated U.S. company would export the items. Pursuant to this instruction, the affiliated U.S. company procured the items and exported them to Taiwan without the required license. In so doing, Well Being committed one violation of Section 764.2(d) of the Regulations.

Charge 2 15 CFR 764.2(h)—Evasion

On or about October 20, 2005, Well Being engaged in a transaction or took other action with intent to evade the provisions of the Regulations. Specifically, Well-Being provided electronic instruction to an affiliated U.S. company stating that the affiliated U.S. company should not use its correct name when placing an order for nickel powder with a specific U.S. supplier because Well Being thought that the U.S. supplier knew that there was a relationship between Well Being and the affiliated U.S. company. Well Being conveyed this instruction to the affiliated U.S. company for the purpose of obtaining the nickel powder, which was subject to the Regulations and classified under ECCN 1C240, without obtaining the required U.S. government authorization. In so doing, Well Being committed one violation of Section 764.2(h) of the Regulations.

Charges 3–24 15 CFR 764.2(b): Commanding and/or Inducing an Act Prohibited by the Regulations

On 22 occasions between on or about August 13, 2003 and on or about May 13, 2006, Well Being commanded or induced the doing of an act prohibited by the Regulations by instructing an affiliated U.S. company to procure and export to Taiwan certain chemicals, metals, and electronic components, items subject to the Regulations and classified under ECCNs 1C227, 1C299, 1C231, 1C234, and 1C240, without the Department of Commerce licenses required by Section 742.3 of the Regulations. Specifically, Well Being instructed an affiliated U.S. company, whose sole officer was also the president of Well Being, to procure items for Well Being and export them to Well Being in Taiwan. In so doing, Well Being committed 22 violations of Section 764.2(b) of the Regulations.

Charge 25 15 CFR 764.2(b): Commanding and/or Inducing an Act Prohibited by the Regulations

On one occasion on or about April 15, 2006, Well Being commanded or induced the doing of an act prohibited by the Regulations by instructing an affiliated U.S. company to procure and export to Taiwan sodium fluoride, an item subject to the Regulations and classified under ECCN 1C350, without the Department of Commerce license required by Section 742.2 of the Regulations. Specifically, Well Being instructed an affiliated U.S. company, whose sole officer was also the president of Well Being, to procure sodium fluoride for Well Being and export it to Well Being in Taiwan. In so doing, Well Being committed one violation of Section 764.2(b) of the Regulations.

Whereas, BIS and Well Being have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved of the terms of such Settlement Agreement; It is therefore ordered:

First, that a civil penalty of $250,000 is assessed against Well Being. Well Being shall pay $30,000 to the U.S. Department of Commerce within 30 days of from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions. Payment of the remaining $220,000 shall be suspended for a

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2008). The charged violations occurred in 2003 through 2006. The Regulations governing the violations at issue are found in the 2003 through 2006 versions of the Code of Federal Regulations (15 CFR parts 730–774 (2003–2006)). The 2008 Regulations govern the procedural aspects of this case.

[2] 50 U.S.C. app. §§ 2401–2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of July 23, 2008 (73 FR 43,603 (July 25, 2008)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)).

period of five years from the date of entry of this Order and thereafter shall be waived, provided that during the period of suspension, Well Being has committed no violation of the Act, or any regulation, order, or license issued thereunder and has made the payment of $30,000, described above, in a timely manner. Additionally:

A. The timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Well Being. Accordingly, if Well Being should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of Well Being's export privileges for a period of five years from the date of entry of this Order.

Second, that for a period of twenty years from the date of entry of this Order, Well Being Enterprise Co., Ltd., 9 F, No. 170 Min Chuan E. Rd., Sec. 3, Taipei 10542, Taiwan, (''Well Being''), its successors or assigns, and, when acting for or on behalf of Well Being, its officers, representatives, agents or employees (''Denied Person(s)'') may not participate, directly or indirectly, in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, set forth in Supplement No. 1 to 15 CFR part 774, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document that involves an item that is subject to the Regulations and listed on the Commerce Control List;

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

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List.

Third, that no person may, directly or indirectly, do any of the actions described below with respect to an item that is subject to the Regulations and listed on the Commerce Control List that has been, will be, or is intended to be exported or reexported from the United States:

A. Export or reexport to or on behalf of a Denied Person any item subject to the Regulations and listed on the Commerce Control List;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the Regulations and listed on the Commerce Control List that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the Regulations and listed on the Commerce Control List with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States and that is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fourth, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Well Being by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Fifth, that the charging letter, amended charging letter, the Settlement Agreement, and this Order, and the record of the cases as defined by Section 766.20 of the Regulations shall be made available to the public.

Sixth, that the Administrative Law Judge shall be notified that this case is withdrawn from adjudication.

Seventh, that this Order shall be served on the Denied Person and on BIS, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 26th day of January, 2009.

Kevin Delli-Colli,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. E9–2168 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–1391.

Upcoming Sunset Reviews for March 2009

There are no Sunset Reviews scheduled for initiation in March 2009.

For information on the Department's procedures for the conduct of sunset reviews, *See* 19 CFR 351.218. This notice is not required by statute but is published as a service to the international trading community. Guidance on methodological or

analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3, ''Policies Regarding the Conduct of Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders;'' Policy Bulletin, 63 FR 18871 (April 16, 1998) (''Sunset Policy Bulletin''). The Notice of Initiation of Five-Year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Dated: January 27, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–2197 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

A–533–843

Certain Lined Paper Products from India: Extension of Time Limits for Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 2, 2009.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–3692.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2007, the U.S. Department of Commerce (''the Department'') published a notice of initiation of the administrative review of the antidumping duty order on certain lined paper products from India, covering the period April 17, 2006 to August 31, 2007. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 72 FR 61621 (October 31, 2007). On October 7, 2008, the Department published the preliminary results of this review. *See Certain Lined Paper Products from India: Notice of Preliminary Results of the First Antidumping Duty Administrative Review*, 73 FR 58548 (October 7, 2008). The final results of this review are currently due no later than February 4, 2009.

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), requires the Department to issue the final results of a review within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within that time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the final results to a maximum of 180 days. *See also* 19 CFR 351.213(h)(2).

Extension of Time Limit of Final Results

We determine that it is not practicable to complete the final results of this review within the original time limit. Interested parties have raised complex accounting issues in their case and rebuttal briefs that require the Department to further analyze its positions with respect to these issues. Thus, additional time is necessary to complete the final results. Therefore, the Department is fully extending the final results by 60 days. The final results are now due no later than April 5, 2009. As this date falls on a Sunday, the final results are due April 6, 2009. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant of the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

This extension is in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: January 23, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–2183 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–825]

Stainless Steel Bar From Brazil: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* February 2, 2009.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos or Minoo Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1757 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

At the request of interested parties, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on certain stainless steel bar from Brazil for the period February 1, 2007, through January 31, 2008. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part, and Deferral of Administrative Review*, 73 FR 16837 (March 31, 2008). On October 27, 2008, we extended the time period for issuing the preliminary results of the review by 90 days until January 29, 2009. See *Stainless Steel Bar From Brazil: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 73 FR 63695 (October 27, 2008).

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. If it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days after the last day of the anniversary month. See also 19 CFR 351.213(h).

We determine that it is not practicable to complete the preliminary results of this review by the current deadline of January 29, 2009, for several reasons. Specifically, the Department has granted the respondent, Villares Metals S.A. (Villares), several extensions to respond to the original and supplemental questionnaires.[1] Thus, the Department needs additional time to review and analyze the responses submitted by Villares. Further, the Department requires additional time to review issues such as corporate affiliations and steel grades of products reported by Villares, as it will affect the Department's matching methodology in this case. Finally, in response to the petitioners' cost allegation submitted on November

[1] See, *e.g.*, letters to Villares from Laurie Parkhill, dated April 18, 2008, May 22, 2008, July 11, 2008, July 30, 2008, and December 19, 2008.

4, 2008, we initiated a cost investigation on December 2, 2008, and received Villares's cost information on January 9, 2009. The Department requires additional time to review and analyze Villares's cost information. Therefore, we are extending the time period for issuing the preliminary results of this review by 30 days until February 28, 2009.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act and 19 CFR 351.213(h)(2).

Dated: January 26, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–2184 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Notice of Court Decision Not in Harmony

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* February 2, 2009.

SUMMARY: On January 7, 2009, the United States Court of International Trade (''CIT'' or the ''Court'') sustained the final remand determination made by the Department of Commerce (''Department'') pursuant to the Court's remands of the amended final determination of the less than fair value investigation of wooden bedroom furniture (''WBF'') from the People's Republic of China (''PRC''). *See Final Results of Redetermination Pursuant to Court Remand*, July 15, 2008 (''*Remand III*''); *Dorbest Limited, et al.* v. *United States*, Slip Op. 09–02 (CIT January 7, 2009) (''*Dorbest III*''). This case arises out of the Department's final determination of sales at less than fair value: *Wooden Bedroom Furniture from the PRC*, 69 FR 67313 (November 17, 2004), as amended, 70 FR 329 (January 5, 2005) (''*Final Determination*''). The final judgment in this case was not in harmony with the Department's *Final Determination*.

FOR FURTHER INFORMATION CONTACT: Robert Bolling, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3434.

SUPPLEMENTARY INFORMATION: On January 5, 2005, the Department published its amended final determination and antidumping duty order. *See Final Determination*. On August 1, 2005, the Department issued its voluntary remand redetermination wherein it modified the value of labor. *See Wooden Bedroom Furniture from the PRC: Final Results of Redetermination Pursuant to the Court Remand Orders*, (August 1, 2005) (''*Remand I*''). On October 31, 2006, the court remanded the Department's Final Determination for further administrative proceedings. *See Dorbest Limited, et al.* v. *United States*, 462 F.Supp. 2d 1262 (CIT 2006) (''*Dorbest I*''). The Department also requested and the Court granted voluntary remands concerning the following aspects of the margin calculation for Rui Feng Woodwork Co., Ltd., Rui Feng Lumber Development Co., Ltd. and Dorbest Limited (collectively, ''Dorbest''): The treatment of spare parts; the elimination of metal parts and canopies from Dorbest's calculation; and the valuation of raw material expenses. On May 25, 2007, the Department issued its final results of redetermination. *Id.*; *see also* 462 F.Supp 2d 1262 (CIT 2006) *Final Results of Redetermination Pursuant to Court Remand*, Court No. 05–00003, May 25, 2007 (''*Remand II*''). In *Remand II,* the Department, pursuant to the Court's opinion and order, modified certain aspects of the *Final Determination* as follows: (1) Revised the labor rate for Dorbest; (2) recalculated Dorbest's resin value; (3) recalculated the mirror value; (4) revised the selection of surrogate companies, by excluding Evergreen International Ltd. (''Evergreen'') and Jayaraja Furniture (''Jayayraja'') from the surrogate financial ratio calculations; (5) eliminated the spare parts discount adjustment to Dorbest's U.S. price; (6) removed non-scope metal parts from Dorbest's normal value calculation; (7) treated certain of Dorbest's incoming raw materials as direct material costs rather than as a deduction from U.S. prices; and (8) recalculated the separate rate, based on the remanded components of the margin calculation challenged by the litigants.

On February 27, 2008, the Court remanded the Department's *Final Determination* for further administrative proceedings. *See Dorbest Limited, et al.* v. *United States*, Consol. Court No. 05–cv–00003, Slip Op. 08–24 (February 27, 2008) (''*Dorbest et al.* v. *United States*'') (''*Dorbest II*''). The Department requested, and the Court granted, a voluntary remand on the valuation of Dorbest's cardboard. *Id.*

On July 15, 2008, the Department issued its final results of redetermination pursuant to *Dorbest II. See Final Results of Redetermination Pursuant to Court Remand*, July 15, 2008 (''*Remand III*''). In *Remand III*, the Department made the following modifications to its *Final Determination*: (1) Recalculated Dorbest's cardboard value; (2) revised the selection of surrogate companies by excluding Fusion Design Private Ltd. (''Fusion Design''), DnD's Fine Furniture Pvt., Ltd. (''DnD''), Nizamuddin Furniture Private Ltd. (''Nizamuddin''), and Swaran Furniture Ltd. (''Swaran'') from the surrogate ratio calculations; and (3) recalculated the separate rate pursuant to the Court's instructions.

On January 7, 2009, the Court sustained *Remand III.* The revised antidumping duty margins are as follows: For Dorbest is 2.92 percent; Lung Dong Furniture Co., Ltd. and Dongguan Dong He Furniture Co., Ltd. is 2.71 percent; Shing Mark Enterprise Co., Ltd., is 5.20 percent; Starcorp, is 17.50 percent; and the revised margin for the parties that received separate rates is 6.78 percent.

Timken Notice

In its decision in *Timken*, the Court of Appeals for the Federal Circuit (''CAFC'') held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. *See Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''). The CIT's decision in *Dorbest III* on January 7, 2009, constitutes a final decision of that court that is not in harmony with the Department's final determination of sales at less than fair value. This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of enjoined entries pending the exhaustion of all appellate rights. In the event the CIT's ruling is not appealed, or if appealed, upheld by the CAFC, the Department will publish an amended final determination.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: January 26, 2009.

Ronald Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–2182 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before February 23, 2009. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 08–054. Applicant: University of Wisconsin—Madison, Purchasing Services, 21 N. Park Street, Suite 6101, Madison, WI 53715–1218. Instrument: FEI Titan 80–200 Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to measure the structure, composition and bonding of a wide variety of materials and phenomena, such as semiconducting and metallic glasses, superconductors including magnesium diboride, semiconductors including zinc oxide, geochemical reactions confined to natural nanopores in minerals, nanotubes of titanium dioxide and related oxides with and without loading of catalytic nanoparticles, and metal nanoparticles used as labels in cells. Application accepted by Commissioner of Customs: October 8, 2008.

Docket Number: 08–059. Applicant: Emory University, 1599 Clifton Road, 4th Floor, Atlanta, GA 30322–4250. Instrument: Electron Microscope, Model JEM–1011. Manufacturer: JEOL, Japan. Intended Use: The instrument will be used in anatomical studies to help students understand a disease such as Parkinson's. Specifically, students will be able to visualize axonal tracers after intracerebral injection, perfusion, sectioning, incubations, EM processing, embedding, ultra-thin sectioning and observation at the electron microscope level. Application accepted by Commissioner of Customs: December 16, 2008.

Docket Number: 08–060. Applicant: University of Arizona, Department of Chemistry, 1306 E. University Boulevard, Tucson, AZ 85721. Instrument: FEI Inspect S Scanning Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to characterize a wide variety of materials in terms of surface morphology and chemical composition. It will also be used as the base system for an electron beam lithography module which will be used to pattern and characterize nano-scale features that represent the next generation of molecular electronic devices, and as the base system for an Energy Dispersive Spectrometer that will allow the chemical mapping at the same resolution as the SEM images. Application accepted by Commissioner of Customs: December 16, 2008.

Dated: January 27, 2009.

Chris Cassel,

Director, Statutory Import Programs Staff, Import Administration.

[FR Doc. E9–2194 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Notice of Final Results of Expedited Sunset Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* February 2, 2009.

SUMMARY: On July 1, 2008, the Department of Commerce (''Department'') initiated a sunset review of the antidumping duty order on certain frozen fish fillets (''fish fillets'') from the Socialist Republic of Vietnam (''Vietnam''). On the basis of a notice of intent to participate, and an adequate substantive response filed on behalf of domestic interested parties, as well as a lack of response from respondent interested parties, the Department conducted an expedited sunset review. As a result of the sunset review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping. The dumping margins are identified in the *Final Results of Review* section of this notice.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2008, the Department published the notice of initiation of the sunset review of the antidumping duty order on fish fillets from Vietnam pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). *See Initiation of Five-Year (''Sunset'') Review,* 73 FR 37411 (July 1, 2008). On July 16, 2008, the Department received a notice of intent to participate from the Catfish Farmers of America (''CFA'') and individual U.S. catfish processors, America's Catch, Consolidated Catfish Companies, LLC dba Country Select Catfish, Delta Pride Catfish, Inc., Harvest Select Catfish, Inc. dba Alabama Catfish Inc., Heartland Catfish Company, Magnolia Processing, Inc. dba Pride of the Pond, Simmons Farm Raised Catfish, Inc., and Southern Pride Catfish Company LLC (collectively, ''Petitioners''). Submissions of the notices of intent to participate filed by Petitioners were within the deadline specified in section 351.218(d)(1)(i) of the Department's regulations. The domestic interested parties claimed interested party status under section 771(9)(C) and (G) of the Act as they comprise domestic producers of fish fillets in the United States and a trade association representative of the industry. On July 31, 2008, the Department received a substantive response from the domestic interested parties within the deadline specified in section 351.218(d)(3)(i) of the Department's regulations. We did not receive responses from any respondent interested parties to this proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations, the Department determined to conduct an expedited review of the order.

Scope of the Order

The product covered by this Order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti, Pangasius Hypophthalmus*

(also known as *Pangasius Pangasius*), and *Pangasius Micronemus.* Frozen fish fillets are lengthwise cuts of whole fish. The fillet products covered by the scope include boneless fillets with the belly flap intact (''regular'' fillets), boneless fillets with the belly flap removed (''shank'' fillets), boneless shank fillets cut into strips (''fillet strips/finger''), which include fillets cut into strips, chunks, blocks, skewers, or any other shape. Specifically excluded from the scope are frozen whole fish (whether or not dressed), frozen steaks, and frozen belly-flap nuggets. Frozen whole dressed fish are deheaded, skinned, and eviscerated. Steaks are bone-in, cross-section cuts of dressed fish. Nuggets are the belly-flaps. The subject merchandise will be hereinafter referred to as frozen ''basa'' and ''tra'' fillets, which are the Vietnamese common names for these species of fish. These products are classifiable under tariff article codes 1604.19.4000, 1604.19.5000, 0305.59.4000, 0304.29.6033 (Frozen Fish Fillets of the species Pangasius including basa and tra) of the Harmonized Tariff Schedule of the United States (''HTSUS'').[1] This Order covers all frozen fish fillets meeting the above specification, regardless of tariff classification. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the Order is dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memorandum'') from John M. Andersen, Acting Deputy Assistant Secretary for Import Administration, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration, which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order were revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit in room 1117 of the main Commerce building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at *http://ia.ita.doc.gov/frn.* The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Review

Pursuant to sections 752(c)(1) and (3) of the Act, we determine that revocation of the antidumping duty order on fish fillets from Vietnam would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Manufacturers/exporters/producers	Weighted-average margin (percent)
An Giang Fisheries Import and Export Joint Stock Company (''Agifish'')	47.05
Vinh Hoan Company Limited (''Vinh Hoan'')	36.84
Nam Viet Company Limited (''Nam Viet'')	53.68
Can Tho Agricultural and Animal Products Import Export Company (''CATACO'')	45.81
An Giang Agriculture and Food Import Export Company (''Afiex'')	45.55
Can Tho Animal Fishery Products Processing Export Enterprise (''CAFATEX'')	45.55
Da Nang Seaproducts Import-Export Corporation (''Da Nang'')	45.55
Mekongfish Company (''Mekonimex'')	45.55
QVD Food Company Limited (''QVD'')	45.55
Viet Hai Seafood Company Limited (''Viet Hai'')	45.55
Vinh Long Import-Export Company (''Vinh Long'')	45.55
Vietnam-Wide	63.88

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with section 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: January 27, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–2195 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

House Ear Institute, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 2104, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 08–055. *Applicant:* House Ear Institute, Los Angeles, CA 90057. *Instrument:* Electron Microscope, Model Technai G2 20 TEM. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* See notice at 73 FR 74703, December 9, 2008.

Docket Number: 08–057. *Applicant:* Louisiana State University, Baton Rouge, LA 70803. *Instrument:* Electron Microscope, Model FEI Quanta 3D FEG DualBeam. *Manufacturer:* FEI Company, the Netherlands. *Intended Use:* See notice at 73 FR 70961, November 24, 2008.

[1] Until July 1, 2004, these products were classifiable under tariff article codes 0304.20.60.30 (Frozen Catfish Fillets), 0304.20.60.96 (Frozen Fish Fillets, NESOI), 0304.20.60.43 (Frozen Freshwater Fish Fillets) and 0304.20.60.57 (Frozen Sole Fillets) of the HTSUS. Until February 1, 2007, these products were classifiable under tariff article code 0304.20.60.33 (Frozen Fish Fillets of the species *Pangasius* including basa and tra) of the HTSUS.

Docket Number: 08–058. *Applicant:* University of New Mexico, Albuquerque, NM 87131. *Instrument:* Electron Microscope, Model FEI Quanta 3D FEG Focused Ion Beam. *Manufacturer:* FEI Company, the Netherlands. *Intended Use:* See notice at 73 FR 70961, November 24, 2008.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: January 26, 2009.

Christopher D. Cassel,

Acting Director, Subsidies Enforcement Office, Import Administration.

[FR Doc. E9–2181 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. In accordance with our regulations, we are initiating those administrative reviews. The Department also received requests to revoke one antidumping duty order in part.

DATES: *Effective Date:* February 2, 2009.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. The Department also received timely requests to revoke in part the antidumping duty order on Honey from Argentina with respect to two exporters.

Notice of No Sales

Under 19 CFR 351.213(d)(3), the Department may rescind a review where there are no exports, sales, or entries of subject merchandise during the respective period of review (POR) listed below. If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, it should notify the Department within 30 days of publication of this notice in the **Federal Register**. The Department will consider rescinding the review only if the producer or exporter, as appropriate, submits a properly filed and timely statement certifying that it had no exports, sales, or entries of subject merchandise during the POR. All submissions must be made in accordance with 19 CFR 351.303 and are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Six copies of the submission should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of this initiation notice and to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within 10 calendar days of publication of this **Federal Register** notice.

Separate Rates

In proceedings involving non-market economy (NME) countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate-rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate-rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate-rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate-rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://ia.ita.doc.gov/nme.nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

For entities that have not previously been assigned a separate rate, to demonstrate eligibility for such, the Department requires a Separate Rate Status Application. The Separate Rate

Status Application will be available on the Department's Web site at *http://ia.ita.doc.gov/nme.nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than December 31, 2009.

	Period to be reviewed
Antidumping Duty Proceedings	
Argentina: Honey A–357–812	12/01/07–11/30/08
AGLH S.A.	
Algodonera Avellaneda S.A.	
Alimentos Naturales-Natural Foods.	
Alma Pura.	
Asociacion de Cooperativas Argentinas.	
Bomare S.A. (Bodegas Miguel Armengol).	
Compania Apicola Argentina S.A.	
Compania Inversora Platense S.A.	
El Mana S.A.	
HoneyMax S.A.	
Interrupcion S.A.	
Mielar S.A.	
Miel Ceta SRL.	
Nexco S.A.	
Patagonik S.A.	
Productos Afer S.A.	
Seabird Argentina S.A.	
Seylinco, S.A.	
India:	
Carbazole Violet Pigment 23 A–533–838	12/1/07–11/30/08
Alpanil Industries Limited.	
Certain Hot-Rolled Carbon Steel Flat Products A–533–820	12/1/07–11/30/08
Essar Steel Limited.	
Ispat Industries Limited.	
JSW Steel Limited.	
Tata Steel Limited.	
South Korea: Welded ASTM A–312 Stainless Steel Pipe A–580–810	12/1/07–11/30/08
SeAH Steel Corporation.	
The People's Republic of China:	
Carbazole Violet Pigment 23[1] A–570–892	12/1/07–11/30/08
Trust Chem Co., Ltd.	
Certain Cased Pencils[2] A–570–827	12/1/07–11/30/08
China First Pencil Company, Ltd., and all subsidiaries and affiliates including but not limited to Shanghai First Writing Instrument Co., Ltd., Shanghai Great Wall Pencil Co., Ltd. and China First Pencil Fang Zheng Co., Ltd.	
Anhui Import & Export Co., Ltd.	
Beijing Dixon Stationery Company Ltd.	
Guangdong Provincial Stationery & Sporting Goods Import & Export Corporation.	
Orient International Holding Shanghai Foreign Trade Corporation.	
Shandong Rongxin Import & Export Co., Ltd.	
Shanghai Three Star Stationary Industry Co., Ltd.	
Tianjin Custom Wood Processing Co., Ltd.	
Three Star Stationery Industry Corp.	
Hand Trucks and Parts Thereof[3] A–570–891	12/1/07–11/30/08
Qingdao Huatian Hand Truck Co., Ltd.	
True Potential Co., Ltd.	
New-Tec Integration (Xiamen) Co., Ltd.	
Since Hardware (Guangzhou) Co., Ltd.	
Honey[4] A–570–863	12/1/07–11/30/08
Alfred L. Wolff (Beijing) Co., Ltd.	
Anhui Honghui Foodstuff (Group) Co., Ltd.	
Anhui Native Produce Imp & Exp Corp.	
Cheng Du Wai Yuan Bee Products Co., Ltd.	
Chengdu Stone Dynasty Art Stone.	
Dongtai Peak Honey Industry Co., Ltd.	
Eurasia Bee's Products Co., Ltd.	
Fresh Honey Co., Ltd. (formerly Mgl. Yun Shen).	
Golden Tadco Int'l.	
Hangzhou Golden Harvest Health Industry Co., Ltd.	
Haoliluck Co., Ltd.	
Hubei Yusun Co., Ltd.	

	Period to be reviewed
Inner Mongolia Altin Bee-Keeping.	
Inner Mongolia Youth Trade Development Co., Ltd.	
Jiangsu Kanghong Natural Healthfoods Co., Ltd.	
Jiangsu Light Industry Products Imp & Exp (Group) Corp.	
Jilin Province Juhui Import.	
Maersk Logistics (China) Company Ltd.	
Nefelon Limited Company.	
Ningbo Shengye Electric Appliance.	
Ningbo Shunkang Health Food Co., Ltd.	
Qingdao Aolan Trade Co., Ltd.	
QHD Sanhai Honey Co., Ltd.	
Qinhuangdao Municipal Dafeng Industrial Co., Ltd.	
Renaissance India Mannite.	
Shaanxi Youthsun Co., Ltd.	
Shanghai Bloom International Trading Co., Ltd.	
Shanghai Foreign Trade Co., Ltd.	
Shanghai Hui Ai Mal Tose Co., Ltd.	
Shanghai Taiside Trading Co., Ltd.	
Sichuan-Dujiangyan Dubao Bee Industrial Co., Ltd.	
Silverstream International Co., Ltd.	
Tianjin Eulia Honey Co., Ltd.	
Wuhan Bee Healthy Co., Ltd.	
Wuhan Shino-Food Trade Co., Ltd.	
Wuhu Qinshi Tangye.	
Wuhu Qinshgi Tangye.	
Xinjiang Jinhui Food Co., Ltd.	
Malleable Cast Iron Pipe Fittings [5] A–570–881	12/1/07–11/30/08
Beijing Sai Lin Ke Hardware Co., Ltd.	
Mueller Comercial de Mexico, S. de R.L. de C.V.	
Countervailing Duty Proceedings	
Argentina: Honey C–357–813	1/1/08–12/31/08
India:	
Carbazole Violet Pigment 23 C–533–839	1/1/07–12/31/07
Alpanil Industries Limited.	
Certain Hot-Rolled Carbon Steel Flat Products C–533–821	1/1/08–12/31/08
Essar Steel Ltd.	
Ispat Industries Limited.	
JSW Steel Limited.	
Tata Steel Limited.	

[1] If one of the above named companies does not qualify for a separate rate, all other exporters of Carbazole Violet Pigment 23 from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[2] If one of the above named companies does not qualify for a separate rate, all other exporters of Certain Cased Pencils from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[3] If one of the above named companies does not qualify for a separate rate, all other exporters of Hand Trucks and Parts Thereof from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[4] If one of the above named companies does not qualify for a separate rate, all other exporters of Honey from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[5] If one of the above named companies does not qualify for a separate rate, all other exporters of Malleable Cast Iron Pipe Fittings from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

Suspension Agreements

None.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed. Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Act 19 U.S.C. 1675(a), and 19 CFR 351.221(c)(1)(i).

Dated: January 27, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–2199 Filed 1–30–09; 8:45 am]

BILLING CODE 3510–DS–P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 19 February 2009, at 10 a.m. in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *http://www.cfa.gov*. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address, or call 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, 27 January 2009.

Thomas Luebke,

AIA Secretary.

[FR Doc. E9–2011 Filed 1–30–09; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2009–HA–0013]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

SUMMARY: In accordance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed extension of 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received April 3, 2009.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of the Assistant Secretary of Defense for Health Affairs (OASD), TRICARE—Health Program Analysis and Evaluation, ATTN: LtCol Lorraine Babeu, 5111 Leesburg Pike, Suite 810A, Falls Church, VA 22041–3206, or call (703) 681–0039.

Title Associated With Form, and OMB Number: Public Perceptions of Military Health Care System; OMB No. 0720–0038.

Needs and Uses: The goal of this survey effort is to determine the public's perceptions of Military Health Care and compare and contrast that with their perceptions of U.S. Health Care.

Affected Public: Individuals or households.

Annual Burden Hours: 133.

Number of Respondents: 1,000.

Responses per Respondent: 1.

Annual Responses: 1,000.

Average Burden per Response: .133 (8 minutes).

Frequency: Annually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The goal of this survey effort is to understand and compare the public's perceptions of Military health care to that of Health Care in general in the United States. The Military Health Care System's vision statement is—''A world class health system that supports the military mission by fostering, protecting, sustaining and restoring health''. Recent developments have tarnished that vision. The media have focused attention on the plight of wounded military personnel in the direct care environment. They have published various articles and stories on the shortfalls of Military Health Care to include support services (Medical Evaluation Boards, Physical Evaluation Boards, Housing, Pay, etc.) as provided in accounts from beneficiary and other sources. There are numerous and ongoing anecdotal accounts of red tape, bureaucracy, physician shortages (particularly mental health care workers), substandard care, neglect, problems with consults and appointments, and overall perceived deep and systemic failures of the Military Health Care System. HA/TMA is very concerned about the implications of these negative accounts of Military Health Care on the perceptions of the public regarding the provision of health care, ancillary and support services. HA/TMA would like to understand the extent to which the public holds negative perceptions of the system, what their perceptions were/are about Military Health Care in general and what can be done, if anything, to help regain the public's trust in this important resource since this current breech occurred. We would also like to compare and contrast the public's perceptions of Military Health Care with those of Health Care in the public arena as a way to gain more insight into the issue. Moreover, health care for military personnel and their family members has often been cited as one of the key recruitment and retention tools for the Department. Data from this survey will help establish a baseline for understanding the public's attitude about Military Health Care and help determine if changes in the system based on recommended interventions such as increased staffing, computerized medical records, streamlined processes and procedures, etc., will improve the public's perceptions or attitudes. For the purposes of this survey, Military Health Care is defined as medical and dental care for individuals entitled to health care under 10 U.S.C., Chapter 55.

Dated: January 27, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–2198 Filed 1–30–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2009–HA–0012]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

SUMMARY: In accordance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed extension of 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received April 3, 2009.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to TRICARE Management Activity (TMA), Dental Care Branch, ATTN: CAPT Robert Mitton, Skyline 5, Suite 810, 5111 Leesburg Pike, Falls Church, VA 22041, or call TMA, Dental Care Branch, at 703–681–0039.

Title Associated with Form, and OMB Number: TRICARE Dental Program (TDP) Dentist's Claim Form DD 5578 G 9/05 and TRICARE Dental Program Dentist's Claim Form DD 5678 F 10/05 OCONUS; OMB No. 0720–0035.

Needs and Uses: The TDP Claim Form(s) CONUS/OCONUS are required to gather information to make payment for legitimate dental claims and to assist in contractor surveillance and program integrity investigations and to audit financial transactions where the Department of Defense has a financial stake. The information from the claim form is also used to provide important cost-share explanations to the beneficiary.

Affected Public: Business or other for-profit.

Annual Burden Hours: 1,006,415.

Number of Respondents: 64,930.

Responses per Respondent: 62.

Annual Responses: 4,025,660.

Average Burden per Response: 15 minutes.

Frequency: Occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The TRICARE Management Activity (TMA) under the authority of the Office of the Assistant Secretary of Defense (Health Affairs)/TMA Office of the Deputy Assistant Secretary of Defense has the responsibility for management of the TRICARE Dental Program (TDP) as established in Title 10, United States Code, Section 1076a. The information collected to make payment for covered dental procedures provided by a licensed dentist to an eligible beneficiary can be sent to the TDP contractor electronically, fax or mail. Approximately 35% of all TDP network dental claims are filed electronically. Dental offices and patients can download the TDP claim form from the contractor's Web site.

For non-network dentists, to include those in overseas locations, the use of the TDP Claim Form is highly encouraged. However, dental claims will be paid if all the required information is provided on a similar claim form.

Dated: January 27, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–2201 Filed 1–30–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

List of Institutions of Higher Education Ineligible for Federal Funds

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: This document is published to identify institutions of higher education that are ineligible for contracts and grants by reason of a determination by the Secretary of Defense that the institution prohibits or in effect prevents military recruiter access to the campus, students on campus or student directory information. It also implements the requirements set forth in section 983 of title 10, United States Code, and 32 CFR Part 216. The institutions of higher education so identified are: Vermont Law School, South Royalton, Vermont; William Mitchell College of Law, St. Paul, Minnesota.

ADDRESSES: Director for Accession Policy, Office of the Under Secretary of Defense for Personnel and Readiness, 4000 Defense Pentagon, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Rose Jourdan, (703) 695–5529.

Dated: January 27, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–2200 Filed 1–30–09; 8:45 am]

BILLING CODE 5001–06–P

U.S. ELECTION ASSISTANCE COMMISSION

Sunshine Act Notice

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of Closed Meeting.

DATE AND TIME: Monday, February 2, 2009, 11 a.m.–1 p.m.

PLACE: U.S. Election Assistance Commission, 1201 New York Ave., NW., Washington, DC 20005. (Metro Stop: Metro Center)

AGENDA: Commissioners will hold a closed session discussion of the appointment of the EAC General Counsel.

This meeting will be closed to the public.

FOR FURTHER INFORMATION CONTACT: Bryan Whitener, Telephone: (202) 566–3100.

Gracia Hm Hillman,

Vice Chair, U.S. Election Assistance Commission.

[FR Doc. E9–2192 Filed 1–28–09; 4:15 pm]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Technical Conference; Design Concepts of Future Electric Transmission

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Technical Conference.

SUMMARY: The Department of Energy's Office of Electricity Delivery and Energy Reliability (OE) will conduct a technical conference in the Washington, DC area to discuss the design of future electric transmission. The technical conference will discuss the likely demand for future electric transmission and whether the development of conceptual alternative extra high voltage (EHV) systems would assist generation developers, State energy policy officials, utility planners, and other stakeholders. The specific agenda, list of panelists, and meeting location will be posted on the OE Web site at *http://www.oe.energy.gov* as they become available.

DATES: The technical conference will be held on March 4, 2009.

FOR FURTHER INFORMATION CONTACT: John Schnagl, Director Transmission Adequacy, Office of Electricity Delivery and Energy Reliability, phone (202) 586–1056, or e-mail *john.schnagl@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: A robust and reliable electricity system is vital to our national economy, security, and well-being. Numerous proposals have been made to modernize the electric transmission systems. Included among these proposals is the construction of an EHV transmission system to augment the existing transmission systems. OE believes it is important to begin a thorough review of whether an EHV system should be considered by States and regional planning entities. To that end, OE is seeking a broader discussion on the ranges of opinion regarding the future requirements of the electric transmission system, and what actions should be considered now to help ensure that the appropriate transmission system is available to meet those future needs.

This technical conference is part of OE's ongoing evaluation of electric transmission adequacy and is not part of the 2009 National Electric Transmission Congestion Study required by the Energy Policy Act of 2005.

The technical conference will pursue two primary areas of interest: Identification of the fundamental issues to be considered in designing future transmission; and exploration of the pros and cons of building an EHV network, in terms of energy and economic efficiency, reliability, access to renewable generation, and reduction of carbon emissions. These areas will be addressed during three panel discussion sessions.

Panel I will address projections of future transmission needs and factors that should be considered to help ensure that an appropriate transmission system is available to meet future needs, including anticipated contributions from Smart Grid, storage, and distributive generation. Panel II discussions will address whether there are advantages to an EHV design over the traditional transmission planning process, what the pros and cons of a supplemental EHV system might be, and what the relationship between the existing transmission system and an EHV system would be. Several entities have proposed conceptual EHV designs. Panel III will address the primary objectives in each design, the criteria that should be considered in selecting any particular design, whether an EHV system could be built in stages with broad public benefits realized with each stage, and the amount of an EHV system that must be completed before the public could see major benefits.

Issued in Washington, DC, on January 27, 2009.

Anthony J. Como,

Acting Deputy Assistant Secretary, Permitting, Siting and Analysis, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E9–2166 Filed 1–30–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Trespassing on DOE Property: Idaho Operations Office Properties

AGENCY: Idaho Operations Office, Department of Energy.

ACTION: Notice of designation of Idaho Operations Office properties and facilities as off-limits areas.

SUMMARY: The Department of Energy (DOE) hereby amends and adds to the previously published site descriptions of various DOE and contractor occupied buildings as off-limits areas. The three buildings are located at 535, 625, and 655 University Boulevard, Idaho Falls, Idaho 83415. In accordance with 10 CFR part 860, it is a federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon these Idaho Operations Office properties and facilities. If unauthorized entry into or upon these properties is into an area enclosed by a fence, wall, floor, roof or other such structural barrier, conviction for such unauthorized entry may result in a fine not to exceed $100,000 or imprisonment for not more than one year, or both. If unauthorized entry into or upon the properties is into an area not enclosed by a fence, wall, floor, roof, or other such structural barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000.*

DATES: *Effective Date:* February 2, 2009.

FOR FURTHER INFORMATION CONTACT: Jo Ann Williams, Office of General Counsel, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6899, or Matt Smith, Office of Chief Counsel, Idaho Operations Office, 1955 Fremont Ave., MS 1209, Idaho Falls, ID 83415, (208) 526–7109.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE), successor agency to the Atomic Energy Commission (AEC), is authorized, pursuant to § 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), and § 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860, published in the **Federal Register** on September 14, 1993 (58 FR 47984–47985), and section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), to prohibit unauthorized entry and the unauthorized introduction of weapons or dangerous materials into or upon any DOE facility, installation, or real property. By notices dated November 1, 1983 (48 FR 50390), January 23, 1987 (52 FR 2580), August 5, 1988 (53 FR 29512), and May 10, 2000 (65 FR 30094), DOE prohibited unauthorized entry into or upon the ''Idaho National Engineering Laboratory'' and ''Idaho National Engineering and Environmental Laboratory'' (now the Idaho National Laboratory, or INL), and various DOE and contractor occupied facilities, including the Willow Creek

* By operation of law, the Criminal Fine Improvements Act of 1987, Pub. L. No. 100–185, 101 Stat. 1279 (1987), increased the fine amounts from $1000/$5000 to $5000/$100,000. *See, e.g., U.S.* v. *Lentsch,* 369 F.3d 948, 950 (6th Cir. 2004) (quoting 58 FR. 47984 (Sept. 14, 1993)); *see also* 10 CFR 860.5.

Building, the Engineering Research Office Building, and various DOE vehicle and bus parking facilities located in Idaho Falls, Arco, on Highway 20, Bonneville County, Blackfoot, Mackay, Shelley, Rexburg, Rigby, and Pocatello, Idaho.

Since the last published notice on May 10, 2000, DOE has leased three new facilities in Idaho Falls, Idaho. Accordingly, DOE prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into and upon these Idaho Operations Office sites. The sites referred to above have previously been designated as off-limits areas, and this notice adds to those off-limits areas. Descriptions of the sites being designated at this time are as follows:

1. University Boulevard—1

535 University Boulevard, Idaho Falls, Idaho 83415, more particularly described as Lot 4, Block 1 Education Research Center, Division #1, an addition to the City of Idaho Falls being a part of the Northeast ¼ of Section 12, T.2N., R.37E., B.M. Idaho Falls, Bonneville County, Idaho.

2. University Boulevard—2

655 University Boulevard, Idaho Falls, Idaho 83415, more particularly described as Lot 3, Block 1 Education Research Center, Division #1, an addition to the City of Idaho Falls being a part of the Northeast ¼ of Section 12, T.2N., R.37E., B.M. Idaho Falls, Bonneville County, Idaho.

3. University Boulevard—3

625 University Boulevard, Idaho Falls, Idaho 83415, more particularly described as Lot 1, Block 1 Education Research Center, Division #1, an addition to the City of Idaho Falls being a part of the Northeast ¼ of Section 12, T.2N., R.37E., B.M. Idaho Falls, Bonneville County, Idaho.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 are being posted at all entrances of the above-referenced areas and at intervals along their perimeters, as provided in 10 CFR 860.6.

Glenn S. Podonsky,

Chief Health, Safety and Security Officer, Office of Health, Safety and Security.

[FR Doc. E9–2172 Filed 1–30–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC09–598–001]

Commission Information Collection Activities (FERC–598); Comment Request; Submitted for OMB Review

January 26, 2009.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission) has submitted the information collection described below to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to the **Federal Register** notice (73FR70339, 11/20/2008) and has made this notation in its submission to OMB.

DATES: Comments on the collection of information are due by February 24, 2009.

ADDRESSES: Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer. Comments to OMB should be filed electronically, c/o *oira_submission@omb.eop.gov* and include OMB Control Number 1902–0166 as a point of reference. The Desk Officer may be reached by telephone at 202–395–7345.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission and should refer to Docket No. IC09–598–001. Comments may be filed either electronically or in paper format. Those persons filing electronically do not need to make a paper filing. Documents filed electronically via the Internet must be prepared in an acceptable filing format and in compliance with the Federal Energy Regulatory Commission submission guidelines. Complete filing instructions and acceptable filing formats are available at *http://www.ferc.gov/help/submission-guide/electronic-media.asp*. To file the document electronically, access the Commission's Web site and click on Documents & Filing, E-Filing (*http://www.ferc.gov/docs-filing/efiling.asp*), and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

For paper filings, an original and 2 copies of the comments should be submitted to the Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426, and should refer to Docket No. IC09–598–001.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the ''eLibrary'' link. For user assistance, contact *ferconlinesupport@ferc.gov* or toll-free at (866) 208–3676 or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202) 273–0873, and by e-mail at *michael.miller@ferc.gov*.

SUPPLEMENTARY INFORMATION: The information collected under FERC–598 ''Self Certification for Entities Seeking Exempt Wholesale Generator or Foreign Utility Company Status'' (OMB Control No. 1902–0166) is used by the Commission to implement the statutory provisions of Title XII, subchapter F of the Energy Policy Act of 2005 (EPAct 2005).[1]

EPAct 2005 repealed the Public Utility Holding Company Act of 1935 (PUHCA 1935) in its entirety, including section 32, which provided for the Commission to exempt wholesale generators from PUHCA 1935 on a case-by-case basis, upon application. Following the repeal of PUHCA 1935 and the enactment of PUHCA 2005, in Order No. 667[2] the Commission amended its regulations to add procedures for self-certification by entities seeking exempt wholesale generator (EWG) and foreign utility company (FUCO) status. This self-certification is similar to the process available to entities that seek qualifying facility status.

An EWG is a ''person engaged directly or indirectly through one or more affiliates, and exclusively in the

[1] Energy Policy Act of 2005, Public Law No. 109–58, 119 Stat. 594 (2005) (codified at 42 U.S.C. 16451, *et seq.*).

[2] Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005, 70 FR. 75,592 (2005), FERC Statutes and Regulations ¶ 31,197 (2005) *Order on reh'g,* 71 FR 28,446 (2006), FERC Statutes and Regulations ¶ 31,213 (2006), *order on reh'g,* 71 FR 42,750 (2006), FERC Statutes and Regulations ¶ 31,224 (2006), *order on reh'g,* FERC ¶ 61,133 (2007).

business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.'' [3] A FUCO is a company that ''owns or operates facilities that are not located in any state and that are used for the generation, transmission, or distribution of electric energy for sale or the distribution at retail of natural or manufactured gas for heat, light, or power, if such company: (1) Derives no part of its income, directly or indirectly, from the generation, transmission, or distribution of electric energy for sale or the distribution at retail of natural or manufactured gas for heat, light, or power, within the United States; and (2) neither the company nor any of its subsidiary companies is a public-utility company operating in the United States''.[4]

An exempt EWG or FUCO or its representative may file with the Commission a notice of self certification demonstrating that it satisfies the definition of exempt wholesale generator or foreign utility company. In the case of EWGs, the person filing a notice of self certification must also file a copy of the notice of self certification with the state regulatory authority of the state in which the facility is located and that person must also represent to the Commission in its submission that it has filed a copy of the notice with the appropriate state regulatory authority.[5]

A submission of the information is necessary for the Commission to carry out its responsibilities under EPAct 2005.[6] The Commission implements its responsibilities through the Code of Federal Regulations, 18 CFR Part 366. These filing requirements are mandatory.

Action: The Commission is requesting a three-year extension of the current expiration date, with no change to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

FERC data collection	Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
FERC–598	199	1	6	1,194

Estimated cost to respondents is $72,549.27 [1,194 hours divided by 2080 hours [7] per year, times $126,384 [8] equals $72,549.27]. The average cost per respondent is $364.57.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden of the proposed collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–2154 Filed 1–30–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–44–000]

Dominion Transmission, Inc.; Notice of Application

January 26, 2009.

Take notice that on January 8, 2009, Dominion Transmission, Inc. (DTI), 120 Tredegar Street, Richmond, Virginia, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, for an order granting a certificate of public convenience and necessity authorizing DTI to construct, install, own, operate, and maintain certain facilities located in Kanawha and Clay Counties, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Specifically, DTI proposes to replace approximately 27.71 miles of its H–162 line with new 20-inch diameter pipeline. Once completed, DTI will convert the new line from gathering to transmission. Concurrently, DTI requests authority to refunctionalize line TL–272, which runs parallel to line H–162, from gathering to transmission.

Any questions concerning this application may be directed to Brad A. Knisley, Regulatory and Certificates Analyst II, Dominion Transmission, Inc., 701 East Cary Street, Richmond,

[3] 18 CFR 366.1.

[4] Ibid.

[5] 18 CFR 366.7.

[6] 42 U.S.C. 16451 *et seq.*

[7] Number of hours an employee works each year.

[8] Average annual salary per employee.

VA 23219 or at 804–771–4412 or *Brad.A.Knisley@dom.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will either: Complete the environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify Federal and State agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all Federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: February 17, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–2158 Filed 1–30–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12628–002]

The City of Nashua, IA; Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing a Deadline for Submission of Final Amendments

January 26, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original License.

b. *Project No.:* 12628–002.

c. *Date filed:* January 13, 2009.

d. *Applicant:* The City of Nashua, Iowa.

e. *Name of Project:* Cedar Lake Dam Hydroelectric Project.

f. *Location:* The project would be located at the existing Cedar Lake Dam, on the Cedar River, in Chickasaw County, Iowa. The project would not occupy any Federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Rebecca Neal, The City of Nashua, 402 Main Street, Nashua, IA 50658; (641) 435–4156.

i. *FERC Contact:* Michael Watts, *Michael.Watts@ferc.gov*, (202) 502–6123.

j. *Cooperating Agencies:* We are asking Federal, State, and local agencies and Indian tribes with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian tribe, or person believes that an additional scientific study should be conducted in order to form a factual basis for complete analysis of the application on its merits, the resource agency, Indian tribe, or person must file a request for the study with the Commission no later than 60 days from the application filing date, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: March 16, 2009.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Additional study requests may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filing. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''eFiling'' link. After logging into the eFiling system, select ''Comment on Filing'' from the Filing Type Selection screen and continue with the filing process.

m. This application is not ready for environmental analysis at this time.

n. *Project Description:* The existing dam and integral powerhouse are owned by the City of Nashua (City) and were constructed in 1917 and used for power generation until 1965. The City is proposing to rehabilitate the project and install new turbine generators and associated equipment. The proposed project would consist of: (1) An existing 15.5-foot-high concrete dam with a 258-foot-long spillway equipped with four 6-foot-high taintor gates, a 6-foot-high control gate, and three 4-foot-high flashboards; (2) an existing 405-acre reservoir with a normal full pond elevation of 960.1 feet above mean sea level; (3) an existing 50-foot-wide concrete intake structure connected to; (4) an existing powerhouse to contain four new turbine generating units with a total installed capacity of 800 kilowatts; (5) a new 75-foot-long, 13.8-kilovolts overhead transmission line; and (6) appurtenant facilities. The proposed project would generate an estimated average annual generation of 3,285 megawatt hours.

The project would operate in a run-of-river mode.

o. A copy of the application is on file with the Commission and is available for public inspection. This 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 filed to access the documents. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676 or for TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

p. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

q. *Procedural schedule and final amendments:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate. The Commission staff proposes to issue one environmental assessment rather than issue a draft and final EA. Comments, terms and conditions, recommendations, prescriptions, and reply comments, if any, will be addressed in an EA. Staff intends to give at least 30 days for entities to comment on the EA, and will take into consideration all comments received on the EA before final action is taken on the license application.

Issue Acceptance or Deficiency Letter.	April 2009.
Issue Scoping Document	May 2009.
Notice of application is ready for environmental analysis.	August 2009.
Notice of the availability of the EA.	March 2010.

Final amendments: Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–2156 Filed 1–30–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. P–2403–056; P–2721–020; P–2312–019]

Penobscot River Restoration Trust; Notice of Application for Surrender of Licenses Accepted for Filing, Soliciting Comments, Motions To Intervene and Protests, Ready for Environmental Analysis

January 26, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Surrender of Licenses.

b. *Project Nos.:* P–2403–056, P–2721–020, P–2312–019.

c. *Date filed:* November 7, 2008.

d. *Applicant:* Penobscot River Restoration Trust (Trust). PPL Maine, LLC is the licensee for the Veazie (P–2403) and Howland (P–2721) Projects and PPL Great Works, LLC is the licensee for the Great Works Project (P–2312). Pursuant to the transfer orders issued January 6, 2009, the Trust is to become the licensee once the instruments of conveyance are signed. Pursuant to the Lower Penobscot River Basin Comprehensive Settlement Accord filed on June 25, 2004, the transfer of ownership to the Trust is contingent upon the issuance of the license surrender order.

e. *Name of Projects:* Veazie, Howland and Great Works Hydroelectric Projects.

f. *Location:* The Veazie and Great Works Projects are located on the Penobscot River in Penobscot County, Maine. The Howland Project is located on the Piscataquis River in Penobscot County, Maine.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Laura Rose Day, Penobscot River Restoration Trust, P.O. Box 5695, Augusta, Maine 04332, Telephone (207) 430–0114, e-mail *laura@penobscotriver.org.*

i. *FERC Contact:* Ms. Brandi Sangunett, Telephone (202) 502–8393, and e-mail *brandi.sangunett@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, recommendations is 30 days from the issuance of this notice. All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

k. *Description of Request:* The applicant proposes to surrender the licenses for the Veazie, Great Works and Howland Hydroelectric Projects. In addition, the applicant proposes to decommission and remove the dams at the Veazie and Great Works Projects. Further, the applicant proposes to decommission the powerhouse, generating units, and existing fish ladder at the Howland Project. The applicant proposes to keep the Howland dam in place but remove the flashboards to lower the reservoir by 0.8 feet and create a nature-like fish bypass reach around the south end of the dam. This application is part of a four phase program to restore native sea-run fish through improved access to 1,000 miles of their historic habitat in the Penobscot River watershed while also accommodating the continued generation of hydroelectric power at specified locations.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room

2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. *As provided for in 18 CFR 4.34(b)(5)(i), a license applicant must file, no later than 60 days following the date of issuance of this notice of acceptance and ready for environmental analysis:* (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

q. *e-Filing:* Comments, motions to intervene or protests 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 at *http://www.ferc.gov* under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–2157 Filed 1–30–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–454–000]

Liberty Gas Storage, LLC; Notice of Availability of the Environmental Assessment for the Proposed Liberty Gas Storage Expansion Project

January 26, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this environmental assessment (EA) for the natural gas pipeline facilities proposed by the Liberty Gas Storage, LLC (Liberty) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act of 1969. The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental impacts resulting from construction and operation of Liberty's proposed Liberty Gas Storage Expansion Project. This project would involve the conversion of three salt dome caverns for natural gas storage, the creation of a new salt dome cavern for natural gas storage, the construction of one, approximately 18,940 horsepower compressor station, a 5.1-mile-long, 36-inch-diameter natural gas pipeline, a 4.0-mile-long, 16-inch-diameter brine disposal pipeline, and associated facilities in Cameron and Calcasieu Parishes, Louisiana.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Copies of the EA have been mailed to interested federal and state agencies, individuals who requested to remain on the FERC staff's environmental mailing list and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below.

Please note that the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See Title 18 of the Code of Federal Regulations, Part 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at *http://www.ferc.gov* under the link to ''Documents and Filings'' and ''eFiling.'' eFiling is a file attachment process and requires that you prepare your submission in the same manner as you would if filing on paper, and save it as a file on your computer's hard drive. New eFiling users must first create an account by clicking on ''Sign up'' or ''eRegister.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.'' In addition, there is a ''*Quick Comment*'' option available, which is an easy method for interested persons to submit text-only comments on a project. The Quick Comment User Guide can be viewed at *http://www.ferc.gov/docs-filing/efiling/quick-comment-guide.pdf.* Quick Comment does not require a FERC eRegistration account; however, you will be asked to provide a valid e-mail address. All comments submitted under either eFiling or the Quick Comment option are placed in the public record for the specified docket.

If you are filing written comments, please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send an original and two copies of your comments to: Kimberly D. Bose,

Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426;

• Reference Docket No. CP08–454–000;

• Label one copy of the comments for the attention of the Gas Branch 2, PJ–11.2; and

• Mail your comments so that they will be received in Washington, DC on or before February 25, 2009.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits (i.e., CP08–454) in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. To register for this service, go to the eSubscription link on the FERC Internet Web site (*http://www.ferc.gov/esubscribenow.htm*).

Kimberly D. Bose,

Secretary.

[FR Doc. E9–2153 Filed 1–30–09; 8:45 am]

BILLING CODE 6717–01–P

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 23, 2009.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC07–45–003.
Applicants: Morgan Stanley.
Description: Notice of Non-Material Change in Status.
Filed Date: 01/22/2009.
Accession Number: 20090122–5159.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG09–24–000.
Applicants: Evergreen Wind Power V, LLC.
Description: Self Certification Notice of Evergreen Wind Power V, LLC.
Filed Date: 01/22/2009.
Accession Number: 20090122–5146.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER98–4512–006.
Applicants: Consolidated Water Power Company.
Description: Request of Consolidated Water Power Company for Exemption from Filing Requirements Applicable to Category 2 Sellers and Designation as a Category 1 Seller.
Filed Date: 01/22/2009.
Accession Number: 20090122–5158.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER00–136–006.
Applicants: FortisUS Energy Corporation.
Description: FortisUS Energy Corporation Submits Notice of Non-Material Change in Status.
Filed Date: 01/21/2009.
Accession Number: 20090121–5141.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER01–138–006.
Applicants: Delta Person Limited Partnership.
Description: Delta Person Limited Partnership's Market-Based Rate Notification of Non-Material Change in Facts.
Filed Date: 01/21/2009.
Accession Number: 20090121–5165.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER06–226–001, ER98–3774–007, ER07–565–002, ER07–566–002, ER07–1040–003, ER03–717–004, ER06–1291–003, ER00–2603–006, ER94–142–030, ER08–200–003.
Applicants: Choctaw Gas Generation, LLC, Choctaw Generation Limited Partnership, FirstLight Hydro Generating Company, FirstLight Power Resources Management, LLC, Hopewell Cogeneration Limited Partnership, Hot Spring Power Company, LLC, Mt Tom Generating Company, Syracuse Energy Corporation, Suez Energy Marketing NA, Inc., Waterbury Generation, LLC.
Description: Notice of Change in Status of Choctaw Gas Generation, LLC, *et al.*
Filed Date: 01/22/2009.
Accession Number: 20090122–5156.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER06–1331–004, ER01–2543–006, ER01–2544–006, ER01–2545–006, ER01–2546–006, ER01–2547–006, ER03–1182–007, ER99–415–017, ER03–983–017.
Applicants: CalPeak Power LLC, CalPeak Power—Panoche LLC, CalPeak Power—Vaca Dixon LLC, CalPeak Power El Cajon LLC, CalPeak Power—Enterprise LLC, CalPeak Power Borderline LLC, Tyr Energy LLC, Commonwealth Chesapeake Company, LLC, Fox Energy Company, LLC.
Description: Notice of Non-Material Change in Status of CalPeak Power LLC, *et al.*
Filed Date: 01/21/2009.
Accession Number: 20090121–5057.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER07–799–004, EL07–61–003.
Applicants: Norwalk Power LLC.
Description: Compliance Filing pursuant to the Commission's 12/30/08 letter order.
Filed Date: 01/22/2009.
Accession Number: 20090122–5126.
Comment Date: 5 p.m. Eastern Time on Thursday, February 12, 2009.

Docket Numbers: ER08–283–002.
Applicants: New York Independent System Operator, Inc.
Description: Compliance Filing pursuant to the Commission's December 18, 2008 Order.
Filed Date: 01/21/2009.
Accession Number: 20090121–5244.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–2148 Filed 1–30–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 22, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER98–4109–003; ER03–394–005; ER03–427–005; ER99–3426–008; ER07–265–006; ER08–100–006; ER05–440–003; ER03–175–007.

Applicants: El Dorado Energy, LLC; Elk Hills Power, LLC; Mesquite Power, LLC; San Diego Gas & Electric Company; Sempra Energy Solutions LLC; Sempra Energy Trading LLC; Sempra Generation; Termoelectrica U.S., LLC.

Description: El Dorado Energy, LLC *et al.* submits an Amendment to Notice of Change in Status filed on 11/4/08.

Filed Date: 01/15/2009.

Accession Number: 20090121–0070.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 28, 2009.

Docket Numbers: ER01–596–007; ER01–560–013; ER01–2690–011; ER02–963–011; ER01–2641–013; ER02–2509–008; ER05–524–001; ER03–720–011; ER02–77–001; ER02–553–012; ER00–840–010; ER01–137–008; ER98–1767–005; ER99–2992–009; ER94–389–031; ER02–1942–009; ER09–43–001; ER00–1780–009; ER01–557–013; ER01–559–013; ER99–3165–010.

Applicants: Alabama Electric Marketing, LLC; Big Sandy Peaker Plant, LLC; California Electric Marketing, LLC; Crete Energy Venture, LLC; High Desert Power Project, LLC; Kiowa Power Partners, LLC; Lincoln Generating Facility, LLC; New Covert Generating Company, LLC; New Mexico Electric Marketing, LLC; Rolling Hills Generating, L.L.C.; Tenaska Alabama Partners, L.P.; Tenaska Alabama II Partners, L.P.; Tenaska Frontier Partners, Ltd.; Tenaska Gateway Partners, Ltd.; Tenaska Power Services Co.; Tenaska Virginia Partners, L.P.; Tenaska Washington Partners, L.P.; Texas Electric Marketing, LLC; University Park Energy, LLC; Wolf Hills Energy, LLC; Tenaska Georgia Partners, L.P.

Description: Notification of Change in Status of Alabama Electric Marketing, LLC, *et al.*

Filed Date: 01/21/2009.

Accession Number: 20090121–4002.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER04–817–004; ER07–426–002; ER06–1257–002; ER03–1085–006; ER05–1398–003; ER00–891–004.

Applicants: Covanta Maine, LLC; Covanta Delaware Valley, LP; Covanta Essex Company; Covanta Union Inc.; Covanta Niagara, LP; Covanta Delano, Inc.

Description: Covanta Maine, LLC, *et al.* submits Notification of Non-Material Change in Status.

Filed Date: 01/21/2009.

Accession Number: 20090121–5227.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 11, 2009.

Docket Numbers: ER08–54–009.

Applicants: ISO New England Inc.

Description: Central Maine Power Company submits an Errata Notice to correct a tariff sheet filed on 11/26/08 to comply with the directives in the Commission's 10/27/08 Order.

Filed Date: 01/15/2009.

Accession Number: 20090121–0096.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER09–250–001.

Applicants: Florida Power Corporation.

Description: Florida Power Corporation *et al.* submits its compliance filing.

Filed Date: 01/09/2009.

Accession Number: 20090112–0205.

Comment Date: 5 p.m. Eastern Time on Friday, January 30, 2009.

Docket Numbers: ER09–440–001.

Applicants: Madison Paper Industries.

Description: Madison Paper Industries submits a revised Application for Market Based Rate Authorization.

Filed Date: 01/15/2009.

Accession Number: 20090121–0097.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER09–543–000.

Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas and Electric Company's Notice of Termination for the Agreement for the Operation and Maintenance of the Communication and Data Collection Equipment for the Department of Water Resources Control Agreement etc.

Filed Date: 01/15/2009.

Accession Number: 20090121–0104.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER09–544–000.

Applicants: FPL Energy Power Marketing, LLC.

Description: FPL Energy Power Marketing, LLC submits Notice of Succession to notify the Commission of a corporate name change, and revisions to PMI's market based rate tariff to reflect the name change.

Filed Date: 01/14/2009.

Accession Number: 20090121–0103.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: ER09–545–000.

Applicants: Virginia Electric & Power Company.

Description: Virginia Electric and Power Company submits the 2009 Formula Rate Annual Update in accordance with Section 1 of Attachment H–16B in the Open Access Transmission Tariff etc.

Filed Date: 01/15/2009.

Accession Number: 20090121–0108.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER09–546–000.

Applicants: Delmarva Power & Light Company.

Description: Delmarva Power & Light Company submits an Interconnection and Mutual Operating Agreement with Municipal Services Commission *et al.*

Filed Date: 01/15/2009.

Accession Number: 20090121–0107.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER09–547–000.

Applicants: ISO New England Inc. and New England Power Pool.

Description: ISO New England, Inc *et al.* submits 4th Revised Sheet 8003 *et al.* to FERC Electric Tariff relating to the allocation of Net Commitment Period Compensation costs associated with Day Ahead cleared External Transactions.

Filed Date: 01/15/2009.

Accession Number: 20090121–0106.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER09–548–000.

Applicants: ITC Great Plains, LLC.

Description: ITC Great Plains, LLC CD's submittal request for acceptance of a formula rate establish a revenue requirement for transmission service over facilities that ITC Great Plains will own in the SPP region.

Filed Date: 01/15/2009.

Accession Number: 20090115–4009.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08–52–004.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc and the New York Transmission Owners submit revisions to Attachment Y of their Open Access Transmission Tariff pursuant to the Commission's 10/16/08 Order.

Filed Date: 01/14/2009.

Accession Number: 20090116–0098.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: OA09–17–000.

Applicants: California Independent System Operator Corporation.

Description: First Revised Sheet No. 1424 *et al.,* FERC Electric Tariff, Fourth Replacement Volume No. 11 Effective March 31, 2009.

Filed Date: 01/15/2009.

Accession Number: 20090121–0105.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–2149 Filed 1–30–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 21, 2009.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC08–111–000.

Applicants: Franklin Resources, Inc.

Description: Franklin Resources, Inc. submits responses to FERC's 12/22/08 Deficiency Letter.

Filed Date: 01/16/2009.

Accession Number: 20090121–0189.

Comment Date: 5 p.m. Eastern Time on Monday, January 26, 2009.

Docket Numbers: EC09–48–000.

Applicants: EPCOR Power Enterprises LLC, EPCOR Power (Castleton) LLC, Castleton Energy Center, LLC.

Description: Joint Application of EPCOR Power Enterprises, et al. for Authorization for Disposition of Jurisdictional Facilities under Section 203 of the FPA, Request for Waiver, Confidential Treatment of PSA and Request for Expedited Consideration.

Filed Date: 01/16/2009.

Accession Number: 20090116–5038.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG09–23–000.

Applicants: TXC Green Power LLC.

Description: Self Certification Notice as an Exempt Wholesale Generator of TXC Green Power LLC.

Filed Date: 01/16/2009.

Accession Number: 20090116–5065.

Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER03–552–011, ER03–984–009.

Applicants: New York Independent System Operator, Inc.

Description: Status Report of New York Independent System Operator, Inc. per the Commission's February 22, 2006 Order.

Filed Date: 01/15/2009.

Accession Number: 20090115–5018.

Comment Date: 5 p.m. Eastern Time on Thursday, February 5, 2009.

Docket Numbers: ER06–615–038.
Applicants: California Independent System Operator Corp.
Description: MRTU Readiness Certification of California Independent System Operator Corp.
Filed Date: 01/16/2009.
Accession Number: 20090116–5124.
Comment Date: 5 p.m. Eastern Time on Friday, February 6, 2009.

Docket Numbers: ER06–1280–003, ER00–2181–006, ER02–556–010.
Applicants: Hess Corporation, Hess Energy, Inc., Select Energy New York, Inc.
Description: Hess Corporation et al. proposes to change the seller designations in their market-based rate tariffs from Category 2 to Category 1, and request waiver of the notice requirements, effective 2/1/09.
Filed Date: 01/14/2009.
Accession Number: 20090116–0099.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: ER08–1422–001.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits Motion to Defer Effective Date of previously accepted tariff provisions and request for waivers and on January 14, 2009 submits an amendment to the October 28th motion.
Filed Date: 10/28/2008, 01/14/2009.
Accession Number: 20081028–5099, 20090114–5155.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: ER09–534–000.
Applicants: Idaho Power Company.
Description: Idaho Power Company submits for filing Open Access Transmission Tariff Revisions under Section 205 of the Federal Power Act.
Filed Date: 01/12/2009.
Accession Number: 20090114–0008.
Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Docket Numbers: ER09–537–000.
Applicants: Massachusetts Electric Co.
Description: Massachusetts Electric Co submits notification of twenty-nine updates to its distribution service rates under National Grid's borderline sales tariff, which is designated as FERC Electric Tariff, First Revised Volume 1.
Filed Date: 01/14/2009.
Accession Number: 20090116–0106.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: ER09–538–000.
Applicants: GRANITE STATE ELECTRIC CO.
Description: Granite State Electric Company *et al.* submits notification of sixteen updates to its distribution service rates under National Grid's borderline sales tariff, which is designated as FERC Electric Tariff, Original Volume 2 etc.
Filed Date: 01/14/2009.
Accession Number: 20090116–0105.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: ER09–539–000.
Applicants: Aspire Capital Management LLC.
Description: Aspire Capital Management LLC submits the Amended Petition for Acceptance of Initial Tariff, Waivers and Blanket Authority, FERC Electric Tariff, Original Volume 1.
Filed Date: 01/14/2009.
Accession Number: 20090116–0104.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: ER09–540–000.
Applicants: American Cooperative Services, Inc.
Description: American Cooperative Services, Inc. submits Notice of Cancellation of its market-based tariff, Second Revised Rate Schedule FERC 1, effective 3/15/09.
Filed Date: 01/14/2009.
Accession Number: 20090116–0103.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: ER09–541–000.
Applicants: PJM Interconnection L.L.C.
Description: PJM Interconnection, LLC submits Notice of Cancellation of an interconnection service agreement with Exelon Corp designated as Original Service Agreement 733.
Filed Date: 01/14/2009.
Accession Number: 20090116–0102.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08–52–004.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. and the New York Transmission Owners submit revisions to Attachment Y of their Open Access Transmission Tariff pursuant to the Commission's 10/16/08 Order.
Filed Date: 01/14/2009.
Accession Number: 20090116–0098.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. E9–2150 Filed 1–30–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

January 27, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP01–377–015.
Applicants: Northern Border Pipeline Company.
Description: Northern Border Pipeline Company submits Twenty-First Revised Sheet 99A to FERC Gas Tariff, First Revised Volume 1.
Filed Date: 01/06/2009.
Accession Number: 20090108–0104.
Comment Date: 5 p.m. Eastern Time on Friday, January 30, 2009.

Docket Numbers: RP09–234–000.
Applicants: Black Marlin Pipeline Company.
Description: Petition of Black Marlin Pipeline Company for Extension of Temporary Exemptions from Tariff Provisions.
Filed Date: 01/22/2009.
Accession Number: 20090122–5161.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–235–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: Trailblazer Pipeline Company LLC submits report on the refund of penalty revenues.
Filed Date: 01/22/2009.
Accession Number: 20090123–0333.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–236–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: Trailblazer Pipeline Company LLC submits First Revised Sheet 175 *et al.* to FERC Gas Tariff, Fourth Revised Volume 1, to be effective 2/22/09.
Filed Date: 01/22/2009.
Accession Number: 20090123–0332.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–237–000.
Applicants: Pine Prairie Energy Center, LLC.
Description: Pine Prairie Energy Center, LLC submits First Revised Sheet 114 *et al.* to FERC Gas Tariff, Original Volume 1.
Filed Date: 01/21/2009.
Accession Number: 20090123–0331.
Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Docket Numbers: RP09–238–000.
Applicants: NGO Transmission, Inc.
Description: NGO Transmission, Inc. submits First Revised Sheet 92 *et al.* to FERC Gas Tariff, Original Volume 1, to be effective 3/1/09.
Filed Date: 01/22/2009.
Accession Number: 20090123–0330.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–239–000.
Applicants: Pine Needle LNG Company, LLC.
Description: Pine Needle LNG Company, LLC submits Second Revised Sheet 11 *et al.* to FERC Gas Tariff, Original Volume 1.
Filed Date: 01/22/2009.
Accession Number: 20090123–0329.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–240–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Natural Gas Pipeline Company of America LLC submits First Revised Sheet 406 *et al.* to its FERC Gas Tariff, Seventh Revised Volume 1, to be effective 2/22/09.
Filed Date: 01/22/2009.
Accession Number: 20090123–0328.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–241–000.
Applicants: Panther Interstate Pipeline Energy, LLC.
Description: Panther Interstate Pipeline Energy, LLC submits First Revised Sheet 42 *et al.* to FERC Gas Tariff, Original Volume 1, to be effective 2/21/09.
Filed Date: 01/22/2009.
Accession Number: 20090123–0327.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–242–000.
Applicants: MarkWest New Mexico, L.L.C.
Description: Mark West New Mexico, LLC submits First Revised Sheet 136 *et al.* to FERC Gas Tariff, Second Revised Volume 1.
Filed Date: 01/22/2009.
Accession Number: 20090123–0335.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–243–000.
Applicants: Kinder Morgan Illinois Pipeline LLC.
Description: Kinder Morgan Illinois Pipeline LLC submits First Revised Sheet 167 *et al.* to its FERC Gas Tariff, Original Volume 1, to be effective 2/22/09.
Filed Date: 01/22/2009.
Accession Number: 20090123–0326.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–244–000.
Applicants: Vector Pipeline, L.P.
Description: Vector Pipeline, LP submits Fourth Revised Sheet 137 *et al.* to FERC Gas Tariff, Original Volume 1, proposed to be effective 2/21/09.
Filed Date: 01/22/2009.
Accession Number: 20090123–0325.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–245–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company, LLC submits First Revised Sheet 114 *et al.* to its FERC Gas Tariff, Fourth Revised Volume 1, to be effective 2/22/09.
Filed Date: 01/22/2009.
Accession Number: 20090123–0324.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–246–000.
Applicants: Horizon Pipeline Company, L.L.C.
Description: Horizon Pipeline Company, LLC submit First Revised Sheet 159A *et al.* to FERC Gas Tariff, Original Volume 1 under.
Filed Date: 01/22/2009.
Accession Number: 20090123–0334.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 3, 2009.

Docket Numbers: RP09–247–000.
Applicants: Trunkline LNG Company, LLC.
Description: Trunkline LNG Company, LLC submits Third Revised Sheet 23 *et al.* to FERC Gas Tariff, Second Revised Volume 1A.
Filed Date: 01/23/2009.
Accession Number: 20090126–0204.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: RP09–248–000.
Applicants: Southwest Gas Storage Company.
Description: Southwest Gas Storage Company submits Twenty Fifth Revised Sheet 5 *et al.* to FERC Gas Tariff, First Revised Volume 1.
Filed Date: 01/23/2009.
Accession Number: 20090126–0203.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: RP09–249–000.
Applicants: Sea Robin Pipeline Company, LLC.
Description: Sea Robin Pipeline Company, LLC submits Sixth Revised Sheet 5 *et al.* to FERC Gas Tariff, Second Revised Volume 1.
Filed Date: 01/23/2009.
Accession Number: 20090126–0202.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: RP09–250–000.
Applicants: Trunkline Gas Company, LLC.
Description: Trunkline Gas Company, LLC submits Nineteenth Revised Sheet 10 *et al.* to FERC Gas Tariff, Third Revised Volume 1, to be effective 2/23/09.
Filed Date: 01/23/2009.
Accession Number: 20090126–0201.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: RP09–251–000.
Applicants: Destin Pipeline Company, LLC.

Description: Destin Pipeline Company, LLC submits Fourth Revised Sheet 98 *et al.* to FERC Gas Tariff, Original Volume 1.
Filed Date: 01/23/2009.
Accession Number: 20090126–0211.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: RP09–252–000.
Applicants: Northern Natural Gas Company.
Description: Petition of Northern Natural Gas Company for a limited waiver of tariff provisions.
Filed Date: 01/23/2009.
Accession Number: 20090126–0210.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: RP09–253–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Florida Gas Transmission Company, LLC submits Appendix A to its FERC Gas Tariff, Fourth Revised Volume 1.
Filed Date: 01/23/2009.
Accession Number: 20090126–0209.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: RP09–254–000.
Applicants: Transwestern Pipeline Company, LLC.
Description: Transwestern Pipeline Company submits Fifth Revised Sheet 1 *et al.* of its FERC Gas Tariff, Third Revised Volume 1, to be effective 3/1/09.
Filed Date: 01/23/2009.
Accession Number: 20090126–0208.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: RP09–255–000.
Applicants: Guardian Pipeline, LLC.
Description: Guardian Pipeline, LLC submits Second Revised Sheet 181 *et al.* of its FERC Gas Tariff, Original Volume 1, to be effective 2/1/09.
Filed Date: 01/23/2009.
Accession Number: 20090126–0206.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: RP09–256–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Panhandle Eastern Pipe Line Company, LP submits Twenty-First Revised Sheet 4 *et al.* to its FERC Gas Tariff, Third Revised Volume 1, to be effective 2/2/09.
Filed Date: 01/23/2009.
Accession Number: 20090126–0207.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Docket Numbers: RP09–257–000.
Applicants: Kinder Morgan Louisiana Pipeline LLC.
Description: Kinder Morgan Louisiana Pipeline LLC submits a Negotiated Rate Transportation Service Agreements with Chevron USA Inc *et al.*, FERC Gas Tariff Original Volume 1, to be effective 3/1/09.

Filed Date: 01/23/2009.

Accession Number: 20090126–0311.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 4, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.
[FR Doc. E9–2151 Filed 1–30–09; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

January 23, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–133–002.
Applicants: Columbia Gas Transmission Corporation.
Description: Columbia Gas Transmission Corporation submits Substitute Sixth Revised Sheet 405 *et al* to FERC Gas Tariff, Second Revised Volume 1.
Filed Date: 01/16/2009.
Accession Number: 20090121–0176.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 28, 2009.

Docket Numbers: RP09–156–001.
Applicants: Transwestern Pipeline Company, LLC.
Description: Transwestern Pipeline Company LLC submits Substitute Second Revised Sheet 181 to FERC Gas Tariff, Third Revised Volume 1.
Filed Date: 01/16/2009.
Accession Number: 20090121–0177.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 28, 2009.

Docket Numbers: RP09–215–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company, LLC submits First Revised Sheet 5 *et al* to FERC Gas Tariff, Fourth Revised Volume 1.
Filed Date: 01/15/2009.
Accession Number: 20090121–0092.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 27, 2009.

Docket Numbers: RP09–216–000.
Applicants: Questar Pipeline Company.
Description: Questar Pipeline Company submits First Revised Sheet 69A *et al* to FERC Gas Tariff, First Revised Volume 1.
Filed Date: 01/15/2009.
Accession Number: 20090121–0093.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 27, 2009.

Docket Numbers: RP09–217–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits Eleventh Revised

Sheet 1 *et al* to FERC Gas Tariff, Fifth Revised Volume 1, to be effective 2/15/09.

Filed Date: 01/15/2009.

Accession Number: 20090121–0094.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 27, 2009.

Docket Numbers: RP09–218–000.

Applicants: Great Lakes Gas Transmission L.P.

Description: Great Lakes Gas Transmission Limited Partnership submits Seventh Revised Sheet 39 *et al* to FERC Gas Tariff, Second Revised Volume 1.

Filed Date: 01/16/2009.

Accession Number: 20090121–0175.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 28, 2009.

Docket Numbers: RP09–219–000.

Applicants: Venice Gathering System, LLC.

Description: Venice Gathering System, LLC submits a Petition for a Limited Waiver of Tariff Provisions.

Filed Date: 01/16/2009.

Accession Number: 20090121–0174.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 28, 2009.

Docket Numbers: RP09–220–000.

Applicants: Blue Lake Gas Storage Company.

Description: Blue Lake Gas Storage Company submits Appendix A to FERC Gas Tariff, First Revised Volume 1.

Filed Date: 01/16/2009.

Accession Number: 20090121–0172.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 28, 2009.

Docket Numbers: RP09–221–000.

Applicants: ANR Storage Company.

Description: ANR Storage Company submits Appendix A to FERC Gas Tariff, Original Volume 1.

Filed Date: 01/16/2009.

Accession Number: 20090121–0180.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 28, 2009.

Docket Numbers: RP09–222–000.

Applicants: ANR Pipeline Company.

Description: ANR Pipeline Company submits Appendix A to FERC Gas Tariff, Second Revised Volume 1.

Filed Date: 01/16/2009.

Accession Number: 20090121–0179.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 28, 2009.

Docket Numbers: RP09–223–000.

Applicants: Williston Basin Interstate Pipeline Company.

Description: Williston Basin Interstate Pipeline Company submits its Ninth Revised Sheet 373 *et al* to FERC Gas Tariff, Second Revised Volume 1, to be effective 2/16/09.

Filed Date: 01/16/2009.

Accession Number: 20090121–0178.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 28, 2009.

Docket Numbers: RP09–224–000.

Applicants: Northern Border Pipeline Company.

Description: Northern Border Pipeline Company submits Twentieth Revised Sheet 99A *et al* to FERC Gas Tariff, First Revised Volume 1.

Filed Date: 01/16/2009.

Accession Number: 20090121–0173.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 28, 2009.

Docket Numbers: RP09–225–000.

Applicants: Petal Gas Storage, L.L.C.

Description: Petal Gas Storage, LLC submits Second Revised Sheet 11A *et al* to FERC Gas Tariff, Original Volume 1.

Filed Date: 01/21/2009.

Accession Number: 20090122–0214.

Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Docket Numbers: RP09–226–000.

Applicants: High Island Offshore System, L.L.C.

Description: High Island Offshore System, LLC submits Fifth Revised Sheet 123A *et al* to FERC Gas Tariff, Third Revised Volume 1.

Filed Date: 01/21/2009.

Accession Number: 20090122–0215.

Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Docket Numbers: RP09–227–000.

Applicants: Northwest Pipeline GP.

Description: Northwest Pipeline GP submits Second Revised Sheet 5C *et al* to FERC Gas Tariff, Fourth Revised Volume 1.

Filed Date: 01/21/2009.

Accession Number: 20090122–0216.

Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Docket Numbers: RP09–228–000.

Applicants: Sabine Pipe Line LLC.

Description: Sabine Pipe Line LLC submits Fourth Revised Sheet 250 *et al* to FERC Gas Tariff, Original Volume 1.

Filed Date: 01/21/2009.

Accession Number: 20090122–0217.

Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Docket Numbers: RP09–229–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipeline Co, LLC submits Second Revised Sheet 24 to its FERC Gas Tariff, Fourth Revised Volume 1, to be effective 2/1/09.

Filed Date: 01/21/2009.

Accession Number: 20090122–0218.

Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Docket Numbers: RP09–230–000.

Applicants: Sabine Pipe Line LLC.

Description: Sabine Pipe Line, LLC requests temporary waivers of FERC Gas Tariff, Second Revised Volume 1 etc for the dates of 1/30/09 and 1/31/09.

Filed Date: 01/21/2009.

Accession Number: 20090122–0219.

Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Docket Numbers: RP09–231–000.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits First Revised Sheet 1 *et al* to FERC Gas Tariff, Third Revised Volume 1, to be effective 3/1/09.

Filed Date: 01/21/2009.

Accession Number: 20090122–0220.

Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Docket Numbers: RP09–232–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Co submits Seventh Revised Sheet 400 *et al* to FERC Gas Tariff, Fifth Revised Volume 1, to be effective 2/21/09.

Filed Date: 01/21/2009.

Accession Number: 20090122–0221.

Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Docket Numbers: RP09–233–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Co submits Fourth Revised Sheet 216 *et al* to FERC Gas Tariff, Fifth Revised Volume 1, to be effective 2/21/09.

Filed Date: 01/21/2009.

Accession Number: 20090122–0222.

Comment Date: 5 p.m. Eastern Time on Monday, February 2, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access

who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–2152 Filed 1–30–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[RT01–99–000, RT01–99–001, RT01–99–002 and RT01–99–003; RT01–86–000, RT01–86–001 and RT01–86–002; RT01–95–000, RT01–95–001 and RT01–95–002; RT01–2–000, RT01–2–001, RT01–2–002 and RT01–2–003; RT01–98–000; RT02–3–000]

Regional Transmission Organizations; Bangor Hydro-Electric Company, et al.; New York Independent System Operator, Inc., et al.; PJM Interconnection, L.L.C., et al.; PJM Interconnection, L.L.C.; ISO New England, Inc.; New York Independent System Operator, Inc.; Notice of Filing

January 26, 2009.

Take notice that PJM Interconnection, L.L.C., New York Independent System Operator, Inc. and ISO New England, Inc. have posted on their internet Web sites information updating their progress on the resolution of Regional Transmission Operator seams.

Any person desiring to file comments on this information 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). All such comments should be filed on or before the comment date. Comments may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: February 10, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–2155 Filed 1–30–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Base Charge and Rates Adjustment.

SUMMARY: The Western Area Power Administration (Western) is proposing an adjustment to the Boulder Canyon Project (BCP) electric service base charge and rates. The current base charge and rates expire September 30, 2009, under Rate Schedule BCP–F7. The current base charge is not sufficient to cover all annual costs including operation, maintenance, replacements, and interest expense, and to repay investment obligations within the required period. The proposed base charge will provide sufficient revenue to cover all annual costs and to repay investment obligations within the allowable period. A detailed rate package that identifies the reasons for the base charge and rates adjustment will be available in March 2009. The proposed base charge and rates are scheduled to become effective on October 1, 2009, and will remain in effect through September 30, 2010. This **Federal Register** notice initiates the formal process for the proposed base charge and rates.

DATES: The consultation and comment period will begin today and will end May 4, 2009. Western will present a detailed explanation of the proposed base charge and rates at a public information forum on April 1, 2009, beginning at 10:30 a.m. MST, in Phoenix, AZ. Western will accept oral and written comments at a public comment forum on April 22, 2009, beginning at 10:30 a.m. MST at the same location. Western will accept written comments any time during the consultation and comment period.

ADDRESSES: The public information forum and public comment forum will be held at the Desert Southwest Customer Service Regional Office, located at 615 South 43rd Avenue, Phoenix, AZ, on the dates cited above. Written comments should be sent to Darrick Moe, Regional Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, e-mail *moe@wapa.gov.* Written comments may also be faxed to (602) 605–2490, attention: Jack Murray. Western will post information about the rate process on its Web site at *http://www.wapa.gov/dsw/pwrmkt/BCP/RateAdjust.htm.* Western will post official comments received via letter, fax, and e-mail to its Web site after the close of the comment period. Western must receive written comments by the end of the consultation and comment period to ensure they are considered in Western's decision process.

As access to Western facilities is controlled, any U.S. citizen wishing to attend any meeting held at Western must present an official form of picture identification, such as a U.S. driver's license, U.S. passport, U.S. Government ID, or U.S. Military ID, at the time of the meeting. Foreign nationals should contact Western at least 45 days in advance of the meeting to obtain the necessary form for admittance to Western.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Murray, Rates Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, (602) 605–2442, e-mail *jmurray@wapa.gov.*

SUPPLEMENTARY INFORMATION: The proposed base charge and rates for BCP electric service are designed to recover an annual revenue requirement that includes the investment repayment, interest, operation and maintenance, replacements, payments to states, visitor services, and uprating payments. The total costs are offset by the projected revenue from water sales, visitor center, water pumping energy sales, facilities use charges, regulation and spinning reserve services, miscellaneous leases, and late fees. The annual revenue requirement is the base charge for electric service and is divided equally between capacity dollars and energy dollars. Annual energy dollars are divided by annual energy sales, and annual capacity dollars are divided by annual capacity sales to determine the proposed energy rate and the proposed capacity rate.

Rate Schedule BCP–F7, Rate Order No. WAPA–120, became effective on October 1, 2005, for the period ending September 30, 2010.[1]

The base charge for fiscal year (FY) 2010 is $72,394,809, the forecasted energy rate is 9.95 mills per kilowatthour (mills/kWh), the forecasted capacity rate is $1.80 per kilowattmonth (kWmonth), and the composite rate is 19.91 mills/kWh.

Under Rate Schedule BCP-F7, the proposed rates for BCP electric service will result in an overall composite rate increase of seven percent. The following table compares the current and proposed base charge and rates.

COMPARISON OF CURRENT AND PROPOSED BASE CHARGE AND RATES

	Current October 1, 2008 through September 30, 2009	Proposed October 1, 2009 through September 30, 2010	% Change
Composite Rate (mills/kWh)	18.62	19.91	7
Base Charge ($)	70,213,497	72,394,809	3
Energy Rate (mills/kWh)	9.31	9.95	7
Capacity Rate ($/kWmonth)	1.73	1.80	4

The increase in the proposed base charge and rates is due to increases in the annual operation and maintenance costs, visitor center costs, and the uprating program payments. Initial analysis of the projected financial data for FY 2010 reflects a slight decrease in overall annual costs and a slight increase in other revenues when compared to FY 2009. However, since there is no projected year-end carryover into FY 2010, the result is an overall increase in the base charge for FY 2010. Another factor contributing to the increase in the rates is the decrease in energy and capacity sales associated with continued poor hydrology in the region resulting in lower than normal Lake Mead water elevations.

Legal Authority

Western will hold both a public information forum and a public comment forum. After review of public comments, Western will take further action on the proposed base charge and rates consistent with 10 CFR parts 903 and 904.

Western is establishing an electric service base charge and rates for BCP under the Department of Energy Organization Act (42 U.S.C. 7152); the Reclamation Act of 1902 (ch. 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other acts that specifically apply to the project involved.

By Delegation Order No. 00–037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand or to disapprove such rates to FERC. Existing Department of Energy (DOE) procedures for public participation in power rate adjustments (10 CFR part 903) were published on September 18, 1985.

Availability of Information

All brochures, studies, comments, letters, memorandums, or other documents that Western initiates or uses to develop the proposed rates are available for inspection and copying at the Desert Southwest Customer Service Regional Office, Western Area Power Administration, 615 South 43rd Avenue, Phoenix, AZ. Many of these documents and supporting information are also available on Western's Web site at *http://www.wapa.gov/dsw/pwrmkt/BCP/RateAdjust.htm.*

Ratemaking Procedure Requirements

Environmental Compliance

In compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*), the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500–1508), and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021), Western has determined this action is categorically excluded from preparing an environmental assessment or an environmental impact statement.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866, accordingly, no clearance of this notice by the Office of Management and Budget is required.

Dated: January 5, 2009.

Timothy J. Meeks,

Administrator.

[FR Doc. E9–2167 Filed 1–30–09; 8:45 am]

BILLING CODE 6450–01–P

[1] FERC confirmed and approved Rate Order No. WAPA–120 in Docket EF05–5091–000. *See United States Department of Energy, Western Area Power Administration, Boulder Canyon Project,* 115 FERC ¶ 61,362 (June 22, 2006).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–252]

Availability of Final Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of seven final toxicological profiles of priority hazardous substances. This is the 20th set of toxicological profiles that ATSDR has compiled. The profiles are available online at the ATSDR Web site: *http://www.atsdr.cdc.gov/toxpro2.html.*

FOR FURTHER INFORMATION CONTACT: Ms. Olga Dawkins, Division of Toxicology and Environmental Medicine, Agency for Toxic Substances and Disease Registry, Mailstop F–32, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone (770) 488–3315.

SUPPLEMENTARY INFORMATION: The Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. 9601 *et seq.*) amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund) (42 U.S.C. 9601 *et seq.*) by establishing

certain requirements for ATSDR and for the U.S. Environmental Protection Agency (EPA) with regard to hazardous substances most commonly found at facilities on the CERCLA National Priorities List (NPL). One such requirement directs the ATSDR Administrator to prepare toxicological profiles for each substance included on the priority lists of hazardous substances. These lists identify 275 hazardous substances determined by ATSDR and by U.S. EPA to pose the most significant potential threat to human health. The availability of the revised lists of the 275 priority substances was announced in the **Federal Register** on March 6, 2008 (73 FR 12178). For previous versions of the lists of substances, see **Federal Register** notices dated April 17, 1987 (52 FR 12866); October 20, 1988 (53 FR 41280); October 26, 1989 (54 FR 43619); October 17, 1990 (55 FR 42067); October 17, 1991 (56 FR 52166); October 28, 1992 (57 FR 48801); February 28, 1994 (59 FR 9486); April 29, 1996 (61 FR 18744; November 17, 1997 (62 FR 61332); October 21, 1999 (64 FR 56792); October 25, 2001 (66 FR 54014); November 7, 2003 (68 FR 63098) and December 7, 2005 (70 FR 72840).

Notice of the availability of toxicological profile drafts for public review and comment was published in the **Federal Register** on October 18, 2006, (71 FR 61471), with notice of a 90-day public comment period for each profile, starting from the actual release date. Following the close of the comment period, chemical-specific comments were addressed, and, where appropriate, changes were incorporated into each profile. The public comments and other data submitted in response to the **Federal Register** notices carry the docket control number ATSDR–225. This material is available for public inspection at the Division of Toxicology and Environmental Medicine, Agency for Toxic Substances and Disease Registry, 4700 Buford Highway, Building 106, Second Floor, Chamblee, Georgia 30341 between 8 a.m. and 4:30 p.m., Monday through Friday, except legal holidays.

Availability

This notice announces the availability of seven toxicological profiles of priority hazardous substances: six updated final toxicological profiles and one new final toxicological profile. This is the 20th set of toxicological profiles that ATSDR has compiled.

The following toxicological profiles are now available through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, telephone 1–800–553–6847. These profiles are available for a fee as determined by NTIS.

Twentieth Set:

Toxicological profile	NTIS order No.	CAS No.
1. Aluminum (Update)	PB2009–100001	007429–90–5
2. Cresols (Update)	PB2009–100002	001319–77–3
3. Diazinon (Update)	PB2009–100003	000333–41–5
4. Dichloropropenes (UPDATE)	PB2009–100004	000563–58–6
		000563–54–2
		000563–57–5
		000078–88–6
		010061–01–5
		010061–02–6
		000542–75–6
5. Guthion*	PB2009–100005	000086–50–0
6. Phenols (Update)	PB2009–100007	000108–95–2
7. 1,1,2,2-Tetrachloroethane (Update)	PB2009–100008	000079–34–5

* Denotes new profile.

Dated: January 28, 2009.

Ken Rose,

Director, Office of Policy, Planning and Evaluation, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry.

[FR Doc. E9–2163 Filed 1–30–09; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH or Advisory Board), 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), and pursuant to the requirements of 42 CFR 83.15(a), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Board Meeting Times and Dates:

1 p.m.–5:30 p.m., February 17, 2009.

9 a.m.–5 p.m., February 18, 2009.

9 a.m.–4:30 p.m., February 19, 2009.

Public Comment Times and Dates:

6 p.m.–7 p.m., February 17, 2009.

7 p.m.–8 p.m., February 18, 2009.

Place: Doubletree Hotel Albuquerque, 201 Marquette Avenue Northwest, Albuquerque, NM 87102, Phone: 505–247–3344; Fax: 505–247–7025. Audio Conference Call via FTS Conferencing. The USA toll free dial in number is 1–866–659–0537 with a pass code of 9933701.

Status: Open to the public, limited only by the space available. The meeting space accommodates approximately 100 people.

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program (EEOICP) Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines which have been promulgated by the Department of Health and Human Services (HHS) as a final rule, advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule, advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program, and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC. The charter was issued on

August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2009.

Purpose: This Advisory Board is charged with (a) Providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters to be Discussed: The agenda for the Advisory Board meeting includes: NIOSH Program Status Update; NIOSH and Department of Energy (DOE) Security Plans; Department of Labor (DOL) Update; Special Exposure Cohort (SEC) Petitions for: Los Alamos National Laboratory, Westinghouse Atomic Power Development, Tyson Valley Powder Farm, General Steel Industries, Hood Building (Massachusetts Institute of Technology), and Blockson Chemical; SC&A New Technical Support Contract; Special Exposure Cohort (SEC) Petition Status Updates; Science Update; Work Group reports; Subcommittee on Dose Reconstruction Reviews Report; Subcommittee on Procedures Reviews and Board Future Plans and Meetings.

The agenda is subject to change as priorities dictate.

In the event an individual cannot attend, written comments may be submitted according to the policy provided below. Any written comments received will be provided at the meeting and should be submitted to the contact person below well in advance of the meeting.

Policy on Redaction of Board Meeting Transcripts (Public Comment), (1) If a person making a comment gives his or her name, no attempt will be made to redact that name. (2) NIOSH will take reasonable steps to ensure that individuals making public comment are aware of the fact that their comments (including their name, if provided) will appear in a transcript of the meeting posted on a public Web site. Such reasonable steps include: (a) A statement read at the start of each public comment period stating that transcripts will be posted and names of speakers will not be redacted; (b) A printed copy of the statement mentioned in (a) above will be displayed on the table where individuals sign up to make public comment; (c) A statement such as outlined in (a) above will also appear with the agenda for a Board Meeting when it is posted on the NIOSH Web site; (d) A statement such as in (a) above will appear in the **Federal Register** Notice that announces Board and Subcommittee meetings. (3) If an individual in making a statement reveals personal information (e.g., medical information) about themselves that information will not usually be redacted. The NIOSH FOIA coordinator will, however, review such revelations in accordance with the Freedom of Information Act and the Federal Advisory Committee Act and if deemed appropriate, will redact such information. (4) All disclosures of information concerning third parties will be redacted. (5) If it comes to the attention of the DFO that an individual wishes to share information with the Board but objects to doing so in a public forum, the DFO will work with that individual, in accordance with the Federal Advisory Committee Act, to find a way that the Board can hear such comments.

CONTACT PERSON FOR MORE INFORMATION: Theodore Katz, M.P.A., Executive Secretary, NIOSH, CDC, 1600 Clifton Road, MS E–20, Atlanta, GA 30333, Telephone (513) 533–6800, Toll Free 1 (800) CDC–INFO, E-mail *ocas@cdc.gov.*

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: January 22, 2009.

Lorenzo J. Falgiano,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–2165 Filed 1–30–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Immunization Practices (ACIP)

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 meeting of the aforementioned committee:

Times and Dates:

8 a.m.–5 p.m., February 25, 2009.

8 a.m.–5 p.m., February 26, 2009.

Place: Centers for Disease Control and Prevention, Tom Harkin Global Communications Center, 1600 Clifton Road, NE., Building 19, Kent ''Oz'' Nelson Auditorium, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The committee is charged with advising the Director, CDC, on the appropriate uses of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding the appropriate periodicity, dosage, and contraindications applicable to the vaccines.

Matters to be Discussed: The agenda will include discussions on Anthrax; Hepatitis Vaccines; Measles, Mumps and Rubella; Influenza Vaccine; Pneumococcal Vaccines; Rabies Vaccine; General Recommendations; Human Papillomavirus Vaccines; Herpes Zoster; Meningococcal Vaccine; MMRV Vaccine Safety; Pertussis; Polio Vaccine; Vaccine Safety; Vaccine Supply; Vaccination of Immigrants and refugees; Yellow Fever. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Antonette Hill, Immunization Services Division, National Center for Immunization and Respiratory Diseases, CDC, 1600 Clifton Road, NE., (E–05), Atlanta, Georgia 30333, telephone 404/639–8836, fax 404/639–8905.

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: January 22, 2009.

Lorenzo J. Falgiano,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–2164 Filed 1–30–09; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Oncological Sciences Integrated Review Group, Drug Discovery and Molecular Pharmacology Study Section.
Date: February 9–10, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.
Contact Person: Hungyi Shau, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–435–1720, *shauhung@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Protein Transport and Processing in Neurodegeneration.
Date: February 10, 2009.
Time: 1 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Palomar, 2121 P Street, NW., Washington, DC 20037.
Contact Person: Carole L. Jelsema, PhD, Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group Synapses, Cytoskeleton and Trafficking Study Section.
Date: February 11–12, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.
Contact Person: Jonathan K. Ivins, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7850, Bethesda, MD 20892, (301) 594–1245, *ivinsj@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Lipoproteins and Atherosclerosis.
Date: February 11–12, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Anshumali Chaudhari, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210, *chaudhaa@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Review of Applications Responding to RFA–DA–09–007.
Date: February 11–12, 2009.
Time: 12 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Mark P. Rubert, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurodifferentiation, Plasticity, and Regeneration Study Section.
Date: February 12–13, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Kabuki Japantown, 1625 Post Street, San Francisco, CA 94115.
Contact Person: Joanne T. Fujii, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, *fujiij@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group, Molecular Neurogenetics Study Section.
Date: February 12, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Stanford Court, 905 California Street—Nob Hill, San Francisco, CA 94108.
Contact Person: Paek-Gyu Lee, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5203, MSC 7812, Bethesda, MD 20892, (301) 435–0902, *leepg@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Molecular, Cellular and Developmental Neuroscience, Integrated Review Group Neurotransporters, Receptors, and Calcium Signaling Study Section.
Date: February 12–13, 2009.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Peter B. Guthrie, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel Cardiovascular Development.
Date: February 16–17, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Ai-Ping Zou, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–435–1777, *zouai@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Biomedical Computing and Health Informatics Study Section.
Date: February 17, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Resort Hotel, 998 W. Mission Bay Drive, San Diego, CA 92109.
Contact Person: Bill Bunnag, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124,

MSC 7854, Bethesda, MD 20892, (301) 435–1177, *bunnagb@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts: Cell Biology.
Date: February 17–18, 2009.
Time: 8 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Noni Byrnes, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5130, MSC 7840, Bethesda, MD 20892, (301) 435–1023, *byrnesn@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Anterior Eye Disease Member Conflict.
Date: February 17–18, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: George Ann Mckie, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1124, MSC 7846, Bethesda, MD 20892, 301–435–1049, *mckiegeo@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Non-HIV Microbial Vaccine Development.
Date: February 17, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.
Contact Person: Jin Huang, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Vision Enhancement and Technology.
Date: February 17–18, 2009.
Time: 11 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Jerry L. Taylor, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892, 301–435–1175, *taylorje@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SAT Member Conflict.
Date: February 17, 2009.
Time: 2 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health. 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Roberto J. Matus, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435–2204, *matusr@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Electromagnetic Devices.
Date: February 18, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Resort Hotel, 999 W. Mission Bay Drive, San Diego, CA 92109.
Contact Person: Antonio Sastre, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892, 301–435–2592, *sastrea@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neurogenetics, Neurodevelopment, and Bioengineering.
Date: February 18–19, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Vilen A. Movsesyan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Investigations on Primary Immunodeficiency Diseases.
Date: February 18, 2009.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.
Contact Person: Jin Huang, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301–435–1230, *Jh377p@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Salivary Gland: Physiology and Disease Mechanisms.
Date: February 18, 2009.
Time: 11 a.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Tamizchelvi Thyagarajan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016K, MSC 7814, Bethesda, MD 20892, 301–451–1327, *tthyagar@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Biomedical Imaging and Bioengineering.
Date: February 18, 2009.
Time: 11 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Dharam S. Dhindsa, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5110, MSC 7854, Bethesda, MD 20892, (301) 435–1174, *dhindsad@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict Applications: XNDA.
Date: February 18, 2009.
Time: 1 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Najma Begum, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, MSC 7818, Bethesda, MD 20892, 301–435–1243, *begumn@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Health of the Population SBIR Meeting.

Date: February 19–20, 2009.

Time: 7:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn San Francisco Fisherman's Wharf, 1300 Columbus Avenue, San Francisco, CA 94133.

Contact Person: Karin F. Helmers, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, 301–435–1017, *helmersk@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Rare Diseases Clinical Research Consortia.

Date: February 19–20, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jose Fernando Arena, PhD, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–435–1735, *arenaj@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Retinopathy Studies.

Date: February 19, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Raya Mandler, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217, MSC 7840, Bethesda, MD 20892, 301–402–8228, *rayam@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Hematology Integrated Review Group, Hemostasis and Thrombosis Study Section.

Date: February 19, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 W. Mission Bay Drive, San Diego, CA 92109.

Contact Person: Bukhtiar H. Shah, PhD, DVM, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, (301) 435–1233, *shahb@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Hematology Integrated Review Group, Erythrocyte and Leukocyte Biology Study Section.

Date: February 19, 2009.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: George Washington University Inn, 824 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Delia Tang, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, 301–435–2506, *tangd@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Academic-Industry Partnership in Cancer Imaging.

Date: February 19, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 W. Mission Bay Drive, San Diego, CA 92109.

Contact Person: Antonio Sastre, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892, 301–435–2592, *sastrea@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Roadmap HTS Assay Development.

Date: February 19–20, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: James J. Li, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–435–2417, *lijames@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group. Bacterial Pathogenesis Study Section.

Date: February 19–20, 2009.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Kabuki, 1625 Post Street, San Fransico, CA 94115.

Contact Person: Richard G. Kostriken, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, (301) 402–4454, *kostrikr@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Sensory, Motor and Cognitive Neuroscience Fellowship Study Section (FO2B).

Date: February 20, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, NW., Washington, DC 20037.

Contact Person: John Bishop, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250, *bishopj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Methodology and Measurement in the Behavioral and Social Sciences.

Date: February 20, 2009.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Cheri Wiggs, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301) 435–1261, *wiggsc@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Alzheimer's Disease Pilot Clinical Trials.

Date: February 24, 2009.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Estina E. Thompson, MPH, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, 301–496–5749, *thompsone@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 23, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–1970 Filed 1–30–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Notice of Adjustment of Statewide Per Capita Threshold for Recommending a Cost Share Adjustment

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the statewide per capita threshold for recommending cost share adjustments for major disasters declared on or after January 1, 2009, through December 31, 2009, is $122.

DATES: This notice applies to major disasters declared on or after January 1, 2009.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Pursuant to 44 CFR 206.47, the statewide per capita threshold that is used to recommend an increase of the Federal cost share from seventy-five percent (75%) to not more than ninety percent (90%) of the eligible cost of permanent work under section 406 and emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act is adjusted annually. The adjustment to the threshold is based on the Consumer Price Index for All Urban Consumers published annually by the U.S. Department of Labor. For disasters declared on January 1, 2009, through December 31, 2009, the qualifying threshold is $122 per capita of State population.

This adjustment in based on an increase of 0.10 percent in the Consumer Price Index for All Urban Consumers for the 12-month period that ended December 2008. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on January 16, 2009.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Nancy Ward,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. E9–2096 Filed 1–30–09; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Importers of Merchandise Subject to Actual Use Provisions

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0032.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning Importer's of Merchandise Subject to Actual Use Provisions. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before April 3, 2009, to be assured of consideration.

ADDRESSES: Direct all written comments to the U.S. Customs and Border Protection, Attn: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the U.S. Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Importers of Merchandise Subject to Actual Use Provisions.

OMB Number: 1651–0032.

Form Number: None.

Abstract: The Importers of Merchandise Subject to Actual Use Provision of the CBP regulations provides that certain items may be admitted duty-free such as farming implements, seeds, potatoes etc., providing the importer can prove these items were actually used as contemplated by law. The importer must maintain detailed records and furnish a statement of use.

Current Actions: There are no changes to the information collection. This submission is being made to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Individuals, Businesses.

Estimated Number of Respondents: 12,000.

Estimated Number of Total Annual Responses: 12,000.

Estimated Time per Response: 65 minutes.

Estimated Total Annual Burden Hours: 13,000.

Dated: January 7, 2009.

Tracey Denning,

Agency Clearance Officer, Customs and Border Protection.

[FR Doc. E9–2064 Filed 1–30–09; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Transfer of Cargo to a Container Station

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0096.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Transfer of Cargo to a Container Station. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before April 3, 2009, to be assured of consideration.

ADDRESSES: Direct all written comments to the U.S. Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the U.S. Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or recordkeepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Transfer of Cargo to a Container Station.

OMB Number: 1651–0096.

Form Number: None.

Abstract: Before the filing of an entry of merchandise for the purpose of breaking bulk and redelivery of the cargo, containerized cargo may be moved from the place of unlading, or may be received directly at the container station from a bonded carrier after transportation-in-bond. This also applies to loose cargo as part of containerized cargo. The container station operator may make a request for the transfer of a container intact to the station. This is pursuant to the requirements of 19 CFR part 41, 19 CFR part 42, 19 CFR part 44, and 19 CFR part 45.

Current Actions: There are no changes to the information collection. This submission is being made to extend the expiration date.

Type of Review: Extension.

Affected Public: Businesses or other for-profit institutions.

Estimated Number of Respondents: 380.

Estimated Number of Annual Responses per Respondent: 57.

Estimated Total Annual Responses: 21,660.

Estimated Time per Response: 7 minutes.

Estimated Total Annual Burden Hours: 2,513.

Dated: January 7, 2009.

Tracey Denning,

Agency Clearance Officer, Customs and Border Protection.

[FR Doc. E9–2065 Filed 1–30–09; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Country of Origin Marking Requirements for Containers or Holders

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0057.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Country of Origin Marking Requirements for Containers or Holders. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before April 3, 2009, to be assured of consideration.

ADDRESSES: Direct all written comments to the U.S. Customs and Border Protection, Attn: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the U.S. Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or recordkeepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Country of Origin Marking Requirements for Containers or Holders.

OMB Number: 1651–0057.

Form Number: None.

Abstract: Containers or holders imported into the United States destined for an ultimate purchaser must be marked with the English name of the country of origin at the time of importation into Customs territory.

Current Actions: There are no changes to the information collection. This submission is being made to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 250.

Estimated Number of Annual Responses per Respondent: 40.

Estimated Number of Total Annual Responses: 10,000.

Estimated Time per Respondent: 15 seconds.

Estimated Total Annual Burden Hours: 41.

Dated: January 7, 2009.

Tracey Denning,

Agency Clearance Officer, Customs and Border Protection.

[FR Doc. E9–2080 Filed 1–30–09; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Cancellation of Customs Broker License Due to Death of the License Holder

AGENCY: U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General notice.

SUMMARY: Notice is hereby given that, pursuant to Title 19 of the Code of Federal Regulations at section 111.51(a), the following individual Customs broker license and any and all permits have been cancelled due to the death of the broker:

Name	License No.	Port name
David Meth	04820	Los Angeles.

Dated: January 15, 2009.

Daniel Baldwin,

Assistant Commissioner, Office of International Trade.

[FR Doc. E9–2067 Filed 1–30–09; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Cancellation of Customs Broker Licenses

AGENCY: U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General Notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker licenses and all associated permits are cancelled without prejudice.

Name	License No.	Issuing port
Clayton International Forwarders, Inc	14510	Atlanta.
World Trade Cargo & Logistics	13327	Dallas.
James O. Lindsey Co., Ltd	07951	Los Angeles.
Kashmira Vijaiyan	16815	Los Angeles.
Modawest International, Inc	11605	Los Angeles.
Rohde & Liesenfeld, Inc	10499	New York.
Paul Martin Schlechter CHB, Inc	04842	New York.

Dated: January 15, 2009.

Daniel Baldwin,

Assistant Commissioner, Office of International Trade.

[FR Doc. E9–2068 Filed 1–30–09; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–R–2008–N0295; 30136–1265–0000–S3]

Leopold and St. Croix Wetland Management Districts, Wisconsin

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; final comprehensive conservation plan and finding of no significant impact for environmental assessment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of final comprehensive conservation plans (CCP) and finding of no significant impact (FONSI) for the Leopold and St. Croix Wetland Management Districts (WMD). In the CCP, we describe how we will manage these districts for the next 15 years.

ADDRESSES: Copies of the Final CCP and FONSI are available on compact disk or hard copy. You may obtain a copy by writing to: U.S. Fish and Wildlife Service, Division of Conservation Planning, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, MN 55111, or you may view or download a copy of the documents at *http://www.fws.gov/midwest/planning/leopold* and *http://www.fws.gov/midwest/planning/stcroix*.

FOR FURTHER INFORMATION CONTACT: Tom Kerr, St. Croix WMD (715–246–7784), or Steve Lenz, Leopold WMD (608–742–7100).

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we complete the CCP process for Leopold and St. Croix WMDs, which we started in 71 FR 20722 (April 21, 2006). For more about the initiation process, see that notice. We released the draft CCPs and environmental assessments to the public, announcing and requesting comments in a notice of availability in the **Federal Register** (73 FR 43468, July 25, 2008).

Leopold and St. Croix WMDs are located in Wisconsin. Established in 1993, the Leopold WMD manages 53 waterfowl production areas (WPAs) totaling more than 12,000 acres in 17 southeastern Wisconsin counties. The District also administers 48 conservation easements within an eastern Wisconsin area of 34 counties. The St. Croix WMD, also established in 1993, manages 41 WPAs totaling 7,500 acres within an 8-county District of west-central Wisconsin. The District also administers 14 conservation easements. WPAs consist of wetland habitat surrounded by grassland and woodland communities. While WPAs are managed primarily for ducks and geese, they also provide habitat for a variety of other wildlife such as grassland birds, shorebirds, wading birds, mink, muskrat, wild turkey, and deer.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), requires us to develop a comprehensive conservation plan for each national wildlife refuge and wetland management district. The purpose in developing a CCP is to provide managers with a 15-year strategy for achieving district purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, plans identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation.

CCP Alternatives

Our draft CCP and NEPA document (73 FR 43468, July 25, 2008) addressed several priority issues raised by us and others. To address these priority issues, we developed and evaluated 4 alternatives during the planning process.

Alternative 1, Waterfowl Emphasis—Current Management Direction

Under Alternative 1, the activities of the District would continue as in the past with current staffing and resources. The target for each District would be to restore 150 acres of grassland per year. The 15-year target for wetland restoration would be 50 percent of the drained wetlands for Leopold WMD and 75 percent for St. Croix WMD. Up to 20 percent of the woodlands and oak savannah would be inventoried, with the objective of restoring approximately 25 percent of the identified potential savannah. Invasive species would be inventoried and treated, with the recognition that only a small portion of the affected acres would be dealt with. Land acquisition would continue as funds were available, with the intent of establishing larger complexes of wetlands and grasslands. An objective would be to raise the quality of the visitor services programs over time, reaching a higher level of rating within 5 years. Five (Leopold) and two (St. Croix) WPAs would be more fully developed with visitor services facilities. The volunteer and partnership programs would continue at 2008 levels.

Alternative 2, Waterfowl Emphasis, With Increased Consideration for Other Priority Species and Low/Moderate Consideration for Visitor Services

Under Alternative 2, the types of habitat management activities of the Districts would continue, but with more acres affected. Monitoring of habitat and wildlife would increase over current practice. Visitor services would improve about at the rate and extent of current practice. The target for each District would be to restore 200 acres of grassland per year. The 15-year target for wetland restoration would be 75 percent of the drained wetlands for Leopold WMD and 90 percent for St. Croix WMD. Up to 90 percent of the woodlands and oak savannah would be inventoried, with the objective of restoring approximately 75 percent (Leopold) and 80 percent (St. Croix) of the identified potential savannah. Invasive species would be inventoried on 100 percent of the Districts, with control applied to 25 percent (Leopold) and 50 percent (St. Croix) of District lands. Land acquisition would continue as funds were available, with the intent of establishing larger complexes of wetlands and grasslands. An objective would be to raise the quality of the visitor services programs over time, reaching a higher level of rating within 5 years. Five (Leopold) and two (St. Croix) WPAs would be more fully developed with visitor services facilities. The volunteer and partnership programs would increase. Full implementation of this alternative would require the addition of 1.5 full-time equivalents (Leopold) and 2.5 full-time equivalents (St. Croix) to the current staff.

Alternative 3, Waterfowl Emphasis, With Low Increase in Management for Other Wildlife and Increased Consideration for Visitor Services

Under Alternative 3, the types and amounts of habitat management activities undertaken by the Districts would be similar to those in Alternative 1. Visitor services would expand and improve in quality compared with Alternative 1. Outreach activities would also be greater. An objective would be to raise the quality of the visitor services programs over time, reaching two higher levels of rating within 5 years. Seven (Leopold) and four (St. Croix) WPAs would be more fully developed with visitor services facilities. The volunteer and partnership programs would increase. Full implementation of this alternative would require the addition of 1.5 full-time equivalents (Leopold) and 2.5 full-time equivalents (St. Croix) to the current staff.

Alternative 4, Waterfowl Emphasis, With Increased and Balanced Consideration for Other ''Priority'' Species, Their Habitats, Visitor Services and Neighborhood Relationships (Preferred Alternative)

Alternative 4 incorporates components of Alternatives 2 and 3. Under this alternative the types of habitat management activities of the District would continue, but with more acres affected. Monitoring of habitat and wildlife would increase compared with the current practice. Visitor services would expand and improve in quality compared with the current practice. Outreach activities would also be greater. The target for each District would be to restore 200 acres of grassland per year. The 15-year target for wetland restoration would be 75 percent of the drained wetlands for Leopold WMD and 90 percent for St. Croix WMD. Up to 90 percent of the woodlands and oak savannah would be inventoried, with the objective of restoring approximately 75 percent (Leopold) and 80 percent (St. Croix) of the identified potential savannah. Invasive species would be inventoried on 100 percent of the Districts with control applied to 25 percent (Leopold) and 50 percent (St. Croix) of District lands. The Districts would develop a monitoring program to determine waterfowl recruitment. Land acquisition would continue as funds were available, with the intent of establishing larger complexes of wetlands and grasslands. Seven (Leopold) and four (St. Croix) WPAs would be more fully developed with visitor services facilities. The volunteer and partnership programs would increase. Full implementation of this alternative would require the addition of 3.5 full-time equivalents (Leopold) and 3.5 full-time equivalents (St. Croix) to the current staff.

Comments

We solicited comments on the draft CCP and environmental assessment for Leopold and St. Croix WMDs from July 25, 2008 to August 25, 2008. We held an open house in New Richmond, Wisconsin on August 12, 2008 and in Portage, Wisconsin on August 13, 2008, to receive comments. We received 3 written comments during the comment period. We responded to all substantive comments in an appendix to the CCPs.

Our Preferred Alternative

After considering the comments we received, we have chosen Alternative 4 as our preferred alternative.

Management of the Districts for the next 15 years will focus on: (1) Continuing current habitat management activities, but on a greater acreage; (2) increased monitoring of habitat and wildlife; and (3) expanding and improving the quality of visitor services.

Dated: December 14, 2008.

Charles M. Wooley,

Acting Regional Director, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.

[FR Doc. E9–2173 Filed 1–30–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB06000.L10200000. PI0000.L.X.SS.021H0000; HAG–09–0069]

Notice of Public Meetings for the Steens Mountain Advisory Council

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Steens Mountain Cooperative Management and Protection Act of 2000, the Federal Land Policy and Management Act, and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management, Steens Mountain Advisory Council will meet as indicated below.

DATES AND ADDRESSES: The Steens Mountain Advisory Council will meet at the Bureau of Land Management, Burns District Office, 28910 Highway 20 West, Hines, Oregon, 97738, on February 12 and 13, 2009; April 9 and 10, 2009; and December 3 and 4, 2009. A meeting in Bend, Oregon, at the Comfort Inn and Suites, 62065 SE 27th Street, will be held June 4 and 5, 2009, and a meeting September 3 and 4, 2009, will be held at the Frenchglen School, Frenchglen, Oregon. All meeting sessions will begin at 8 a.m. local time, and will end at approximately 4:30 p.m., local time.

SUPPLEMENTARY INFORMATION: The Steens Mountain Advisory Council was appointed by the Secretary of the Interior on August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Pub. L. 106–399) and re-chartered in August 2005 and again in August 2007. The Steens Mountain Advisory Council's purpose is to provide representative counsel and advice to the Bureau of Land Management regarding new and unique approaches to management of the land within the bounds of the Steens Mountain Cooperative Management and Protection Area; cooperative programs and incentives for landscape management that meet human needs, maintain and improve the ecological and economic integrity of the area; and preparation and implementation of a management plan for the Steens Mountain Cooperative Management and Protection Area.

Topics to be discussed by the Steens Mountain Advisory Council at these meetings include the Steens Mountain Comprehensive Recreation Plan; North Steens Ecosystem Restoration Project implementation; Science Strategy; South Steens Water Development Project Environmental Assessment; easements and acquisitions; In-holder Access Environmental Assessment; and categories of interest such as wildlife, special designated areas, partnerships/programs, cultural resources, education/interpretation, volunteer-based information, adaptive management and socioeconomics; and other matters that may reasonably come before the Steens Mountain Advisory Council.

All meetings are open to the public in their entirety. Information to be distributed to the Steens Mountain Advisory Council is requested prior to the start of each Steens Mountain Advisory Council meeting. Public comment is generally scheduled for 11 a.m. to 11:30 a.m., local time, both days of each meeting session. The amount of time scheduled for public presentations and meeting times may be extended when the authorized representative considers it necessary to accommodate all who seek to be heard regarding matters on the agenda.

Under the Federal Advisory Committee Act management regulations (41 CFR 102–3.15(b)), in exceptional circumstances an agency may give less than 15 days notice of committee meeting notices published in the **Federal Register**. In this case, this notice is being published less than 15 days prior to the meeting due to the urgent need to meet legal requirements for completion of the Steens Mountain Travel Management Plan/Environmental Assessment.

FOR FURTHER INFORMATION CONTACT: Christi Courtemanche, Bureau of Land Management, Burns District Office, 28910 Highway 20 West, Hines, Oregon, 97738 (541) 573–4541 or *Christi_Courtemanche@blm.gov*.

Dated: January 26, 2009.

Brendan Cain,

District Manager.

[FR Doc. E9–2171 Filed 1–30–09; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: Heard Museum, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the Heard Museum, Phoenix, AZ that meet the definition of ''sacred objects'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

In the early 1900s, cultural items were collected by the Fred Harvey Company and donated to the Heard Museum by the Fred Harvey Corporation in 1978. The five cultural items are one lot of three ceramic jars with mesh sleeves and two canvas pouches which are part of an altar setting (635P); one lot of a white stone mountain lion fetish and hide medicine pouch (1458CI); one lot of three stone fetishes and a hide pouch (1692CI); one stone fetish used by Zuni medicine societies, circa 1934 (1704CI); and one lot that consists of a Pueblo II period ceramic paint jar, hide pouch, ceramic bowl, and 16 peyote fetishes, circa 1900 (1746CI).

In 1975, two cultural items were donated to the Heard Museum by Mr. C.G. Wallace. The two cultural items consist of a stone fetish (NA-SW-ZU-F–92) and a carved horn fetish or container (NA-SW-ZU-F–93).

In 1974, two cultural items were donated to the Heard Museum by Woodar's Indian Arts. The two cultural items are a pair of wrapped feathers (NA-SW-ZU-I–3a,b) and a feather fetish (NA-SW-ZU-I–4). The cultural items are associated with the Zuni medicine society.

On March 15, 1996, and October 17, 2008, representatives of the Zuni Tribe of the Zuni Reservation, New Mexico consulted with museum staff, examined the collections and determined that the above-described objects were sacred objects needed by Zuni religious leaders for the practice of traditional Native American religion, and eligible for repatriation under NAGPRA.

Officials of the Heard Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(C), the nine cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Heard Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and the Zuni Tribe of the Zuni Reservation, New Mexico.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the sacred objects should contact Frank Goodyear, Jr., Director, Heard Museum, 2301 N. Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, before March 4, 2009. Repatriation of the sacred objects to the Zuni Tribe of the Zuni Reservation, New Mexico may proceed after that date if no additional claimants come forward.

The Heard Museum is responsible for notifying the Hopi Tribe of Arizona; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta Del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: December 31, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2126 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: Western Reserve Historical Society, Cleveland, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the Western Reserve Historical Society, Cleveland, OH, that meets the definitions of ''unassociated funerary objects,'' and ''sacred objects'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

The eight objects are one shaman crown or headdress (No number); one shaman bone necklace (No number); one bear bone amulet (Accession 42.417); one spirit chaser bone amulet (No number, possibly Accession 427); one kushdakka bone amulet (Accession 427); one raven bone amulet (Accession 427); one eel bone amulet (Accession 427); and one ivory burial figure (Accession 42.1255).

The Western Reserve Historical Society was founded in 1867, and until 1940 records for accessions were scant or non-existent. Starting in 1894, book numbers were assigned consecutively to objects. This practice was terminated in 1940. From 1940–1943, a large-scale inventory of the Society's holdings was conducted and accession numbers were assigned to those objects with no prior book number or provenience. No cultural affiliation is listed in the original accession and catalog records for the eight cultural items. Photographs of the items and copies of catalog records were sent to various Alaskan Native Villages and Corporations. Collaboration with the Cleveland Museum of Natural History aided in the cultural identification of the cultural items to the Tlingit and Haida.

The burial figure (42.1255) does not have specific provenience information other than a catalog card that states ''burial figure taken from elevated grave in Alaska.'' Based on museum records and consultation with representatives of the Central Council of the Tlingit & Haida Indian Tribes, officials of the Western Reserve Historical Society have determined that the cultural item is an unassociated funerary object, and culturally affiliated with the Tlingit.

The shaman headdress and necklace were unfortunately overlooked in the 1940 inventory process and remain without an accession number. No provenience information has been found in the records. However, based on consultation with the Central Council of the Tlingit & Haida Indian Tribes, the two cultural items have been determined to be sacred objects, and culturally affiliated with the Tlingit.

In 1915, the bear amulet (42.417) was given to the Western Reserve Historical Society. The cultural item is from the Ben G. Goodman collection. Mr. Goodman, a former resident of Cleveland, spent 16 years as a fur trapper and resident of Nome, AK.

In April 1916, the estate of Colonel Orlando John Hodge of Cleveland was donated to the Western Reserve Historical Society. The accession register lists ''four carved ivory amulets,'' which are reasonably believed to be these four ivory amulets (Accession 427). Col. Hodge's connection to Alaska and how he acquired the amulets is unknown. However, based on consultation with the Central Council of the Tlingit & Haida Indian Tribes, the two cultural items have been determined to be sacred objects, and culturally affiliated with the Tlingit.

The Central Council of the Tlingit & Haida Indian Tribes further identified the headdress, necklace, and amulets as shaman (or ixt') objects, and as such sacred objects. Evidence given during consultation with the Central Council of the Tlingit & Haida Indian Tribes have indicated that shaman objects would have been buried with the shaman, and are therefore, funerary objects. Finally, consultation evidence of Tlingit property rights state that shaman sacred objects are also considered property of the clan. However, the specific shaman(s) and the clan(s) are unknown for the cultural items described in this notice.

Officials of the Western Reserve Historical Society have determined that, pursuant to 25 U.S.C. 3001(3)(B), the eight cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the Western Reserve Historical Society also have determined that, pursuant to 25 U.S.C. 3001 (3)(C), the seven cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Lastly, officials of the Western Reserve Historical Society have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be

reasonably traced between the unassociated funerary objects and sacred objects and the Central Council of the Tlingit & Haida Indian Tribes.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects and/or sacred objects should contact Danielle Routhier Peck, Senior Registrar, Western Reserve Historical Society, 10825 East Boulevard, Cleveland, OH 44106, telephone (216) 721–5722 extension 262, before March 4, 2009. Repatriation of the unassociated funerary objects and sacred objects to the Central Council of the Tlingit & Haida Indian Tribes may proceed after that date if no additional claimants come forward.

The Western Reserve Historical Society is responsible for notifying the Central Council of Tlingit & Haida Indian Tribes, Huna Heritage Foundation, and Sealaska Heritage Institute that this notice has been published.

Dated: December 24, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2114 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the University of Denver Department of Anthropology and Museum of Anthropology, Denver, CO, and in the Control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and in the possession of the University of Denver Department of Anthropology and Museum of Anthropology, Denver, CO. The human remains were removed from Navajo County, AZ and San Juan County, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the human remains. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the Notice of Inventory Completion published in the **Federal Register** (67 FR 9002–9003, February 27, 2002) because officials of the University of Denver Department of Anthropology and Museum of Anthropology have determined that the cultural affiliation conclusions for the human remains referenced in the notice are incorrect, as defined at 25 U.S.C. 3001 (2). After further consideration of the evidence, museum officials have determined that the human remains (DU 6014 and DU 6056) removed from Shiprock, San Juan County, NM, are of Native American ancestry, but that, pursuant to 25 U.S.C. 3001 (2), there is not sufficient available evidence that can lead to a reasonable assignment of a shared group relationship with any present-day Indian tribe. Furthermore, the human remains (DU 6000) removed from Marsh Pass, Navajo County, AZ, have a cultural affiliation that can be narrowed specifically to the Navajo Nation, Arizona, New Mexico & Utah.

The February 27, 2002 notice, pursuant to 43 C.F.R. 10.2 (e), identified a relationship of shared group identity that could be reasonably traced between the Native American human remains removed from both sites to the Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico & Utah; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta Del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. Since February 27, 2002, museum officials contracted a research archeologist and conducted additional consultations with representatives of the Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico & Utah; Okhay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico. The museum also sent reports and solicited feedback via telephone and correspondence with representatives from the Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Pueblo of Picuris, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Santo Domingo, New Mexico; and Ysleta del Sur Pueblo of Texas.

The human remains (catalog numbers DU 6014 and DU 6056) were removed from Shiprock, San Juan County, NM, possibly by Dr. E.B. Renaud, founder of the University of Denver Department of Anthropology. These two sets of remains have been interpreted by a physical anthropologist as being the remains of one individual, based on the similar coloring and size of the bones as well as their provenience. Renaud noted that the skull is probably male–an adult about 40 years of age–and shows evidence of cradleboarding. While officials at the University of Denver Department of Anthropology and Museum of Anthropology recognize that scholars have historically attributed the activity of cradleboarding to the Pueblo Tribes, Pueblo consultants cited other examples of people who used cradleboards. In addition, Shiprock, NM is an area that was visited and inhabited by a number of tribes over time. In the absence of specific archeological dates or material culture, tribal representatives did not accept the determination that cranial flattening was specifically a Puebloan cultural practice.

Without further information regarding archeological context, dating or material culture, museum officials have determined that the evidence surrounding the human remains (DU 6014 and DU 6056) did not provide enough data to assign cultural affiliation. However, the human remains (DU 6000) removed from Navajo County, AZ, have a cultural affiliation that can be narrowed specifically to the Navajo Nation. This conclusion was supported by tribal information and expert opinion.

Therefore, based on expert opinion, additional research, and tribal information, the changes to cultural affiliation in the **Federal Register** notice of February 27, 2002, is corrected by

deleting paragraphs 6 to 8, and replacing paragraphs 4, 5, 9 and 10 with the following paragraphs:

In 1953, human remains representing a minimum of one individual (catalog number DU 6000) were removed from Marsh Pass, Navajo County, AZ, by Arnold Withers, a University of Denver Department of Anthropology faculty member, who donated the remains to the University of Denver Museum of Anthropology that same year. No field notes exist for these remains. No known individual was identified. No associated funerary objects are present.

Marsh Pass is on the Navajo Reservation. The human remains were found in a deserted hogan. According to the scientific literature, hogans are a Navajo form of habitation, and under certain circumstances are also traditional Navajo burial places. Tribal information also largely supports a Navajo affiliation. The preponderance of the evidence, including archeology, architecture, oral traditions, and expert opinion, indicates that a relationship of shared group identity can be reasonably traced between the human remains and the Navajo Nation, Arizona, New Mexico & Utah.

Officials of the Bureau of Indian Affairs and University of Denver Department of Anthropology and Museum of Anthropology have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of a minimum of one individual of Native American ancestry. Officials of the Bureau of Indian Affairs and University of Denver Department of Anthropology and Museum of Anthropology have also determined that, based on the preponderance of the evidence, pursuant to 25 U.S.C. 3001 (2), a relationship of shared group identity can be reasonably traced between the Native American human remains and the Navajo Nation, Arizona, New Mexico & Utah.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Christina Kreps, University of Denver Museum of Anthropology, Sturm 146, Denver, CO 80208, telephone (303) 871–2688, before March 4, 2009. Repatriation of the human remains to the Navajo Nation, Arizona, New Mexico & Utah may proceed after that date if no additional claimants come forward.

The University of Denver Museum of Anthropology is responsible for notifying the Bureau of Indian Affairs; Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico & Utah; Okhay Owingeh, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta Del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: January 5, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2111 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Raymond M. Alf Museum of Paleontology, Claremont, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the Raymond M. Alf Museum of Paleontology, Claremont, CA. The human remains were removed from Kern County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Raymond M. Alf Museum of Paleontology professional staff and University of California, Los Angeles professional staff member Archeologist Gail Kennedy, in consultation with representatives of the Santa Rosa Indian Community of the Santa Rosa Rancheria, California (Tachi Yokut Tribe).

At an unknown date, human remains representing a minimum of six individuals were removed from the Kern Valley area near Kernville, Kern County, CA. No known individuals were identified. No associated funerary objects are present.

The Kern Valley area is near Kernville, Kern County, in the Central California area. Museum officials reasonably believe, based on locations where the museum has previously collected non-paleontological specimens, that these six individuals may have been collected from the same area associated with another individual described in a published Notice of Inventory Completion in the **Federal Register** (73 FR 34318, June 17, 2008), although at the time of publication the museum was unable to relate the six individuals in this notice to that individual. However, officials of the Raymond M. Alf Museum have subsequently determined that the six individuals in this notice are probably from the same area, and possibly the same site as the individual in the June 17, 2008 notice, based on two separate analyses, museum collection history, and tribal consultation.

An investigation of the human remains conducted by Dr. Gail Kennedy, Physical Anthropologist, University of California, Los Angeles, determined that the individuals were California Native American based on dental wear. Tribal representatives of the Santa Rosa Rancheria conducted a second analysis, and independently concluded that the human remains are Native American.

The Kern Valley site is most likely either the habitation site of the Tubatulabal from which the individual in the June 17, 2008 notice had been removed, or a similar site. The Tubatulabal were loosely organized into three discrete bands called Pahkanapil, Palagewan, and Bankalachi (Smithsonian Institution, *Handbook of North American Indians*, Book 8, 1978). The Tubatulabal are considered Kern River Indians, speak an Uto-Aztecan language, and live in the Kern River/Lake Isabella area, which includes the south fork (Palagewan) and the lower Kern River below the south fork (Tubatulabal). Their neighbors are the Kawaiisu and the Yokuts. The Bankalachi, who were located a few miles from the Palagewan, resided in Yokuts territory.

In 1857, the Kern River gold rush began in Palagewan territory. During 1862, a few Tubatulabal joined the Owens Valley Paiute in hostilities against the Whites, and about this time, a group of Koso Indians settled in the Tubatulabal area, intermarrying with the

Kawaiisu. In 1863, soldiers of the U.S. Army killed 35–40 Tubatulabal and Palagewan men near Kernville. Starting in 1865, the Tubatulabal began to practice agriculture and in 1893, the majority of them and a few Palagewan survivors were allotted land in the South Fork and Kern Valleys. From 1900 to 1972, many Tubatulabals moved to the Tule River Indian Reservation, north of the Kern valley region. It is reasonably believed that those that survived intermarried with the Yokuts in the Kern County area. Descendants of these Yokuts are members of the Federally-recognized Santa Rosa Indian Community of the Santa Rosa Rancheria, California and Tule River Indian Tribe of the Tule River Reservation, California.

Officials of the Raymond M. Alf Museum of Paleontology have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of six individuals of Native American ancestry. Officials of the Raymond M. Alf Museum of Paleontology also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Santa Rosa Indian Community of the Santa Rosa Rancheria, California and Tule River Indian Tribe of the Tule River Reservation, California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Don Lofgren, Director, Raymond M. Alf Museum of Paleontology, 1175 West Baseline Road, Claremont, CA 91711, telephone (909) 624–2798, before March 4, 2009. Repatriation of the human remains to the Santa Rosa Indian Community of the Santa Rosa Rancheria, California may proceed after that date if no additional claimants come forward.

The Raymond M. Alf Museum of Paleontology is responsible for notifying the Santa Rosa Indian Community of the Santa Rosa Rancheria, California and Tule River Indian Tribe of the Tule River Reservation, California that this notice has been published.

Dated: January 9, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2124 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA and Northwest Museum of Arts and Culture, Spokane, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, Seattle, WA, and in the physical custody of the Northwest Museum of Arts and Culture, Spokane, WA. The human remains were most likely removed from Grant County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Burke Museum professional staff in consultation with representatives of the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-Federally recognized Indian group.

Between 1939–1940, human remains representing a minimum of one individual were removed from an unknown area most likely within Grant County, WA, by Warren T. Lee (Accn#2008–184). Mr. Lee was an amateur archeologist working along the Columbia River, near Vantage, Grant County, WA, between 1938 and 1954. In 1950, the human remains were received by the Burke Museum. They were later mistakenly transferred to the Cheney Cowles Museum (now the Northwest Museum of Arts and Culture), as part of a return of a loan of human remains from the Collier, Hudson, and Ford collection. The Northwest Museum of Arts and Culture identified the human remains of this individual during their NAGPRA inventory. No known individual was identified. No associated funerary objects are present.

Early and late published ethnographic documentation indicates that the Vantage area was the aboriginal territory of the Moses-Columbia or Sinkiuse, Yakima, and Wanapum (Daugherty 1973, Miller 1998, Mooney 1896, Ray 1936, Spier 1936), whose descendents are represented today by the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-Federally recognized Indian group.

Officials of the Burke Museum have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Burke Museum have also determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-Federally recognized Indian group. Furthermore, officials of the Burke Museum have determined there is a cultural relationship between the human remains and the Wanapum Band, a non-Federally recognized Indian group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Megon Noble, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195–3010, telephone (206) 685–3849, before March 4, 2009. Repatriation of the human remains to the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-Federally recognized Indian group, may proceed after that date if no additional claimants come forward.

The Burke Museum is responsible for notifying the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-Federally recognized Indian group, that this notice has been published.

Dated: January 9, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2116 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Santa Fe, NM and Maxwell Museum of Anthropology, University of New Mexico, Albuquerque, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the U.S. Department of Agriculture, Forest Service, Santa Fe National Forest, Santa Fe, NM, and in the possession of the Maxwell Museum of Anthropology, University of New Mexico, Albuquerque, NM. The human remains were removed from site BJ 74 (LA 38962), Sandoval County, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Santa Fe National Forest and the Maxwell Museum of Anthropology professional staff in consultation with representatives of the Pueblo of Jemez, New Mexico.

Between 1939 and 1949, human remains representing a minimum of seven individuals were removed from BJ 74 (LA 38962) in Sandoval County, NM, during legally authorized excavations undertaken by the University of New Mexico's Archaeological Field School. Subsequent to the excavations, the human remains and other archeological materials were removed without notification to the Forest Service to Grinnell College, Grinnell, IA, for analysis and preparation of a site excavation report. In the summer of 2007, Grinnell College had the human remains and artifacts delivered to the Maxwell Museum of Anthropology, who promptly notified the Forest Service of the existence of the collection. No known individuals were identified. No associated funerary objects are present.

Site BJ 74 (LA 38962) has been identified as an early historic Puebloan habitation site based on ceramics, architecture, and site organization. The site was occupied during the mid–16th century to the late 17th century A.D. Continuities of ethnographic materials, technologies, and architecture indicate the affiliation of this site with the present-day Pueblo of Jemez. Oral traditions of the Pueblo of Jemez support affiliation with early historic Puebloan sites in this area of north-central New Mexico.

Officials of the U.S. Department of Agriculture, Forest Service, Santa Fe National Forest have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of seven individuals of Native American ancestry. Officials of the U.S. Department of Agriculture, Forest Service, Santa Fe National Forest have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Pueblo of Jemez, New Mexico.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, U.S. Department of Agriculture, Forest Service, 333 Broadway Blvd. SE, Albuquerque, NM 87102, telephone (505) 842–3238, before March 4, 2009. Repatriation of the human remains to the Pueblo of Jemez, New Mexico may proceed after that date if no additional claimants come forward.

The U.S. Department of Agriculture, Forest Service, Santa Fe National Forest is responsible for notifying the Pueblo of Jemez, New Mexico that this notice has been published.

Dated: January 5, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2143 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: U.S. Department of Defense, Air Force, Vandenberg Air Force Base, CA and University of California, Santa Barbara, Repository of Archaeological and Ethnographic Collections, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and an associated funerary object in the control of the U.S. Department of Defense, Air Force, Vandenberg Air Force Base, CA, and in the physical custody of the University of California, Santa Barbara, Repository for Archaeological and Ethnographic Collections, Santa Barbara, CA. The human remains and associated funerary object were removed from the Vandenberg Air Force Base, Santa Barbara County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary object. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made for the Vandenberg Air Force Base through a contracting Physical Anthropologist with the Department of Anthropology, University of California, Santa Barbara, and in consultation with representatives of the Santa Ynez Chumash Mission Indians of the Santa Ynez Reservation, California.

In the early 1970s, human remains representing a minimum of one individual were collected from the surface of CA–SBA–209, located near Point Arguello on Vandenberg Air Force Base, Santa Barbara County, CA, by L. Spanne, as part of Air Force commissioned archeological reconnaissance work. No known individual was identified. No associated funerary objects are present.

A single radiocarbon date (7890 BP) from site CA–SBA–209, dates the human remains to within the Early Period.

In the 1970s, human remains representing a minimum of three individuals were collected from the surface of CA–SBA–734, located in the Casmalia Hills in the northern part of Vandenberg Air Force Base, Santa Barbara County, CA, by L. Spanne and crew, during Air Force commissioned work. No known individuals were identified. No associated funerary objects are present.

Based on the excavated artifacts from the site, but that are not associated funerary objects, CA–SBA–734 has been dated to the Middle Period (A.D. 700–900).

In 1974, human remains representing a minimum of one individual were excavated from CA–SBA–210, located on the south side of Point Arguello on

Vandenberg Air Force Base, Santa Barbara County, CA, by M. Glassow, University of California, Santa Barbara, under contract to the Air Force. No primary burials were identified in the field; instead the human remains were identified during the examination of faunal material in the laboratory. No known individual was identified. No associated funerary objects are present.

Although site CA–SBA–210 was occupied during all major time periods, the presence of glass trade beads indicates its occupation after European contact (post–A.D. 1500).

Between 1969–1973, human remains representing a minimum of one individual were collected from the surface of CA–SBA–210, located on the south side of Point Arguello on Vandenberg Air Force Base, Santa Barbara County, CA, by L. Spanne, as part of Air Force commissioned archeological reconnaissance work. No known individual was identified. No associated funerary objects are present.

Artifactual evidence indicates that site CA–SBA–210 was occupied throughout Santa Barbara prehistory and into the Mission Period. The age of the human remains is not clear.

In 1974, human remains representing a minimum of two individuals were excavated from CA–SBA–539, located on the south side of Honda Canyon on Vandenberg Air Force Base, Santa Barbara County, CA, by M. Glassow, University of California, Santa Barbara, under contract with the Air Force. No discrete burials were identified in the field; instead the human remains were identified during the examination of faunal materials in the laboratory. No known individuals were identified. No associated funerary objects are present.

Radiocarbon dates from site CA-SBA–539 indicate a Middle Period occupation from 930–560 B.C.

In 1974, human remains representing a minimum of one individual were excavated from CA–SBA–551, located just north of Point Arguello on Vandenberg Air Force Base, Santa Barbara County, CA, by M. Glassow, University of California, Santa Barbara, under contract with the Air Force. No discrete burials were identified in the field; instead the human remains were identified during the examination of faunal material in the laboratory. No known individual was identified. No associated funerary objects are present.

Radiocarbon dates from site CA–SBA–551 indicate a date of occupation from 250 B.C.–A.D. 1260 (Middle to Late Periods).

In 1974, human remains representing a minimum of one individual were excavated from CA–SBA–552, located on the east bank of Agua Vina Creek on Vandenberg Air Force Base, Santa Barbara County, CA, by M. Glassow, University of California, Santa Barbara, under contract with the Air Force. No discrete burials were identified in the field; instead human remains were identified during the examination of faunal materials in the laboratory. No known individual was identified. No associated funerary objects are present.

Radiocarbon dates for site CA–SBA–552 suggest an early date of 5600–5150 B.C.

In 1974, human remains representing a minimum of one individual were excavated from CA–SBA–931, located near the coast northeast of Surf Railroad Station on Vandenberg Air Force Base, Santa Barbara County, CA, by M. Glassow, University of California, Santa Barbara, under contract with the Air Force. No discrete burials were identified in the field; instead human remains were identified during the examination of faunal material in the laboratory. No known individual was identified. No associated funerary objects are present.

Radiocarbon dates from site CA–SBA–931 indicate the presence of two temporally distinct occupations (8860–9220 BP and 2460–2300 BP).

In 1987, human remains representing a minimum of two individuals were removed from CA–SBA–225, located on Vandenberg Air Force Base, Santa Barbara County, CA. No known individuals were identified. The one associated funerary object is an Olivella shell bead.

In December 2006, Vandenberg Air Force professional staff conducted an inspection of its archeological collection that is curated at the Repository for Archaeological and Ethnographic Collections, University of California, Santa Barbara. The human remains described in this notice were removed from archeological sites located on Vandenberg Air Force Base during excavations and recoveries conducted between 1969 and 1987. In 2007, Vandenberg Air Force contracted with a Physical Anthropologist from the University of California, Santa Barbara to conduct osteological tests and inventory human remains at the Repository. Tests proved that the human remains were Native American. In 2008, the associated funerary object described in this notice was identified. Additional Native American human remains and associated funerary objects removed from Vandenberg Air Force Base between 1991 and 1994, and curated at the Repository have been described in a Notice of Intended Disposition published in 2008.

Consultation evidence from representatives of the Santa Ynez Chumash Mission Indians of the Santa Ynez Reservation, California, supports the determination of the human remains as Native American, and that the removals were from sites that are known Chumash cultural sites predating contact with the Spanish. Also consistent with pre-contact Chumash burials are the associated funerary object described in this notice, and the others removed during the 1991–1994 excavations. Based on archeological, osteological, and consultation evidence, officials at Vandenberg Air Force Base have reasonably determined the human remains to have a shared group relationship with the Santa Ynez Chumash Mission Indians of the Santa Ynez Reservation, California.

Officials at Vandenberg Air Force Base have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 13 individuals of Native American ancestry. Officials at Vandenberg Air Force Base also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the one object described above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials at Vandenberg Air Force Base have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the associated funerary object and the Santa Ynez Chumash Mission Indians of the Santa Ynez Reservation, California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary object should contact Beth McWaters-Bjorkman, 30 CES/CEVNC, 1028 Iceland Ave., Vandenberg Air Force Base, CA 93437–6010, telephone (805) 606–0533, before March 4, 2009. Repatriation of the human remains and associated funerary object to the Santa Ynez Chumash Mission Indians of the Santa Ynez Reservation, California may proceed after that date if no additional claimants come forward.

The Vandenberg Air Force Base is responsible for notifying the Santa Ynez Chumash Mission Indians of the Santa Ynez Reservation, California that this notice has been published.

Dated: December 31, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2117 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Binghamton University, State University of New York, Binghamton, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of Binghamton University, State University of New York, Binghamton, NY. The human remains and associated funerary objects were removed from the Susquehanna Valley, Delaware County, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Binghamton University, State University of New York professional staff in consultation with representatives of the Delaware Nation, Oklahoma; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Saint Regis Mohawk Tribe, New York (formerly the St. Regis Band of Mohawk Indians of New York); and Mohawk Nation Council of Chiefs, a non-Federally recognized Indian group.

In 1974, human remains representing a minimum of two individuals were removed from the vicinity of the Sidney Airport site (SUBi–094) in Delaware County, NY. The human remains were uncovered during construction of the Interstate–88 highway. An individual, named Robert Dann (possibly a construction worker), gave the human remains to archeologists who were working nearby at the Sidney Airport site. No known individuals were identified. The 50 associated funerary objects are 45 pottery sherds (FS 377–01), 3 hammerstones (FS 377–03), 1 pitted stone (FS 377–04), and 1 worked stone (FS 377–08).

The artifacts are determined to be associated funerary objects based on museum records. A note in the files of the Public Archaeology Facility states that these artifacts were from the burial pit, supporting a determination that the human remains are Native American. The pottery is culturally unidentifiable, although classified as Owasco Herringbone, Kelso Corded, Castle Creek Incised, Castle Creek Beaded, and Oak Hill Corded (A.D. 1100–1450). Based on the pottery, the officials of Binghamton University cannot demonstrate that the people represented in this collection had a shared cultural identity with the Mohawk or any other present-day Indian Tribe. However, there is probably a general relationship to early regional groups, some of whom later became known as the Haudenosaunee Confederacy, a non-Federally recognized Indian group.

Officials of Binghamton University have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of two individuals of Native American ancestry. Officials of Binghamton University also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 50 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of Binghamton University have determined that, pursuant to 25 U.S.C. 3001 (2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.

The Native American Graves Protection and Repatriation Review Committee (Review Committee) is responsible for recommending specific actions for disposition of culturally unidentifiable human remains. On August 3, 2007, the Mohawk Nation Council of Chiefs and Saint Regis Mohawk Tribe submitted a request to Binghamton University for disposition of the culturally unidentifiable human remains and associated funerary objects from the Sidney Airport site. The Mohawk Nation Council of Chiefs and Saint Regis Mohawk Tribe have stated that they have a responsibility for caring for the human remains of any Native American ancestors buried within their historical aboriginal territory. On September 19, 2007, Binghamton University petitioned the Review Committee concerning the Mohawk's request for disposition of the individuals and associated funerary objects determined to be ''culturally unidentifiable.'' Included in the petition were letters of concurrence from the Delaware Nation, Oklahoma; Oneida Nation of New York; and Oneida Tribe of Indians of Wisconsin.

The Review Committee considered the request at its October 15–16, 2007 meeting and recommended disposition of the human remains and associated funerary objects to the St. Regis Mohawk Tribe, New York, as the aboriginal occupant of the area encompassing the Sidney Airport site. A November 28, 2007 letter on behalf of the Secretary of the Interior from the Designated Federal Official, transmitted the authorization for the university to effect disposition of the culturally unidentifiable individuals to the St. Regis Mohawk Tribe, New York contingent on the publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and/or associated funerary objects should contact Nina M. Versaggi, Public Archaeology Facility, Binghamton University, Binghamton, NY 13902–6000, telephone (607) 777–4786, before March 4, 2009. Repatriation of the human remains and/or associated funerary objects to the Saint Regis Mohawk Tribe, New York, on behalf of themselves and the Mohawk Nation Council of Chiefs, a non-Federally recognized Indian group, may proceed after that date if no additional claimants come forward.

Binghamton University is responsible for notifying the Delaware Nation, Oklahoma; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Saint Regis Mohawk Tribe, New York; and Mohawk Nation Council of Chiefs, a non-Federally recognized Indian group that this notice has been published.

Dated: December 18, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2118 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Binghamton University, State University of New York, Binghamton, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of Binghamton University, State University of New York, Binghamton, NY. The human remains were removed from the Susquehanna Valley, Delaware County, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Binghamton University, State University of New York professional staff in consultation with representatives of the Delaware Nation, Oklahoma; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Saint Regis Mohawk Tribe, New York (formerly the St. Regis Band of Mohawk Indians of New York); and Mohawk Nation Council of Chiefs, a non-Federally recognized Indian group.

In 1973, human remains representing a minimum of five individuals were removed from the Hoyt West site (SUBi–085) in Delaware County, NY. The human remains were uncovered accidentally by Lane Construction during construction of the Interstate–88 highway. Construction workers gave the human remains to archeologists who were working nearby the site. No known individuals were identified. No associated funerary objects are present.

Partial excavations and surface collections occurred at Hoyt West as part of salvage operations during the Interstate–88 construction project. Undiagnostic precontact artifacts (mostly lithics) and historic artifacts (mostly European-made ceramics) were found at the site. Local collectors reported finding slate pendants in the area. During construction, the topsoil was stripped and employees of the contractor found fragmented human remains. While some fire-reddened areas were noted by archeologists, no burial features were exposed. Analysis by a bioarcheologist found that some individuals had Native American, African, and European traits. Historical artifacts, the mixture of biological traits, oral history, and a Haudenosaunee map of aboriginal lands indicate that this site is located within a region that was the territory of the Mohawk during the early Historic Period. The human remains from the Hoyt West site are determined to be culturally affiliated with the present-day descendants of the Mohawk represented by the Akwesasne Mohawk community composed of the Saint Regis Mohawk Tribe, New York and Mohawk Nation Council of Chiefs, a non-Federally recognized Indian group.

Officials of Binghamton University have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of five individuals of Native American ancestry. Officials of Binghamton University also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Saint Regis Mohawk Tribe, New York, and Mohawk Nation Council of Chiefs, a non-Federally recognized Indian group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Nina M. Versaggi, Public Archaeology Facility, Binghamton University, Binghamton, NY 13902–6000, telephone (607) 777–4786, before March 4, 2009. Repatriation of the human remains to the Saint Regis Mohawk Tribe, New York, on behalf of themselves and the Mohawk Nation Council of Chiefs, a non-Federally recognized Indian group, may proceed after that date if no additional claimants come forward.

Binghamton University is responsible for notifying the Delaware Nation, Oklahoma; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Saint Regis Mohawk Tribe, New York; and Mohawk Nation Council of Chiefs, a non-Federally recognized Indian group that this notice has been published.

Dated: December 18, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2125 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Oregon State University, Department of Anthropology, Corvallis, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of Oregon State University, Department of Anthropology, Corvallis, OR. The human remains were removed from an unknown site in eastern Oregon.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Oregon State University Department of Anthropology professional staff in consultation with representatives of the Confederated Tribes of the Umatilla Indian Reservation, Oregon. The Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon; Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon; Confederated Tribes of the Grande Ronde Community of Oregon; Confederated Tribes of the Siletz Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Coquille Tribe of Oregon; Cow Creek Band of Umpqua Indians of Oregon; Klamath Tribes, Oregon; and Nez Perce Tribe of Idaho were notified, but did not participate in consultations about the human remains described in this notice.

On an unknown date, human remains representing a minimum of one individual were removed from Eastern Oregon. No known individual was identified. No associated funerary objects are present.

The first record of the human remains occurred during an inventory in 1976. At that time, the human remains were recorded with the origins ''E. Oregon.'' No additional information regarding the accession of the human remains is available. In 2006, the human remains were identified as Native American by departmental physical anthropology faculty based on characteristics of cranial bone structure.

The Confederated Tribes of the Umatilla Indian Reservation ceded 6.4 million acres to the U.S. Government, including southeast Washington and northeast Oregon. Traditional use lands of the Confederated Tribes of the Umatilla Indian Reservation have extended beyond those boundary areas. Tribal representatives of the Confederated Tribes of the Colville

Reservation concur that the Confederated Tribes of the Umatilla Indian Reservation occupied the areas of southeast Washington and northeast Oregon. Officials of the Oregon State University, Department of Anthropology reasonably believe that the human remains are from an area that was occupied by the ancestors of members of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

Officials of the Oregon State University, Department of Anthropology have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Oregon State University, Department of Anthropology also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. David McMurray, Oregon State University Department of Anthropology, 238 Waldo Hall, Corvallis, OR 97331, telephone (541) 737–3850, before March 4, 2009. Repatriation of the human remains to the Confederated Tribes of the Umatilla Indian Reservation, Oregon may proceed after that date if no additional claimants come forward.

The Oregon State University, Department of Anthropology is responsible for notifying the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon; Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon; Confederated Tribes of the Grande Ronde Community of Oregon; Confederated Tribes of the Siletz Reservation, Oregon; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Coquille Tribe of Oregon; Cow Creek Band of Umpqua Indians of Oregon; Klamath Tribes, Oregon; and Nez Perce Tribe of Idaho that this notice has been published.

Dated: January 5, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2123 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Oregon State University, Department of Anthropology, Corvallis, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of Oregon State University, Department of Anthropology, Corvallis, OR. The human remains were removed from Clark County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Oregon State University, Department of Anthropology professional staff in consultation with representatives of the Confederated Tribes of the Chehalis Reservation, Washington; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Siletz Reservation, Oregon; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Cowlitz Indian Tribe, Washington; Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington; Nisqually Indian Tribe of the Nisqually Reservation, Washington; Snoqualmie Tribe, Washington; Spokane Tribe of the Spokane Reservation, Washington; Stillaguamish Tribe of Washington; and the Clatsop-Nehalem Confederated Tribes of Oregon, a non-Federally recognized Indian group; Snoqualmoo Tribe of Washington, a non-Federally recognized Indian group; and Wanapum Band, a non-Federally recognized Indian group. The Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon; Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon; Coquille Tribe of Oregon; Hoh Indian Tribe of the Hoh Indian Reservation, Washington; Jamestown S'Klallam Tribe of Washington; Kalispel Indian Community of the Kalispel Reservation, Washington; Klamath Tribes, Oregon; Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington; Lummi Tribe of the Lummi Reservation, Washington; Makah Indian Tribe of the Makah Indian Reservation, Washington; Nooksack Indian Tribe of Washington; Port Gamble Indian Community of the Port Gamble Reservation, Washington; Puyallup Tribe of the Puyallup Reservation, Washington; Quileute Tribe of the Quileute Reservation, Washington; Quinault Tribe of the Quinault Reservation, Washington; Samish Indian Tribe, Washington; Sauk-Suiattle Indian Tribe of Washington; Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington; Skokomish Indian Tribe of the Skokomish Reservation, Washington; Squaxin Island Tribe of the Squaxin Island Reservation, Washington; Suquamish Indian Tribe of the Port Madison Reservation, Washington; Swinomish Indians of the Swinomish Reservation, Washington; Tulalip Tribes of the Tulalip Reservation, Washington; and Upper Skagit Indian Tribe of Washington were notified, but did not participate in consultations about the human remains described in this notice.

On an unknown date, human remains representing a minimum of one individual were removed from Vancouver, Clark County, WA. In 1999, the skull was donated to the Department of Anthropology by an unknown donor. No known individual was identified. No associated funerary objects are present.

Department records indicate an unsigned note stated that the skull was from Vancouver, WA, and removed from the north side of the Columbia River in the early 1900s during a construction project. Oregon State University, Department of Anthropology osteology experts have indicated that the skull has been culturally modified. The Vancouver area was used extensively by many Native Americans, both prior to and during the trading era of the Hudson's Bay Company, which was located at Fort Vancouver. From 1824 until 1860, this site was a principle trading post, with over 25 Indian Tribes from the Northwest either living or visiting this area. In addition, tribes from the Great Plains, the eastern seaboard, and the Hawaiian Islands have been associated with this area during that time.

From 1860 to 1948, the site was considered part of the Fort Vancouver National Monument and was used by the U.S. Army. It was during this period that many Northwest tribal people were

held as prisoners in the Vancouver Barracks. The above mentioned consulting tribes found the modification and geographic origin to be consistent with cultural practices common to Indian Tribes in Oregon and parts of Washington. The above mentioned consulting tribes also include the geographic region of Fort Vancouver, Clark County, WA, as an area that they used in both Pre- and Post-contact Periods.

Officials of the Oregon State University, Department of Anthropology have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Oregon State University, Department of Anthropology also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes of the Chehalis Reservation, Washington; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Siletz Reservation, Oregon; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Cowlitz Indian Tribe, Washington; Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington; Nisqually Indian Tribe of the Nisqually Reservation, Washington; Snoqualmie Tribe, Washington; Spokane Tribe of the Spokane Reservation, Washington; Stillaguamish Tribe of Washington; and the Clatsop-Nehalem Confederated Tribes of Oregon, a non-Federally recognized Indian group; Snoqualmoo Tribe of Washington, a non-Federally recognized Indian group; and Wanapum Band, a non-Federally recognized Indian group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. David McMurray, Oregon State University, Department of Anthropology, 238 Waldo Hall, Corvallis, OR 97331, telephone (541) 737–4515, before March 4, 2009. Repatriation of the human remains to the Confederated Tribes of the Chehalis Reservation, Washington; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Siletz Reservation, Oregon; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Cowlitz Indian Tribe, Washington; Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington; Nisqually Indian Tribe of the Nisqually Reservation, Washington; Snoqualmie Tribe, Washington; Spokane Tribe of the Spokane Reservation, Washington; Stillaguamish Tribe of Washington; and the Clatsop-Nehalem Confederated Tribes of Oregon, a non-Federally recognized Indian group; Snoqualmoo Tribe of Washington, a non-Federally recognized Indian group; and Wanapum Band, a non-Federally recognized Indian group, may proceed after that date if no additional claimants come forward.

The Oregon State University, Department of Anthropology is responsible for notifying the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon; Confederated Tribes of the Chehalis Reservation, Washington; Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Siletz Reservation, Oregon; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Coquille Tribe of Oregon; Cowlitz Indian Tribe, Washington; Hoh Indian Tribe of the Hoh Indian Reservation, Washington; Jamestown S'Klallam Tribe of Washington; Kalispel Indian Community of the Kalispel Reservation, Washington; Klamath Tribes, Oregon; Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington; Lummi Tribe of the Lummi Reservation, Washington; Makah Indian Tribe of the Makah Indian Reservation, Washington; Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington; Nisqually Indian Tribe of the Nisqually Reservation, Washington; Nooksack Indian Tribe of Washington; Port Gamble Indian Community of the Port Gamble Reservation, Washington; Puyallup Tribe of the Puyallup Reservation, Washington; Quileute Tribe of the Quileute Reservation, Washington; Quinault Tribe of the Quinault Reservation, Washington; Samish Indian Tribe, Washington; Sauk-Suiattle Indian Tribe of Washington; Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington; Skokomish Indian Tribe of the Skokomish Reservation, Washington; Snoqualmie Tribe, Washington; Spokane Tribe of the Spokane Reservation, Washington; Squaxin Island Tribe of the Squaxin Island Reservation, Washington; Stillaguamish Tribe of Washington; Suquamish Indian Tribe of the Port Madison Reservation, Washington; Swinomish Indians of the Swinomish Reservation, Washington; Tulalip Tribes of the Tulalip Reservation, Washington; Upper Skagit Indian Tribe of Washington; and the Clatsop-Nehalem Confederated Tribes of Oregon, a non-Federally recognized Indian group; Snoqualmoo Tribe of Washington, a non-Federally recognized Indian group; and Wanapum Band, a non-Federally recognized Indian group, that this notice has been published.

Dated: January 14, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2129 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: University of Oregon, Oregon State Museum of Anthropology, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the University of Oregon, Oregon State Museum of Anthropology, Eugene, OR. The human remains and associated funerary objects were removed from Klamath County, OR and Siskiyou County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Oregon State Museum of Anthropology professional staff in consultation with representatives of the Klamath Tribes, Oregon.

At an unknown date, human remains representing a minimum of four individuals were uncovered during

highway grading on the Merrill-Hatfield Road, near Merrill, Klamath County, OR. In 1936, officials of the Oregon State Highway Commission deposited the human remains at the Oregon State Museum of Anthropology. No known individuals were identified. No associated funerary objects are present.

The human remains are determined to be Native American based on archeological context and skeletal evidence. Based on provenience, as indicated in museum records, the human remains are reasonably believed to be culturally affiliated with the Klamath or Modoc.

At an unknown date, human remains representing two individuals were removed from an unknown location in the vicinity of Klamath Falls, Klamath County, OR, by an unknown individual. In 1939, the human remains were donated to the Oregon State Museum of Anthropology by a private donor. No known individuals were identified. No associated funerary objects are present.

The human remains are determined to be Native American based on skeletal evidence. The human remains are reasonably believed to be culturally affiliated with the Klamath or Modoc.

At an unknown date, human remains representing a minimum of one individual were removed from the south end of Lower Klamath Lake, Siskiyou County, CA, by an unknown individual. In 1939, the human remains were donated to the Oregon State Museum of Anthropology by a private donor. No known individual was identified. No associated funerary objects are present.

The human remains are determined to be Native American based on archeological context. The human remains are reasonably believed to be culturally affiliated with the Klamath or Modoc.

In 1940, human remains representing a minimum of seven individuals were removed from an archeological site at the Narrows of Lower Klamath Lake, Siskiyou County, CA, during excavations by University of Oregon staff. Accession records indicate that the human remains were removed from ''Burial Island.'' No known individuals were identified. No associated funerary objects are present.

The human remains are determined to be Native American based on archeological context. The human remains are reasonably believed to be culturally affiliated with the Klamath or Modoc.

At an unknown date, human remains representing one individual were removed from an unknown cave location at Tule Lake, Siskiyou County, CA, by an unknown individual. In 1940, the human remains were donated to the Oregon State Museum of Anthropology by a private donor. No known individual was identified. No associated funerary objects are present.

The human remains are determined to be Native American based on archeological context. The human remains are reasonably believed to be culturally affiliated with the Klamath or Modoc.

In 1948, human remains representing a minimum of one individual were removed from the surface of Klamath Marsh, Klamath County, OR, by an unknown individual. In 1948, the human remains were donated to the Oregon State Museum of Anthropology by a private donor. No known individual was identified. The approximately 395 associated funerary objects are 47 copper bead and fragments, 53 lithics, 1 metal spoon fragment, 3 metal bracelet fragments, 285 glass beads, 4 metal buttons, 1 button fastener fragment, and 1 shell bead.

The human remains were cremated, and are determined to be Native American based on archeological context. The associated funerary objects date the burial to protohistoric or historic times. The human remains are reasonably believed to be culturally affiliated with the Klamath.

At an unknown date, human remains representing one individual were removed from the south side of the Sprague River, ''above [the] dam,'' Klamath County, OR, by an unknown individual. In or before 1950, the human remains were donated to the Oregon State Museum of Anthropology by a private donor. No known individual was identified. The 28 associated funerary objects are 14 obsidian flakes, 12 copper tubing, and 2 unidentified longbone fragments.

The human remains were removed from a cremation pit. The human remains are determined to be Native American based on archeological context. The associated funerary objects date the burial to the protohistoric or historic times. The human remains are reasonably believed to be culturally affiliated with the Klamath or Modoc.

At an unknown date, human remains representing a minimum of five individuals were removed from several locations near Algoma, Klamath County, OR, by Oregon State Highway Commission employees. In 1953, officials of the Oregon State Highway Commission deposited the human remains at the Oregon State Museum of Anthropology. No known individuals were identified. No associated funerary objects are present.

One cranium was found several hundred yards south of Algoma during highway construction. The other individuals were found near the Southern Pacific train depot in Algoma. Presence of cranial reshaping suggests a late prehistoric or historic age for at least one individual. The human remains are determined to be Native American based on archeological context. The human remains are reasonably believed to be culturally affiliated with the Klamath or Modoc.

At an unknown date, human remains representing a minimum of two individuals were removed from an unknown site on California-Oregon Power Company land at Agency Lake, Klamath County, OR, by an unknown individual. In or before 1957, the human remains were donated to the Oregon State Museum of Anthropology by private donors. No known individuals were identified. No associated funerary objects are present.

The human remains are determined to be Native American based on archeological context. The human remains are reasonably believed to be culturally affiliated with the Klamath.

Between 1932 and the 1950's, human remains representing a minimum of 13 individuals were removed from a high terrace above the Lost River, east of the Anderson Rose Diversion Dam, Klamath County, OR, by unknown individuals. In 1988, the human remains were donated to the Oregon State Museum of Anthropology by private donors. No known individuals were identified. No associated funerary objects are present.

Based on archeological context, the human remains are determined to be Native American. The site may be the historic Modoc village identified as ''Nakosh.'' The Modoc are members of the Klamath Tribes, Oregon and Modoc Tribe of Oklahoma.

In 1961, human remains representing a minimum of 12 individuals were removed from the Klamath Shoal Midden site (35KL21), Klamath County, OR, during excavations by University of Oregon staff. No known individuals were identified. The 58 associated funerary objects are 2 projectile points, 6 knives, 13 worked bones, 1 bone tool, 1 bone flesher, 4 non-human mammal bones, 5 scrapers, 19 used and worked flakes, 1 antler, 1 lot of gastropod shells, 1 chopper, 2 gravers, 1 shell bead, and 1 core.

The human remains are determined to be Native American based on archeological context and the character of the associated funerary objects. Two radiocarbon dates place occupation at the Klamath Shoal Midden site at approximately A.D. 700–A.D. 1000.

Based on provenience and radiocarbon dates, the human remains are reasonably believed to be culturally affiliated to the Klamath.

In 1967, human remains representing a minimum of 93 individuals were removed from the Nightfire Island site (4SK4), west of Lower Klamath Lake, Siskiyou County, CA, by University of Oregon staff. No known individuals were identified. The 885 associated funerary objects are 755 shell beads, 2 quartz crystals, 35 agates and pebbles, 4 pipes, 4 fragments of basketry or matting, 4 pieces of worked bone, 38 projectile points and fragments thereof, 1 biface fragment, 29 worked and unworked flakes, 7 cores, 2 mortar fragments, 2 pestle fragments, 1 whetstone, and 1 novaculite slab. Additional funerary objects were excavated, but were stolen before they could be accessioned into museum collections.

The human remains are determined to be Native American based on archeological context and the character of the associated funerary objects. The associated funerary objects date the burials to within the 2,500 years prior to Euro-American contact. The human remains are reasonably believed to be culturally affiliated to the Klamath or Modoc.

In 1978, human remains representing one individual were removed from archeological site 35KL95, along Highway 140, east of the town of Beatty, Klamath County, OR, during excavations by University of Oregon staff. No known individual was identified. No associated funerary objects are present.

Based on archeological context, the human remains are determined to be Native American. The human remains are reasonably believed to be culturally affiliated to the Klamath, Modoc, or Yahooskin.

Historical documents, ethnographic sources, and oral history indicate that the Klamath, Modoc, and Yahooskin have occupied south-central Oregon and northeastern California since precontact times. Archeological context and/or skeletal evidence indicates that the above mentioned human remains are Native American, and of possible Klamath, Modoc, or Yahooskin cultural affiliation. Descendants of the Klamath, Modoc, and Yahooskin are members of the Klamath Tribes, Oregon and Modoc Tribe of Oklahoma. The Klamath Tribes, Oregon have taken the lead on repatriation of Native American human remains from the areas described above that are culturally affiliated with the Klamath, Modoc, and Yahooskin.

Officials of the Oregon State Museum of Anthropology have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 143 individuals of Native American ancestry. Officials of the Oregon State Museum of Anthropology have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 1,366 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Oregon State Museum of Anthropology have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Klamath Tribes, Oregon and Modoc Tribe of Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Dr. Pamela Endzweig, Director of Collections, Oregon State Museum of Anthropology, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, before March 4, 2009. Repatriation of the human remains and associated funerary objects to the Klamath Tribes, Oregon may proceed after that date if no additional claimants come forward.

Oregon State Museum is responsible for notifying Klamath Tribes, Oregon and Modoc Tribe of Oklahoma that this notice has been published.

Dated: January 5, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–2147 Filed 1–30–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before January 17, 2009. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by February 17, 2009.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

DELAWARE

New Castle County

Carney, John, Agricultural Complex, 4300 Thompson Bridge Rd., Greenville, 09000050

Guest, Joseph W. and Ida, House, 15½ Cragmere Rd., Wilmington, 09000051

Sussex County

Woman's Christian Temperance Union Fountain, Boardwalk at Rehoboth Ave., Rehoboth Beach, 09000052

FLORIDA

Charlotte County

Babcock, Clarence L., House, 25537 Shore Dr., Punta Gorda, 09000053

GEORGIA

Henry County

Lawrenceville Street Historic District, Lawrenceville St. roughly between the Henry County Courthouse square and GA 20, McDonough, 09000054

MASSACHUSETTS

Middlesex County

Coolidge School, 319 Arlington St., Watertown, 09000055

NEW YORK

Erie County

Adam, J.N.—AM&A Historic District, Main St., E. Eagle St., Washington St., Ellicott St., Buffalo, 09000056

Suffolk County

Hopkins, Samuel, House, 415 Pipe Stave Hollow Rd., Miller Place, 09000057

Shelter Island Country Club, 26 Sunnyside Ave., Shelter Island, 09000058

NORTH CAROLINA

Avery County

Crossnore School Historic District, Within the campus of Crossnore School, N. side of NY 1143, opposite junction with NY 1148, Crossnore, 09000059

OREGON

Benton County

Whiteside Theatre, 361 SW. Madison Ave., Corvallis, 09000060

Lane County

Boyer, Clarence and Ethel, House, 1138 E. 22nd Ave., Eugene, 09000061

SOUTH CAROLINA

Richland County

Veterans Hospital, William Jennings Bryan Dorn Veterans Affairs Medical Center, University of South Carolina School of Medicine, Columbia, 09000062

VIRGINIA

Franklin County

Piedmont Mill Historic District, 1709 Alean Rd., Boones Mill, 09000063

Henrico County

Druin-Horner House, 9904 River Rd., Richmond, 09000064

Martinsville Independent City

Dry Bridge School, (Rosenwald Schools in Virginia MPS) 1005 Jordan St., Martinsville, 09000065

Petersburg Independent City

South Chappell Street Car Barn, 124 South Chappell St., Petersburg, 09000066

Request for REMOVAL has been made for the following resource:

SOUTH DAKOTA

Lawrence County

Evans, Robert H., House, 258 Evans La., Spearfish, 91001621

[FR Doc. E9–2144 Filed 1–30–09; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Weekly Listing of Historic Properties

Pursuant to (36 CFR 60.13(b,c)) and (36 CFR 63.5), this notice, through publication of the information included herein, is to appraise the public as well as governmental agencies, associations and all other organizations and individuals interested in historic preservation, of the properties added to, or determined eligible for listing in, the National Register of Historic Places from December 8 to December 12, 2008.

For further information, please contact Edson Beall via: United States Postal Service mail, at the National Register of Historic Places, 2280, National Park Service, 1849 C St., NW., Washington, DC 20240; in person (by appointment), 1201 Eye St., NW., 8th floor, Washington DC 20005; by fax, 202–371–2229; by phone, 202–354–2255; or by e-mail, *Edson_Beall@nps.gov*.

Dated: January 26, 2009.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, NHL, Action, Date, Multiple Name.

FLORIDA

Escambia County

Sacred Heart Catholic Church, 716 N. 9th Ave., Pensacola, 08001161, Listed, 12/10/08

ILLINOIS

Cook County

Hohf, Dr. Robert, House, 303 Sheridan Rd., Kenilworth vicinity, 08001166, Listed, 12/12/08

Cook County

O'Grady, Mr. J. William de Coursey, House, 149 Kenilworth Ave., Kenilworth, 08001167, Listed, 12/12/08

Cook County

South Shore Bungalow Historic District, Bounded roughly by S. Crandon Ave. on the E., E. 78th St. on the S., S. Clyde Ave. on the W., E. 75th St. on the N., Chicago, 08001168, Listed, 12/10/08 (Chicago Bungalows MPS)

Cook County

Talman West Ridge Bungalow Historic District, bounded roughly by N. Campbell Ave., W. Devon Ave., N. Fairfield Ave., and W. Pratt Ave., Chicago, 08001169, Listed, 12/10/08 (Chicago Bungalows MPS)

Henry County

Rehnstrom, August and Margaretha, House, 418 Locust St., Andover, 08001170, Listed, 12/10/08

IOWA

Black Hawk County

Rath Packing Company Administration Building, 1515 E. Sycamore St., 208–212 Elm St., Waterloo, 08001162, Listed, 12/10/08

Mahaska County

Ulysses Simpson Grant Elementary School, 715 B Ave. E., Oskaloosa, 08001163, Listed, 12/10/08

Poweshiek County

North Grinnell Historic District, Park to W., 6th Ave. to 11th Ave., Grinnell, 08001164, Listed, 12/10/08

KANSAS

Brown County

Graham, Seward, House, 115 Miami St., Hiawatha, 08001172, Listed, 12/11/08

Franklin County

Hanway, Judge James, House, 658 Virginia Rd., Lane vicinity, 08001173, Listed, 12/11/08

MARYLAND

Carroll County

Cold Saturday, 3251 Gamber Rd., Finksburg vicinity, 08001174, Listed, 12/11/08

Harford County

Martha Lewis (skipjack), Millard Tydings Memorial Park, Commerce St. at S. Strawberry La., Havre de Grace vicinity, 08001175, Listed, 12/11/08 (Chesapeake Bay Skipjack Fleet TR)

Kent County

Woodland Hall, 13111 Shallcross Wharf Rd., Kennedyville vicinity, 07001287, Listed, 12/10/08

MASSACHUSETTS

Franklin County

Turners Falls Sacred Ceremonial Hill Site, Address Restricted, Turners Falls, 65009949, *Determined eligible, 12/11/08

Hampden County

Sanford Whip Factory, 330 Elm St., Westfield, 08001176, Listed, 12/10/08

Hampshire County

Chesterfield Center Historic District, Main Rd., S. St., N. St., Bagg Rd., Bryant St., Chesterfield, 08001177, Listed, 12/11/08

Middlesex County

Myrtle Baptist Church Neighborhood Historic District, Roughly Curve St. and Prospect St., Newton, 08001178, Listed, 12/11/08 (Newton MRA (AD))

MISSOURI

St. Louis Independent City

Berry, Chuck, House, 3137 Whittier St., St. Louis, 08001179, Listed, 12/12/08

MONTANA

Park County

Chicken Creek Farmstead Historic District, 790 Rock Creek Rd. N., Clyde Park vicinity, 08001194, Listed, 12/12/08

NEBRASKA

Lancaster County

Boulevards Historic District, Roughly bounded by S. St., Calvert and High Sts., S. 22nd and S. 24th Sts., Rock Island Trail, Sheridan Blvd., Lincoln, 08001180, Listed, 12/10/08

NEW MEXICO

Santa Fe County

Santa Fe River Park Channel, Santa Fe River Park, Santa Fe, 08001181, Listed, 12/10/08 (New Deal in New Mexico MPS)

WASHINGTON

Island County

Site 45–IS–2, Address Restricted, Camano Island, 08001185, Listed, 12/11/08

Pierce County

McChord Field Historic District, McChord AFB, Tacoma, 08001026, Listed, 12/12/08

WISCONSIN

Dane County

Kemp, John and Margarethe, Cabin, 6950 WI Hwy. 78, Mazomanie, 08001187, Listed, 12/10/08

*Denotes Federal Determination of Eligibility.

[FR Doc. E9–2142 Filed 1–30–09; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

January 27, 2009.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (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 this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: *DOL_PRA_PUBLIC@dol.gov*.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Occupational Safety and Health Administration (OSHA), 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: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Occupational Safety and Health State Plan Information.

OMB Control Number: 1218–0247.

Affected Public: State Governments.

Estimated Number of Respondents: 27.

Estimated Total Annual Burden Hours: 10,652.

Estimated Total Annual Costs Burden: $0.

Description: States choosing to operate OSHA-approved State plans must provide information to document that their programs are ''at least as effective'' as the Federal OSHA program. In order to obtain and maintain State Plan approval, a State must submit various documents to OSHA describing its program structure and operation, including any modifications thereto as they occur, in accordance with the Department's regulations located at 29 CFR 1902, 1952, 1953,1954, 1955, and 1956. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Volume 73 FR 57685 on October 3, 2008. PRA documentation prepared in association with the preclearance notice is available on *http://www.regulations.gov* under docket number OSHA 2008–0037.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E9–2145 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61,638]

Belcher Corporation LLC, Currently Known as Belcher-Robinson, LLC, South Easton, MA; 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 Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on July 20, 2007, applicable to workers of Belcher Corporation, South Easton, Massachusetts. The notice was published in the **Federal Register** on August 2, 2007 (72 FR 42436).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of automotive and commercial component parts.

New information shows that in late 2007, Belcher Corporation, LLC purchased Robinson Foundry, LLC and is currently known as Belcher-Robinson, LLC.

Accordingly, the certification is being amended to include workers at Belcher Corporation LLC, South Easton, Massachusetts, whose wages are reported under the Unemployment Insurance (UI) tax account for the successor firm Belcher-Robinson, LLC.

The amended notice applicable to TA–W–61,638 is hereby issued as follows:

All workers of Belcher Corporation, LLC, currently known as Belcher-Robinson, LLC, South Easton, Massachusetts, who became totally or partially separated from employment on or after May 25, 2006, through July 20, 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 14th day of January 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2132 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

TA–W–62,273; TA–W–62,273A]

Delphi Corporation, Automotive Holdings Group Division, Including On-Site Leased Workers From Bartech, Acro, Securitas Security Services, and TAC Automotive, Dayton, OH; Delphi Corporation, Disc Pads Division, Including On-Site Leased Workers From Bartech, Acro, Securitas Security Services, and TAC Automotive, Dayton, OH; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a

Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on December 21, 2007, applicable to workers of Delphi Corporation, Automotive Holdings Group Division, including on-site leased workers from Bartech and Acro, Dayton, Ohio, and Delphi Corporation, Disc Pads Division, including on-site leased workers from Bartech and Acro, Dayton, Ohio. The notice was published in the **Federal Register** on January 16, 2008 (73 FR 2943). The certification was amended on October 30, 2008, to include on-site workers leased from Securitas Security Services. The notice of amendment was published in the **Federal Register** on November 7, 2008 (73 FR 66272).

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. The workers of the Automotive Holdings Group Division produce mounts and the workers of the Disc Pads Division produce disc pads. New information shows that workers leased from TAC Automotive were employed on-site at the Dayton, Ohio location of Delphi Corporation, Automotive Holdings Group Division and the Disc Pads Division. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from TAC Automotive working on-site at the Automotive Holdings Group Division and the Disc Pads Division, Dayton, Ohio location of the subject firm.

The amended notice applicable to TA–W–62,273 and TA–W–62,273A are hereby issued as follows:

Workers engaged in employment related to the production of mounts at Delphi Corporation, Automotive Holdings Group Division, including on-site leased workers from Bartech, Acro, Securitas Security Services, and TAC Automotive, Dayton, Ohio (TA–62,273), and workers engaged in employment related to the production of disc pads at Delphi Corporation, Disc Pads Division, including on-site leased workers from Bartech, Acro, Securitas Security Services, and TAC Automotive, Dayton, Ohio (TA–W–62,273A), who became totally or partially separated from employment on or after October 8, 2006, through December 21, 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 13th day of January 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2134 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,273B]

Delphi Corporation Brake Hose Division Including On-Site Leased Workers From Bartech, Acro, Securitas Security Services and Tac Automotive; Dayton, OH; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on April 25, 2008, applicable to workers of Delphi Corporation, Brake Hose Division, including on-site leased workers from Bartech and Acro, Dayton, Ohio. The notice was published in the **Federal Register** on May 13, 2008 (73 FR 27560). The certification was amended on October 30, 2008, to include on-site workers leased from Securitas Security Services. The notice of amendment was published in the **Federal Register** on November 7, 2008 (73 FR 66271–66272).

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. The workers of the Brake Hose Division produce brake hose for the automotive industry.

New information shows that workers leased from TAC Automotive were employed on-site at the Dayton, Ohio location of Delphi Corporation, Brake Hose Division. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from TAC Automotive working on-site at the Brake Hose Division, Dayton, Ohio location of the subject firm.

The amended notice applicable to TA–W–62,273B is hereby issued as follows:

All workers of Delphi Corporation, Brake Hose Division, including on-site leased workers from Bartech, Acro, Securitas Security Services, and TAC Automotive, Dayton, Ohio, who became totally or partially separated from employment on or after October 8, 2006, through April 25, 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 13th day of January 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2135 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,029]

Foxcroft Sportswear, Currently Known as Sara Campbell, LTD, Fall River, MA; 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 November 19, 2007, applicable to workers of Foxcroft Sportswear, Fall River, Massachusetts. The notice was published in the **Federal Register** on December 10, 2007 (72 FR 69710).

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 women's apparel.

New information shows that in August 2007, Foxcroft Sportswear was purchased by Sara Campbell, Ltd and is currently known as Sara Campbell, Ltd.

Accordingly, the certification is being amended to include workers at Foxcroft Sportswear, Fall River, Massachusetts, whose wages are reported under the Unemployment Insurance (UI) tax account for the successor firm, Sara Campbell, Ltd.

The amended notice applicable to TA–W–62,029 is hereby issued as follows:

All workers of Foxcroft Sportswear, currently known as Sara Campbell, Ltd, Fall River, Massachusetts, who became totally or partially separated from employment on or after August 21, 2006 through November 19, 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 14th day of January 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2133 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,248]

Freudenberg Nonwovens Pellon Corporation Industrial and Interlining Division; Durham, NC; 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 November 13, 2008, applicable to workers of Freudenberg Nonwovens, Industrial and Interlining Div., Durham, North Carolina. The notice was published in the **Federal Register** on December 1, 2008 (73 FR 72847).

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 interlining and industrial nonwoven products.

New information shows that Pellon Corporation is the parent firm of Freudenberg Nonwovens. Workers' wages at the subject firm are being reported under the Unemployment Insurance (UI) tax account for Pellon Corporation.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Freudenberg Nonwovens, Pellon Corporation, Industrial and Interlining Division who were adversely affected by increased imports of interlining and industrial nonwoven products.

The amended notice applicable to TA–W–64,248 is hereby issued as follows:

All workers of Freudenberg Nonwovens, Pellon Corporation, Industrial and Interlining Division, Durham, North Carolina, who became totally or partially separated from employment on or after October 17, 2007 through November 13, 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 14th day of January 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2139 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,804]

HP Pelzer Automotive Systems, Incorporated, a Subsidiary of HP Pelzer Group, Thomson Plant; Including On-Site Leased Workers From Aerotek and Global Employment Solutions, Thomson, GA; 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 a Negative Determination Regarding Eligibility to Apply for Alternative Trade Adjustment Assistance on March 19, 2008, applicable to workers of HP Pelzer Automotive Systems, Incorporated, a subsidiary of HP Pelzer Group, Thomson Plant, including on-site leased workers from Aerotek, Thomson, Georgia. The notice was published in the **Federal Register** on April 24, 2008 (73 FR 22169).

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 acoustic products for automobile insulation, including but not limited to carpeting, outer dashes, hood-liners, tunnel silencers.

New information shows that in August 2008, the subject firm switched its' on-site leased worker contract from Aerotek to Global Employment Solutions. The Department has determined that workers leased from Global Employment Solutions were sufficiently under the control of HP Pelzer Automotive Systems, Inc., a subsidiary of HP Pelzer Group to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Global Employment Solutions working on-site at the Thomson, Georgia location of the subject firm.

The intent of the Department's certification is to include all workers employed at HP Pelzer Automotive Systems, Incorporated, a subsidiary of HP Pelzer Group, Thomson Plant, Thomson, Georgia who were adversely affected by increased imports.

The amended notice applicable to TA–W–62,804 is hereby issued as follows:

All workers of HP Pelzer Automotive Systems, Incorporated, a subsidiary of HP Pelzer Group, Thomson Plant, including on-site leased workers from Aerotek and Global Employment Solutions, Thomson, Georgia, who became totally or partially separated from employment on or after January 9, 2007, through March 19, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 15th day of January 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2136 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,747]

Hynix Semiconductor Manufacturing America, Inc. Including On-Site Leased Workers From Securitas Security Systems, Global Tech Building Services Corp. and Air Liquide Electronics U.S. LP; Eugene, OR; 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 20, 2008, applicable to workers of Hynix Semiconductor Manufacturing America, Inc., Eugene, Oregon. The notice was published in the **Federal Register** on September 3, 2008 (73 FR 51529). The certification was amended on October 30, 2008 to include on-site leased workers from Securitas Security Systems and Global Tech Building Services Corp. The notice was published in the **Federal Register** on November 7, 2008 (73 FR 66273).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of Dynamic Random Access Memory (DRAM) wafers.

New information shows that leased workers of Air Liquide Electronics U.S. LP were employed on-site at the Eugene, Oregon location of Hynix Semiconductor Manufacturing America, Inc. The Department has determined that these workers were sufficiently under the control of the subject firm.

Based on these findings, the Department is amending this certification to include leased workers of Air Liquide Electronics U.S. LP working on-site at the Eugene, Oregon location of the subject firm.

The intent of the Department's certification is to include all workers employed at Hynix Semiconductor Manufacturing America, Inc. who were adversely affected by increased imports following a shift in production of Dynamic Random Access Memory (DRAM) wafers to South Korea.

The amended notice applicable to TA–W–63,747 is hereby issued as follows:

All workers of Hynix Semiconductor Manufacturing America, Inc. including on-site leased workers from Securitas Security Systems, Global Tech Building Services Corp. and Air Liquide Electronics U.S. LP, Eugene, Oregon, who became totally or partially separated from employment on or after July 24, 2007, through August 20, 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 13th day of January 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2138 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,342]

Hyosung (America), Inc.; American Steel Cord Including On-Site Leased Workers From CBS Personnel Services and EMS (Environmental Management Solutions, Inc.), Scottsburg, IN; 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 November 20, 2008, applicable to workers of Hysung (America), Inc., American Steel Cord, including on-site leased workers from CBS Personnel Services, Scottsburg, Indiana. The notice was published in the **Federal Register** on December 10, 2008 (73 FR 75135).

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 steel tire cords.

New information shows that workers leased from EMS (Environmental Management Solutions, Inc.) were employed on-site at the Scottsburg, Indiana location of Hyosung (America), Inc. The Department has determined that these workers were sufficiently under the control of Hyosung (America), Inc. to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from EMS (Environmental Management Solutions, Inc.) working on-site at the Scottsburg, Indiana location of the subject firm.

The intent of the Department's certification is to include all workers employed at Hyosung (America), Inc., Scottsburg, Indiana who were adversely affected by increased imports following a shift in production of steel tire cords to China and South Korea.

The amended notice applicable to TA–W–64,342 is hereby issued as follows:

All workers of Hyosung (America), Inc., American Steel Cord, including on-site leased workers of CBS Personnel Services and EMS (Environmental Management Solutions, Inc.), Scottsburg, Indiana, who became totally or partially separated from employment on or after November 3, 2007 through November 20, 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 14th day of December 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2140 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,807]

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., Manpower, Inc. Van Marter & Associates, Inc. and VM Resources, Inc., Janesville, WI; 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 the subject firm is currently known as ThyssenKrupp Drauz Nothelfer NA, Inc. and to include on-site leased workers from Manpower. The notice was published in the **Federal Register** on July 30, 2008 (73 FR 44282). The certification was also amended on September 19, 2008 to include an

employee located in Auburn Hills, Michigan and was published in the **Federal Register** on September 29, 2008. (73 FR 55139).

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 workers leased from Van Marter & Associates, Inc., and VM Resources, Inc. were employed on-site at the Janesville, Wisconsin location of NothelferGilman, Inc., currently known as ThyssenKrupp Drauz Nothelfer NA, Inc., formerly known as Gilman Engineering and Manufacturing Company. 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 Van Marter & Associates, Inc., and VM Resources, Inc. working on-site at the Janesville, Wisconsin location of the subject firm.

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., Manpower, Inc., Van Marter & Associates, Inc., and VM Resources, Inc., Janesville, Wisconsin, 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 14th day of January 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2130 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,692]

Pacific Pulse, d/b/a Firewire Surfboards, a/k/a Fluid Drive, San Diego, CA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Negative Determination Regarding Eligibility To Apply for 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 Negative Determination Regarding Eligibility to Apply for Alternative Trade Adjustment Assistance on August 1, 2008, applicable to workers of Firewire Surfboards, San Diego, California. The notice was published in the **Federal Register** on August 12, 2008 (73 FR 46922).

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 surfboards.

New information shows that the correct name of the subject firm should read Pacific Pulse, d/b/a Firewire Surfboards, a/k/a Fluid Drive, San Diego, California. Workers wages at the subject firm are being reported under the Unemployment Insurance (UI) tax account for Pacific Pulse, d/b/a Firewire Surfboards, a/k/a Fluid Drive.

Accordingly, the Department is amending this certification to correctly identify the name of the subject firm.

The intent of the Department's certification is to include all workers of Pacific Pulse, d/b/a Firewire Surfboards, a/k/a Fluid Drive who were adversely affected by increased imports of surfboards.

The amended notice applicable to TA–W–63,692 is hereby issued as follows:

All workers of Pacific Pulse, d/b/a Firewire Surfboards, a/k/a Fluid Drive, San Diego, California, who became totally or partially separated from employment on or after July 3, 2007 through August 1, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and;
I further determine that all workers of Pacific Pulse, d/b/a Firewire Surfboards, a/k/a Fluid Drive, San Diego, California, are denied eligibility to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 14th day of January 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2137 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,675]

Procter and Gamble Hair Care, LLC; a Subsidiary of Procter and Gamble, Including On-Site Leased Workers From Staff Management, Seaton Corp., and Horizon Staffing, Stamford, CT; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on December 29, 2008, applicable to workers of Procter and Gamble Hair Care, LLC, a subsidiary of Procter and Gamble, Stamford, Connecticut. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of hair colorants.

The review finds that the Department inadvertently omitted from the certification the workers leased from Staff Management, Seaton Corp., and Horizon Staffing that were working on-site at the subject firm.

Accordingly, the Department is amending the certification to include workers leased from Staff Management, Seaton Corp., and Horizon Staffing working on-site at the Stamford, Connecticut location of the subject firm.

The amended notice applicable to TA–W–64,675 is hereby issued as follows:

All workers of Procter and Gamble Hair Care, LLC, a subsidiary of Procter and Gamble, including on-site leased workers from Staff Management, Seaton Corp., and Horizon Staffing, Stamford, Connecticut, who became totally or partially separated from employment on or after December 12, 2007 through December 29, 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 15th day of January 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2141 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61,347; TA–W–61,347A]

Wellman, Incorporated Administrative Office Fort Mill, SC; Including Employees of Wellman, Incorporated, Administrative Office Fort Mill, SC, Working Out of Fresh Meadow, New York and Commack, 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 Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on May 4, 2007, applicable to workers of Wellman, Incorporated, Administrative Offices, Fort Mill, South Carolina. The notice was published in the **Federal Register** on May 17, 2007 (72 FR 27853).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in providing technical and administrative support services for the firm's production of polyester and nylon fibers.

New information shows that worker separations have occurred involving employees (Mr. Michael Bermish and Ms. Gisela Katz) of Wellman, Incorporated, Administrative Offices, Fort Mill, South Carolina working out of Fresh Meadow, New York and Commack, New York, respectively.

Based on this finding, the Department is amending the certification to include employees of the Fort Mill, South Carolina location of the subject firm working out of Fresh Meadow, New York and Commack, New York.

The intent of the Department's certification is to include all workers of Wellman, Incorporated, Administrative Offices, Fort Mill, South Carolina, who qualify as secondarily trade affected workers.

The amended notice applicable to TA–W–61,347 is hereby issued as follows:

All workers of Wellman, Incorporated, Administrative Offices, Fort Mill, South Carolina, (TA–W–61,347), including employees of Wellman, Incorporated, Administrative Offices, Fort Mill, South Carolina, working out of Fresh Meadow, New York and Commack, New York (TA–W–61,347A), who became totally or partially separated from employment on or after April 11, 2006, through May 4, 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 12th day of January 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2131 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance 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 *January 5 through January 16, 2009.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. 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–W–64,289; Classic Moving and Storage, Inc., Boyles Distinctive Furniture, Inc., Conover, NC: October 13, 2007.

TA–W–64,646; Chrysler, LLC, Sterling Stamping Plant, Sterling Heights, MI: December 10, 2007.

TA–W–64,749A; Lane Furniture Industries, Upholstery Division, Verona, MS: December 17, 2007.

TA–W–64,749B; Lane Furniture Industries, Distribution Center, Nettleton, MS: December 17, 2007.

TA–W–64,749; Lane Furniture Industries, Upholstery Division, Saltillo, MS: December 17, 2007.

TA–W–64,754; Klaussner Furniture Industries, Inc., Candor, NC: October 20, 2008.

TA–W–64,801A; Cequent Electrical Products, McAllen, TX: October 30, 2007.

TA–W–64,801; Cequent Electrical Products, Angola, IN: October 30, 2007.

TA–W–64,811; Clayton Marcus Company—Plant 1—Bethlehem, A Division of Rowe Fine Furniture, Hickory, NC: March 22, 2009.

TA–W–64,099; Performance Fibers, Moncure Plant, New Hill, NC: September 22, 2007.

TA–W–64,277; Louisiana-Pacific Corporation, LP Athens OSB Division, Athens, GA: October 23, 2007.

TA–W–64,288; Wabash Magnetics, LLC, Wabash, IN: October 24, 2007.

TA–W–64,357; Le Rocato Manufacturing, Inc., Plainfield, CT: November 23, 2008.

TA–W–64,409; General Electric, Sensing & Inspection Technologies, St. Marys, PA: November 10, 2007.

TA–W–64,475; Texas Foundries Ltd., Subsidiary of Citation Corp., Express Personnel, First, Lufkin, TX: November 10, 2007.

TA–W–64,535; Tricon Timber, LLC, St. Regis, MT: November 24, 2007.

TA–W–64,569; Tower Automotive, LLC, Chicago Division, Chicago, IL: November 7, 2007.

TA–W–64,573; Thomasville Furniture Industries, Furniture Brands International, Appomattox, VA: November 21, 2007.

TA–W–64,583; Service Tool and Die, Inc., Henderson, KY: December 2, 2007.

TA–W–64,627; Old Hickory Tannery, Newton, NC: November 3, 2007.

TA–W–63,902; Belden, Leased Workers From Manpower and PMI, Richmond, IN: July 20, 2007.

TA–W–64,336; Husco International, Inc., Waukesha Division, Waukesha, WI: October 30, 2007.

TA–W–64,372; Mitsubishi Motors North America, Normal, IL: November 6, 2007.

TA–W–64,631; Chrysler, LLC, Detroit Axle Plant, Detroit, MI: December 8, 2007.

TA–W–64,685; Major Sportswear Corporation, Corona, NY: December 12, 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–W–64,221; Hella Electronics Corporation, Leased Workers from Westaff, Flora, IL: October 13, 2007.

TA–W–64,375; Emerson Network Power, Energy Systems Division, Lorain, OH: November 7, 2007.

TA–W–64,490; ITW Impro, Peotone, IL: November 18, 2007.

TA–W–64,537; Mitel Networks Corporation, Inc., Chandler, AZ: November 24, 2007.

TA–W–64,552; Bos Automotive, Morristown, TN: November 17, 2007.

TA–W–64,578; RAD Technologies, Wilmington, MA: December 2, 2007.

TA–W–64,617A; International Textile Group, Inc., Burlington Industries V, Cone Admin. and Sales, New York, NY: December 5, 2007.

TA–W–64,617; International Textile Group, Inc., Burlington Industries V, Cone Admin. and Sales, Greensboro, NC: December 5, 2007.

TA–W–64,638; Textileather Corporation, Toledo, OH: December 9, 2007.

TA–W–64,674; Frito Lay, Inc., A Division of Pepsico, Inc., Mission, TX: December 12, 2007.

TA–W–64,705; Gildan Activewear, Inc., Kentucky Derby Hosiery, Plant 8, Hillsville, VA: January 21, 2008.

TA–W–64,710; Orchid McAllen, LLC, A Subsidiary of Orchid International, McAllen, TX: December 16, 2007.

TA–W–64,720; Hubbell Lenoir City, Inc., Hubbell Power Systems, Hubbell, Inc., San Jose, CA: December 15, 2007.

TA–W–64,728; Le Meubles Villagenis, f/k/a Valco Furniture USA, Malone, NY: December 7, 2007.

TA–W–64,732; Sun Chemical, North American Inks Division, Cheektowaga, NY: December 17, 2007.

TA–W–64,741A; Cuno, Inc., A Subsidiary of 3M Company, Leased Workers from Coworx Staffing, Stafford Springs, CT: December 18, 2007.

TA–W–64,741; Cuno, Inc., A Subsidiary of 3M Company, Leased Workers from Coworx Staffing, Enfield, CT: December 18, 2007.

TA–W–64,757; Ferro Corporation, Inorganic Specialties Division, Toccoa, GA: December 18, 2007.
TA–W–64,812; LuK USA LLC, Wooster, OH: December 19, 2007.
TA–W–64,440; JDSU Uniphase, Inc., San Jose, CA: November 10, 2007.
TA–W–64,386; Victaulic, f/k/a/ Victaulic Company of America, Easton, PA: November 3, 2007.
TA–W–64,410; NeoPhotonics Corporation, Newark, CA: November 10, 2007.
TA–W–64,563; Plastic Specialties and Technologies, Hose Department, Ridgefield, NJ: November 18, 2007.
TA–W–64,577; Novell, Inc., Lebanon, NH: December 2, 2007.
TA–W–64,615; Lydall Thermal/ Acoustical, Inc., St. Johnsbury, VT: November 24, 2007.
TA–W–64,722; International Electronics, Inc., Canton, MA: December 12, 2007.
TA–W–64,723; Thomasville Furniture Industries, Inc., Lenoir Plant, Lenoir, NC: December 17, 2007.
TA–W–64,735; Rockwell Collins, Miami Service Base, Miami, FL: December 5, 2007.
TA–W–64,745; HDM Henredon Furniture Industries, Furniture Brands International, Marion, NC: December 18, 2007.
TA–W–64,821; Cone Jacquards, LLC—An ITG Company, Burlington House Division, Cliffside, NC: January 6, 2008.
TA–W–64,837; Bill Blass Ltd, LLC, Couture Division, New York, NY: December 23, 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–W–64,347; Freudenberg Nonwovens, LP, Freudenberg Vitech Limited Partnership, Hopkinsville, KY: October 27, 2007.
TA–W–64,471; Lorentson Manufacturing Co, Inc., Kokomo, IN: November 12, 2007.
TA–W–64,538; Meadville Forging Company, LP, A Subsidiary of Keller Group, Inc., Meadville, PA: November 24, 2007.
TA–W–64,597; R. L. Stowe Mills, Inc., Lupton, TN: December 4, 2007.
TA–W–64,668; Tenneco, Inc., Cozad, NE: December 12, 2007.
TA–W–64,714; Globaltex, Inc., Mooresville, NC: December 16, 2007.
TA–W–64,820; Tenneco Automotive, Lease On-Site Leased Workers From Express Personnel & Employment Plus, Evansville, IN: January 6, 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.

TA–W–64,698; Feralloy Wheeling Specialty Processing Company, A Subsidiary of Feralloy Corporation, Wheeling, WV: December 15, 2007.

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–W–64,617B; International Textile Group, Inc., Burlington Industries V, Cone Admin. and Sales, Colony, TX.
TA–W–64,617C; International Textile Group, Inc., Cone Administration and Sales, San Francisco, CA.
TA–W–64,669; Century Furniture, LLC, Chair Upholstery Campus and Upholstery Div., Hickory, NC.
TA–W–64,693; Avid Industries, Inc., Argyle, MI.
TA–W–64,797; Whatman, GE Healthcare, Sanford, ME.

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–W–64,441; Decca Classic Upholstery, Decca Furniture USA, High Point, NC.
TA–W–64,726; Surgrx, Inc., Ethicon Endo-Surgery, Redwood City, CA.

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–W–64,302; International Paper, Container Division, Mason, OH.
TA–W–64,309; General Motors Corporation, Vehicle Mfg Div., Janesville WI Assembly Plant 1, Janesville, WI.
TA–W–64,387; USG Interiors, USG Corporation, Cloquet, MN.
TA–W–64,396; Cerro Flow Products, Inc., Sauget, IL.
TA–W–64,428; West Penn Plastic, Inc., New Castle, PA.
TA–W–64,435; Thiele Manufacturing, LLC, A Subsidiary of Gemini Holdings, Windber, PA.
TA–W–64,452; Kensington Windows, Inc., Jancor Companies, Inc., Vandergrift, PA.
TA–W–64,461; Chrysler Corp, Newark Assembly, Newark, DE.
TA–W–64,566; Chicago Park Plastics, A Subsidiary of Summit Polymers, Chicago, IL.
TA–W–64,600; Janna Ugone Associates, Easthampton, MA.
TA–W–64,748; Timber Products, Spectrum Division, 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–W–64,374; GE Healthcare Integrated IT Solutions, USA, Enterprise Solutions, Seattle, WA.
TA–W–64,393; Nikko America, Dallas, TX.
TA–W–64,511; Mannatech Inc., Coppell, TX.
TA–W–64,560; Bel–ORO International, Richline Group, New York, NY.
TA–W–64,567; QIS, Inc., Chicago, IL.
TA–W–64,605; International Rehabilitative Sciences, Inc., Vancouver, WA.
TA–W–64,683; The Ascent Services Group, Walnut Creek, CA.
TA–W–64,707; GMAC Financial Services, Michigan Business Center, Auburn Hills, MI.
TA–W–64,717; ABB, Inc., Robotics Rebuild Dept., Auburn Hills, MI.

TA–W–64,759; Formica Corporation, Rocklin, CA.

TA–W–64,823; Martin Transportation Systems, Huber Heights, OH.

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 *January 5 through January 16, 2009.* Copies of these determinations are available for inspection in Room N–5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. During normal business hours or will be mailed to persons who write to the above address.

Dated: January 23, 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2128 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,896]

Logistics Services Incorporated, Dayton, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 14, 2009 in response to a worker petition filed by a Union official on behalf of workers of Logistics Services Incorporated, Dayton, Ohio.

The petitioning group of workers is covered by an earlier petition (TA–W–64,835) filed on December 26, 2008 that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

Signed at Washington, DC, this 15th day of January 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–2127 Filed 1–30–09; 8:45 am]

BILLING CODE 4510–FN–P

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting of National Council on the Humanities

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meeting.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended) notice is hereby given the National Council on the Humanities will meet in Washington, DC on February 12–13, 2009.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support from and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. A portion of the morning and afternoon sessions on February 12–13, 2009 will not be open to the public pursuant to subsections (c)(4), (c)(6) and (c)(9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the sessions on February 12, 2009 will be as follows:

Committee Meetings

(Open to the Public.)
Policy Discussion.

9–10:30 a.m.
Digital Humanities—Room M–07
Education Programs and Federal/State Partnership—Room 510A
Preservation and Access—Room 415
Public Programs—Room 421
Research Programs—Room 315

(Closed to the Public.)
Discussion of specific grant applications and programs before the Council.

10:30 a.m. until Adjourned.
Digital Humanities—Room M–07
Education Programs and Federal/State Partnership—Room 510A
Preservation and Access—Room 415
Public Programs—Room 421
Research Programs—Room 315

The morning session of the meeting on February 12, 2009 will convene at 9 a.m., in the first floor Council Room M–09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

A. Minutes of the Previous Meeting.
B. Reports
1. Introductory Remarks.
2. Staff Report.
3. Congressional Report.
4. Budget Report.
5. Reports on Policy and General Matters
a. Digital Humanities.
b. Education Programs.
c. Federal/State Partnership.
d. Preservation and Access.
e. Public Programs.
f. Research Programs.

The remainder of the proposed meeting will be given to the consideration of specific applications and will be closed to the public for the reasons stated above.

Further information about this meeting can be obtained from Michael P. McDonald, Advisory Committee Management Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or by calling (202) 606–8322, TDD (202) 606–8282. Advance notice of any special needs or accommodations is appreciated.

Michael P. McDonald,

Advisory Committee Management Officer.

[FR Doc. E9–2087 Filed 1–30–09; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on US–APWR; Notice of Meeting

The ACRS Subcommittee on the US–APWR (U.S. Advanced Pressurized Water Reactor) will hold a meeting on February 19, 2009, in a conference room at Mitsubishi Electric Power Products, Inc., 547 Keystone Drive, Suite 200, Warrendale, PA 15088. Note that the street address for members of the public to check in and receive a badge is 530 Keystone Drive, Warrendale, PA 15088.

The morning sessions of this meeting will be open to public attendance.

Sessions after approximately 10:30 a.m. may be closed to protect information that is proprietary to Mitsubishi Heavy Industries, Ltd. and its contractors pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows: Thursday, February 19, 2009—8:30 a.m.–5 p.m.

The Subcommittee will review three topical reports associated with: Large-Break LOCA (loss-of-coolant-accident) Code Applicability Report for US–APWR; Small-Break LOCA Methodology for US–APWR; and Non-LOCA Methodology. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Mitsubishi Heavy Industries, Ltd., and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Neil Coleman, (Telephone: 301–415–7656) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 6, 2008 (73 FR 58268–58269).

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 8 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: January 26, 2009.

Antonio Dias,

Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.

[FR Doc. E9–2180 Filed 1–30–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Meeting

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Week of February 2, 2009.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Additional Items To Be Considered

Week of February 2, 2009

Wednesday, February 4, 2009

1:25 p.m. Affirmation Session (Public Meeting) (Tentative). b. Shaw Areva MOX Services (Mixed Oxide Fuel Fabrication Facility: Possession and Use License), LBP–08–11 (June 27, 2008) (Tentative).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

* * * * *

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301–492–2279, TDD: 301–415–2100, or by e-mail at *rohn.brown@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *darlene.wright@nrc.gov.*

Dated: January 28, 2009.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. E9–2221 Filed 1–29–09; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension: Form TH; OMB Control No. 3235–0425; SEC File No. 270–377.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form TH (17 CFR 239.65, 249.447, 269.10 and 274.404) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*) and the Investment Company Act of 1940 (15 U.S.C. 80b–1 *et seq.*) is used by registrants to notify the Commission that an electronic filer is relying on the temporary hardship exemption for the filing of a document in paper format that would otherwise be required to be filed electronically as prescribed by Rule 201(a) of Regulation S–T. Form TH must be filed every time an electronic filer experiences unanticipated technical difficulties preventing the timely preparation and submission of a required electronic filing. Approximately 70 registrants file Form TH and it takes an estimated 0.33 hours per response for a total annual burden of 23 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Charles Boucher, Director/CIO,

Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312; or send an e-mail to: *PRA_Mailbox@sec.gov*.

Dated: January 27, 2009.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–2119 Filed 1–30–09; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of: Leading Edge Packaging, Inc., Leadingside, Inc., Lecstar Corp., and Legal Club of America, Inc.; Order of Suspension of Trading

January 29, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Leading Edge Packaging, Inc. because it has not filed any periodic reports since the period ended December 31, 1999.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Leadingside, Inc. because it has not filed any periodic reports since the period ended September 30, 2000.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Lecstar Corp. because it has not filed any periodic reports since the period ended September 30, 2002.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Legal Club of America, Inc. because it has not filed any periodic reports since the period ended March 31, 2004.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on January 29, 2009, through 11:59 p.m. EST on February 11, 2009.

By the Commission.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–2211 Filed 1–29–09; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59300; File No. SR–CBOE–2008–117]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving a Proposed Rule Change To Amend Exchange Rule 4.21 Relating to Third Party Deposits

January 27, 2009.

I. Introduction

On December 2, 2008, the Chicago Board Options Exchange, Incorporated (''CBOE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Exchange Rule 4.21 relating to third party deposits. The proposed rule change was published for comment in the **Federal Register** on December 23, 2008.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

Under current CBOE Rule 4.21, member organizations engaged in the business of clearing and carrying the accounts of options market makers (''Clearing Firms'') are prohibited (with certain exceptions) from accepting a check or funds transfer if the name on the account from which the funds are drawn is different (*i.e.*, is from a ''third party'') from the name on the account cleared or carried by the Clearing Firm.

CBOE proposes to amend the rule to permit Clearing Firms to accept for deposit to a broker-dealer account checks and funds transfers that: (i) Constitute an award or settlement paid as the result of the resolution of litigation or arbitration which arose in connection with the broker-dealer's securities or futures business; (ii) are drawn on an account of the government of the United States; or (iii) are drawn on the account of another broker-dealer for satisfaction of the resolution of transaction disputes.[4] The Exchange also proposes to clarify that documents evidencing that a deposit qualifies for acceptance under Rule 4.21, as well as documents authorizing transfers between two accounts under Rule 4.21, must be retained by the Clearing Firm. The Exchange believes that the proposed exceptions do not present any of the concerns or business risks to the Clearing Firm that the rule was originally intended to address.[5]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[6] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[7] which requires that an exchange have rules designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that permitting Clearing Firms to accept for deposit these specific types of checks and fund transfers should streamline inter-member dealings without exposing Clearing Firms to the types of risks that the rule was designed to mitigate. Further, the proposed amendments to Interpretation and Policy .06 to Rule 4.21 are designed to ensure that Clearing Firms retain supporting documentation to evidence compliance with the rule. Accordingly, the Commission finds the proposed amendments to Rule 4.21 to be consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–CBOE–2008–117) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–2160 Filed 1–30–09; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 59104 (December 15, 2008), 73 FR 78862 (the ''Notice'').

[4] The Exchange also notes that Clearing Firms, as a matter of business judgment, may still refuse to accept checks and/or funds transfers from third parties. *See id.* at 78863.

[5] *See id.*

[6] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59285; File No. SR–NSCC–2008–13]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Fee Structure

January 23, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 31, 2008, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by NSCC. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act[2] and Rule 19b–4(f)(2) thereunder[3] so that the proposal was 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 proposed rule change will revise, eliminate, and add fees for certain services provided by NSCC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC 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

The purpose of the proposed rule change is to revise, eliminate, and add fees for certain services provided by NSCC in order to align such fees with the costs of delivering services. First, NSCC will reduce the fees for Trade Recording, Trade Netting, Fund/SERV, and Insurance Service's Position and Valuations Focused File, Financial Activity Reporting, and Initial Application Information. Second, NSCC will eliminate the following fees: Designated Value Deliveries, Special EDP Tape Output, Insurance and Retirement Processing Service, and certain Pass-Through and Other Fees. Third, NSCC will consolidate the Delivery Service fees for the Envelope Settlement Service and the Funds Only Settlement Service. Finally, NSCC will implement new fees for the new Insurance Attachments service and Alternative Investment Products service.[4]

The proposed fee changes will become effective on January 2, 2009.

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because it updates NSCC's fee schedule and provides for the equitable allocation of fees among its participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have any impact or impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[5] and Rule 19b–4(f)(2)[6] thereunder because it establishes or changes a due, fee, or other charge applicable only to a member. 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-comment@sec.gov*. Please include File No. SR–NSCC–2008–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NSCC–2008–13. 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. to 3 p.m. Copies of such filing also will be available for inspection and copying at NSCC's principal office and on NSCC's Web site at *http://www.nscc.com/legal/index.html*. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NSCC–2008–13 and should be submitted on or before February 23, 2009.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(ii).

[3] 17 CFR 240.19b–4(f)(2).

[4] The specific fee changes are set forth in Exhibit 5 to NSCC's proposed rule change filing, which can be viewed on NSCC's Web site at *http://www.nscc.com/legal/index.html*.

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(f)(2).

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–2161 Filed 1–30–09; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59286; File No. SR–DTC–2009–01]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Relating to the Deposits Service Guide

January 23, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 5, 2009, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by DTC. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[2] and Rule 19b–4(f)(4) thereunder[3] so that the proposal was 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 proposed rule change will amend DTC's Deposits Service Guide.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC 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

Under this rule change, DTC will amend its Deposits Service Guide by eliminating the Legal Guidance System (''LGS'') and by making other minor clarifications.

LGS is a Participant Terminal Service function that enables DTC participants to obtain comprehensive information on state and local regulations that must be followed when making a legal deposit. This function has been superseded by the Securities Transfer Association (''STA'') Guidelines that are consistent with DTC's processing and is now obsolete. All DTC participants have access to the STA guidelines through the public STA Web site (*http://www.stai.org*).

Additionally, DTC is making some minor corrections and clarifications to the Deposits Service Guide. Specifically, an inadvertent reference to ''restricted'' deposit in the legal deposits section of the Deposit Service Guide is removed; clarifying language to the time it takes for appropriate payments and exchange of shares to be made through DTC's settlement area is being added,[4] and detailed narrative describing custody services is being removed from the Deposits Service Guide since such narrative is contained in the Custody Service Guide.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder applicable to DTC because it will facilitate the prompt and accurate clearance and settlement of securities transactions by enhancing the utilization of DTC's existing services.

B. Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have any impact or impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not solicited or received written comments relating to the proposed rule change. DTC will notify the Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[5] and Rule 19b–4(f)(4)[6] thereunder because it effects a change in an existing service of a registered clearing agency that does not adversely affect the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. 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-comment@sec.gov.* Please include File No. SR–DTC–2009–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–DTC–2009–01. 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

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(iii).

[3] 17 CFR 240.19b–4(f)(4).

[4] The language explains that ''if the effective date of the corporate action is three years or less, allocation occurs one day after the deposit. If the effective date is over three years, allocation of new stock entitlement will not occur until DTC has received the security from the agent. Allocations for cash will not occur on any reorg deposit until DTC receives the funds from the agent, regardless of the effective date of the corporate action.''

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(f)(2).

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. to 3 p.m. Copies of such filing also will be available for inspection and copying at DTC's principal office and on DTC's Web site at <*http://www.dtc.org/impNtc/mor/index.html*>. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. DTC–2009–01 and should be submitted on or before February 23, 2009.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–2162 Filed 1–30–09; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59274; File No. SR–FINRA–2009–001]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Exemptive Criteria in FINRA Rule 7470

January 22, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 7, 2009, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A)(iii) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. On January 16, 2009, FINRA submitted Amendment No. 1 to the proposed rule change. 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

FINRA is proposing to amend FINRA Rule 7470 to revise the criteria necessary to qualify for an exemption from the order recording and data transmission requirements in the Order Audit Trail System (''OATS'') Rules for manual orders.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's public reading 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, FINRA 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. FINRA 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

On September 28, 2005, the SEC approved amendments to the OATS Rules that, among other things, permitted FINRA to grant exemptive relief from the OATS reporting requirements for manual orders.[5] The exemptive authority was broadened in 2006 to give FINRA the authority to exempt members from the OATS recording requirements, in addition to the reporting requirements.[6] At a minimum, members must meet the following criteria to be eligible to request an exemption from the OATS recording and reporting requirements for manual orders: (1) The member and current control affiliates and associated persons of the member have not been subject within the last five years to any final disciplinary action, and within the last ten years to any disciplinary action involving fraud; (2) the member has annual revenues of less than $2 million; (3) the member does not conduct any market making activities in Nasdaq Stock Market equity securities; (4) the member does not execute principal transactions with its customers (with limited exceptions for principal transactions executed pursuant to error corrections); and (5) the member does not conduct clearing or carrying activities for other firms.

In addition to the amendments to the exemptive provision in the OATS Rules in 2006, the SEC separately approved amendments to the OATS Rules to require members to record and report to OATS order information relating to OTC equity securities.[7] The extension of the OATS requirements to OTC equity securities became effective on February 4, 2008.[8]

When the Commission approved the exemptive provision in the OATS Rules and the amendment extending FINRA's authority under that provision in 2006, the OATS Rules applied only to equity securities listed on the Nasdaq Stock Market. Consequently, at that time, one of the minimum criteria for a member to request an exemption from the OATS requirements, specifically the requirement that the member not conduct any market making activities, was limited to Nasdaq Stock Market equity securities. This requirement, similar to the other exemptive criteria such as the prohibition on principal transactions with customers and conducting clearing or carrying activities for other firms, reflects FINRA's conclusion that exemptive relief should only be available to members that conduct very limited types of trading activities.

When the OATS recording and reporting requirements were extended to OTC equity securities, the exemptive provision was not similarly extended to account for market-making activities in OTC equity securities. The proposed rule change would amend the minimum

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[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 52521 (September 28, 2005), 70 FR 57909 (October 4, 2005).

[6] *See* Securities Exchange Act Release No. 53580 (March 30, 2006), 71 FR 17529 (April 6, 2006). In 2006, the exemptive provision was also relocated from NASD Rule 6955(d) to NASD Rule 6958. As of December 15, 2008, NASD Rule 6958 was renumbered as FINRA Rule 7470. *See* FINRA *Regulatory Notice* 08–57 (October 2008).

[7] *See* Securities Exchange Act Release No. 54585 (October 10, 2006), 71 FR 61112 (October 17, 2006).

[8] *See* Securities Exchange Act Release No. 55440 (March 9, 2007), 72 FR 12852 (March 19, 2007).

criteria to seek exemptive relief from the recording and reporting requirements of the OATS Rules for manual orders to require that a member not conduct any market making activities in OTC equity securities. The proposed rule change would make explicit that members that make a market in any security subject to the OATS Rules (Nasdaq Stock Market or OTC equity securities) are not eligible for exemptive relief under Rule 7470.[9]

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of filing, such that FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[10] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change is consistent with the original intent of limiting eligibility for an exemption and furthering the goals of the FINRA's OATS by codifying that members that conduct market-making activities in any security subject to the OATS Rules are not eligible for exemptive relief under Rule 7470.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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 foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

FINRA has asked the Commission to waive the operative delay to permit the proposed rule change to become operative prior to the 30th day after filing. FINRA has stated that it believes that it is important to correct and conform the OATS exemptive provisions as soon as possible to eliminate any confusion as to the criteria to be eligible for exemptive relief under Rule 7470.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[13] The Commission believes that the proposed rule should help ensure that the exemptive relief provided for in FINRA Rule 7470 continues to be available only to members that conduct very limited types of trading activities. The Commission, therefore, designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2009–001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2009–001. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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 No. SR–FINRA–2009–001 and should be submitted on or before February 23, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–2122 Filed 1–30–09; 8:45 am]

BILLING CODE 8011–01–P

[9] The proposed rule change would not affect exemptions granted or renewed before the effective date of the proposed rule change. Any member seeking an exemption (or the renewal of an existing exemption) after the effectiveness of the proposed rule change would be required to meet the eligibility criteria as amended by the proposed rule change.

[10] 15 U.S.C. 78*o*–3(b)(6).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). 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. FINRA has fulfilled this requirement.

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59302; File No. SR–NSCC–2008–12]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Allow the Transfer and Reregistration of Fund/SERV Eligible Fund Positions to and From a Financial Intermediary and a Mutual Fund Company

January 27, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 23, 2008, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by NSCC. NSCC filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act[2] and Rule 19b–4(f)(4)[3] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the rule change is to allow for transfer and reregistration of Fund/SERV Eligible Fund positions to and from a financial intermediary and a mutual fund company.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Currently NSCC's rules permit the transfer of Fund/SERV eligible shares from one member to another member through NSCC's Automated Customer Account Transfer Service (''ACATS'') or from one fund member to another fund member through the Transfer of Retirement Assets (''ToRA'') service. In an effort to further standardize and automate the account transfer and reregistration process between members and mutual fund companies, NSCC is proposing to accommodate the transfer of customer mutual fund share registration: (i) Held by a customer directly at a mutual fund company to be reregistered in the name of a financial intermediary and (ii) held by a financial intermediary to be reregistered as a direct customer position at the mutual fund company. A member can request the transfer of registration in the capacity of the party receiving the reregistration or in the capacity of the party transferring the registration. The contra-side NSCC fund member must accept the reregistration request in order for NSCC to process it.

NSCC is also proposing that, unless the parties agree otherwise, the member and fund member will comply with certain legal responsibilities associated with the reregistration. The member will agree that in initiating the request it has obtained the requisite authorization from the account holder and that it will provide a copy of it to the fund member upon request. The member also will indemnify the fund member for any liabilities incurred in or associated with the request other than those relating to the negligence or misconduct of the fund member. In connection with reregistrations of IRA and other tax-deferred accounts, a member that makes the transfer request in its capacity as a successor custodian agrees that it is so qualified under the provisions of the Internal Revenue Code. NSCC is also proposing that the members will agree that any dispute between them relating to these provisions will be resolved directly between them and that NSCC is not a party to such dispute and has no responsibility with respect to the enforcement or satisfaction of such provisions. In addition, the submission or processing of a transfer transaction through NSCC will not extinguish or otherwise affect any of the participants' legal rights arising out of the transaction.[5]

The proposed rule change is consistent with Section 17A of the Act,[6] as amended, because it will reduce the likelihood of manual processing errors, will lower costs, and will reduce the time needed to complete the transfer of customer mutual fund share registrations, thereby promoting the prompt and accurate clearance and settlement of reregistration of mutual fund share positions processed through NSCC's Fund/SERV service.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act[7] and Rule 19b–4(f)(4)[8] thereunder because the proposed rule change effects a change in an existing service of a registered clearing agency that: (i) Does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and (ii) does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty 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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(iii).

[3] 17 CFR 240.19b–4(f)(4).

[4] The Commission has modified the text of the summaries prepared by NSCC.

[5] Similar provisions are contained in NSCC rules relating to other mutual fund services. *See, e.g.*, NSCC Rule 50, Section 17 and NSCC Rule 52, Section 46.

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(4).

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–NSCC–2008–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Elizabeth M. Murphy, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NSCC–2008–12. 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 filings also will be available for inspection and copying at the principal office of NSCC and on NSCC's Web site at *http://www.dtcc.com/downloads/legal/rule_filings/2008/nscc/2008-12.pdf*. 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–NSCC–2008–12 and should be submitted on or before February 23, 2009.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–2120 Filed 1–30–09; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59270; File No. SR–NYSEArca–2009–01]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by NYSE Arca, Inc. Relating to Reduction of Annual Fee for Certain Issues Listed Under Rule 5.2(j)(6).

January 21, 2009.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 6, 2009, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. 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, through its wholly owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities''), is proposing to amend its Schedule of Fees and Charges for Exchange Services (''Fee Schedule'') to revise the Annual Fees applicable to securities listed in calendar year 2009 under Rule 5.2(j)(6) on NYSE Arca, LLC (''NYSE Arca Marketplace''), the equities facility of NYSE Arca Equities. The text of the proposed rule change is available on the Exchange's Web Site at *http://www.nyx.com,* at the Exchange's principal office, and at the Commission's public reference room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Arca has determined to amend the Exchange's Fee Schedule to revise the Annual Fee applicable to securities listed on the NYSE Arca Marketplace in calendar year 2009 under Rule 5.2(j)(6) (Equity Index-Linked Securities, Commodity-Linked Securities, Currency-Linked Securities, Fixed Income Index-Linked Securities, Futures-Linked Securities and Multifactor Indexed-Linked Securities). Specifically, the Exchange proposes to add new footnote 10 to the Fee Schedule to state that, during 2009, the Annual Fee for an issue of securities listed under Rule 5.2(j)(6) of up to 500,000 shares outstanding will be $5,000, pro-rated based on days remaining in 2009.

Under the current Fee Schedule for Structured Products, which include securities listed under Rule 5.2(j)(6), the Annual Fee ranges from $10,000 to $55,000, based on the total number of securities outstanding per listed issue. The current Annual Fee for issues with up to 6 million shares outstanding is $10,000. The proposed reduced Annual Fee would apply for calendar year 2009 to issues newly listed on the NYSE Arca Marketplace beginning as of January 1, 2009, and would not apply to issues listed prior to or after calendar year 2009.

As an example of how the Annual Fee would apply to such issues, if an Equity Index-Linked Security lists on the NYSE Arca Marketplace on July 1, 2009 with 500,000 shares outstanding, such security would pay a pro-rated Annual Fee for 2009 of $2500 (½ × $5,000).

The Exchange believes that temporarily reducing the Annual Fee for newly listed securities listed under Rule 5.2(j)(6), which include Exchange Traded Notes or ''ETNs'', will provide an incentive for issuers to introduce and list more such products on the NYSE Arca Marketplace in 2009, thereby increasing competition among such products.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[4] of the Act in general and Section 6(b)(4)[5] of the Act, in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its issuers and other persons using its facilities. The Exchange believes that temporarily reducing the Annual Fee for newly listed securities listed under Rule 5.2(j)(6) will provide an incentive for issuers to introduce and list more such products on the NYSE Arca Marketplace in 2009, thereby increasing competition among such products.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 the self-regulatory organization consents, the Commission will:

(A) By order approve the 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:

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–NYSEArca–2009–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2009–01. 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 Section, 100 F Street, NE., Washington, DC 20549–1090 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at NYSE Arca's principal office and on its Internet Web site at *http://www.nyse.com.* 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–NYSEArca–2009–01 and should be submitted on or before February 23, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–2121 Filed 1–30–09; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 6503]

Imposition of Category II Missile Sanctions Against Three North Korean Entities

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that three North Korean entities have engaged in activities that require the imposition of missile sanctions pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 13222 of August 17, 2001).

DATES: *Effective Date:* February 2, 2009.

FOR FURTHER INFORMATION CONTACT: Pam Durham, Office of Missile Threat Reduction, Bureau of International Security and Nonproliferation, Department of State (202–647–4931). On import ban issues, Rochelle Stern, Director Policy Planning and Program Management, Office of Foreign Assets Control, Department of the Treasury (202–622–2500). On U.S. Government procurement ban issues, Kim Triplett, office of the Procurement Executive, Department of State (703–875–4079).

SUPPLEMENTARY INFORMATION: Pursuant to Section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)); Section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)), as carried out under Executive Order 13222 of August 17, 2001 (hereinafter cited as the ''Export Administration Act of 1979''); and Executive Order 12851 of June 11, 1993; the U.S. Government determined on January 15, 2009 that the following foreign entities had engaged in missile technology proliferation activities that require the imposition of missile sanctions described in Section 73 of the AECA (22 U.S.C. 2797b) and Section 11B of the EAA (50 U.S.C. Appx 24710b) on these entities:

—Korea Mining and Development Corporation (KOMID) (North Korea) and its sub-units and successors

—Mokong Trading Corporation (North Korea) and its sub-units and successors

—Sino-Ki (North Korea) and its sub-units and successors

Accordingly, the following sanctions are being imposed on these entities for two years:

(A) Denial of all new individual export licenses for the transfer of MTCR Annex items to the sanctioned entities;

(B) Denial of all U.S. Government contracts relating to MTCR Annex items with the sanctioned entities; and

(C) Prohibition on the importation into the U.S. of all products produced by the sanctioned entities.

Additionally, because North Korea is a country with a non-market economy that is not a former member of the Warsaw Pact (as referenced in the definition of ''person'' in section 74(8)(B) of the Arms Export Control Act), the following sanctions shall be applied for two years to all activities of the North Korean government relating to the development or production of missile equipment or technology and all activities of the North Korean government affecting the development or production of electronics, space systems or equipment, and military aircraft:

(A) Denial of all new individual export licenses for the transfer to the government activities described above of MTCR Annex items controlled pursuant to the Arms Export Control Act;

(B) Denial of all U.S. Government contracts relating to MTCR Annex items with the government activities described above; and

(C) Prohibition on the importation into the U.S. of all products produced by the government activities described above.

These measures shall be implemented by the responsible departments and agencies of the United States Government as provided in Executive Order 12851 of June 11, 1993.

Dated: January 21, 2009.

C.S. Eliot Kang,

Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.

[FR Doc. E9–2175 Filed 1–30–09; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice 6501]

Imposition of Category II Missile Sanctions on Two Entities in China

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that two entities in China have engaged in activities that require the imposition of missile sanctions pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 13222 of August 17, 2001).

DATES: *Effective Date:* February 2, 2009.

FOR FURTHER INFORMATION CONTACT: Pam Durham, Office of Missile Threat Reduction, Bureau of International Security and Nonproliferation, Department of State (202–647–4931). On import ban issues, Rochelle Stern, Director, Policy Planning and Program Management, Office of Foreign Assets Control, Department of the Treasury (202–622–2500). On U.S. Government procurement ban issues, Kim Triplett, Office of the Procurement Executive, Department of State (703–875–4079).

SUPPLEMENTARY INFORMATION: Pursuant to Section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)); Section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as carried out under Executive Order 13222 of August 17, 2001 (hereinafter cited as the ''Export Administration Act of 1979''); and Executive Order 12851 of June 11, 1993; the U.S. Government determined on January 15, 2009 that the following foreign entities had engaged in missile technology proliferation activities that require the imposition of missile sanctions described in Section 73 of the AECA (22 U.S.C. 2797b) and Section 11B of the EAA (50 U.S.C. Appx 24710(b) on these entities:

Dalian Sunny Industries, (China) also known as: LIMMT Economic and Trade Company Ltd.; LIMMT (Dalian) Metallurgy and Minerals Co.; and LIMMT (Dalian FTZ) Economic and Trade Organization, and its sub-units and successors; and Bellamax (China) and its sub-units and successors.

Accordingly, the following sanctions are being imposed on these entities for two years:

(A) Denial of all new individual export licenses for the transfer of MTCR Annex items to the sanctioned entities;

(B) Denial of all U.S. Government contracts relating to MTCR Annex items with the sanctioned entities; and

(C) Prohibition on the importation into the U.S. of all products produced by the sanctioned entities.

Further, a determination was made pursuant to section 73(e) of the Arms Export Control Act (22 U.S.C. 2797b(e)) that it was essential to the national security of the United States to waive the sanctions described above with respect to the activities of the Chinese government described in section 74(a)(8)(B) of the Arms Export Control Act (22 U.S.C. 2797c(a)(8)(B))—that is, activities of the Chinese government relating to the development or production of any missile equipment or technology and activities of the Chinese government affecting the development or production of electronics, space systems or equipment, and military aircraft.

These measures shall be implemented by the responsible departments and agencies of the United States Government as provided in Executive Order 12851 of June 11, 1993.

Dated: January 21, 2009.

C.S. Eliot Kang,

Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.

[FR Doc. E9–2178 Filed 1–30–09; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice 6500]

Imposition of Nonproliferation Measures on Three North Korean Entities and One Iranian Entity

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: The U.S. Government has determined that four foreign entities have engaged in proliferation activities that warrant the imposition of measures pursuant to Executive Order 12938 of November 14, 1994, as amended by Executive Order 13094 of July 28, 1998 and Executive Order 13382 of June 28, 2005.

DATES: *Effective Date:* February 2, 2009.

FOR FURTHER INFORMATION CONTACT: On general issues: Pam Durham, Office of Missile Threat Reduction, Bureau of International Security and Nonproliferation, Department of State (202–647–4931). On import ban issues, Rochelle Stern, Director, Policy Planning and Program Management, Office of Foreign Assets Control, Department of the Treasury (202–622–2500). On U.S. Government procurement ban issues: Kim Triplett, Office of the Procurement Executive, Department of State (703–875–4079).

SUPPLEMENTARY INFORMATION: Pursuant to the authorities vested in the President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), and Section 301 of title 3, United States Code, and Executive Order 12938 of November 14, 1994, as amended, the U.S. Government determined on January

15, 2009 that the following three North Korean entities and one Iranian entity have engaged in proliferation activities that warrant the imposition of measures pursuant to sections 4(b), 4(c), and 4(d) of Executive Order 12938:

Korea Mining and Development Corporation (KOMID) (North Korea)
Moksong Trading Corporation (North Korea),
Sino-Ki (North Korea),
and
Shahid Bakeri Industrial Group (SBIG), (Iran).

Accordingly, pursuant to the provisions of Executive Order 12938, the following measures are imposed on these entities, their subunits, and successors for two years:

1. All departments and agencies of the United States Government shall not procure or enter into any contract for the procurement of any goods, technology, or services from these entities including the termination of existing contracts;

2. All departments and agencies of the United States government shall not provide any assistance to these entities, and shall not obligate further funds for such purposes;

3. The Secretary of the Treasury shall prohibit the importation into the United States of any goods, technology, or services produced or provided by these entities, other than information or informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

These measures shall be implemented by the responsible departments and agencies as provided in Executive Order 12938.

In addition, pursuant to section 126.7(a)(1) of the International Traffic in Arms Regulations, it is deemed that suspending the above-named entities from participating in any activities subject to Section 38 of the Arms Export Control Act would be in furtherance of the national security and foreign policy of the United States. Therefore, for two years, the Department of State is hereby suspending all licenses and other approvals for: (a) Exports and other transfers of defense articles and defense services from the United States; (b) transfers of U.S.-origin defense articles and defense services from foreign destinations; and (c) temporary import of defense articles to or from the above-named entities.

Moreover, it is the policy of the United States to deny licenses and other approvals for exports and temporary imports of defense articles and defense services destined for these entities.

Dated: January 21, 2009.

C.S. Eliot Kang,

Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.

[FR Doc. E9–2176 Filed 1–30–09; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice 6502]

Imposition of Nonproliferation Measures on Two Chinese Entities and Two Iranian Entities

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: The U.S. Government has determined that four entities have engaged in proliferation activities that warrant the imposition of measures pursuant to Executive Order 12938 of November 14, 1994, as amended by Executive Order 13094 of July 28, 1998 and Executive Order 13382 of June 28, 2005.

DATES: *Effective Date:* February 2, 2009.

FOR FURTHER INFORMATION CONTACT: On general issues: Pam Durham, Office of Missile Threat Reduction, Bureau of International Security and Nonproliferation, Department of State (202–647–4931). On import ban issues, Rochelle Stern, Director Policy Planning and Program Management, Office of Foreign Assets Control, Department of the Treasury (202–622–2500). On U.S. Government procurement ban issues: Kim Triplett, Office of the Procurement Executive, Department of State (703–875–4079).

SUPPLEMENTARY INFORMATION: Pursuant to the authorities vested in the President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), and Section 301 of title 3, United States Code, and Executive Order 12938 of November 14, 1994, as amended, the U.S. Government determined on January 15, 2009 that the following two Chinese entities and two Iranian entities have engaged in proliferation activities that warrant the imposition of measures pursuant to sections 4(b), 4(c), and 4(d) of Executive Order 12938:

Dalian Sunny Industries, also known as:

LIMMT Economic and Trade Company Ltd.;
LIMMT (Dalian) Metallurgy and Minerals Co.; and
LIMMT (Dalian FTZ) Economic and Trade Organization (China)

Shahid Bakeri Industrial Group (SBIG), (Iran)

Bellamax (China)

Shahid Hemmat Industrial Group (SHIG), (Iran)

Accordingly, pursuant to the provisions of Executive Order 12938, the following measures are imposed on these entities, their subunits, and successors for two years:

1. All departments and agencies of the United States Government shall not procure or enter into any contract for the procurement of any goods, technology, or services from these entities including the termination of existing contracts;

2. All departments and agencies of the United States government shall not provide any assistance to these entities, and shall not obligate further funds for such purposes;

3. The Secretary of the Treasury shall prohibit the importation into the United States of any goods, technology, or services produced or provided by these entities, other than information or informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

These measures shall be implemented by the responsible departments and agencies as provided in Executive Order 12938.

In addition, pursuant to section 126.7(a)(1) of the International Traffic in Arms Regulations, it is deemed that suspending the above-named entities from participating in any activities subject to Section 38 of the Arms Export Control Act would be in furtherance of the national security and foreign policy of the United States. Therefore, for two years, the Department of State is hereby suspending all licenses and other approvals for: (a) Exports and other transfers of defense articles and defense services from the United States; (b) transfers of U.S.-origin defense articles and defense services from foreign destinations; and (c) temporary import of defense articles to or from the above-named entities.

Moreover, it is the policy of the United States to deny licenses and other approvals for exports and temporary imports of defense articles and defense services destined for these entities.

Dated: January 21, 2009.

C.S. Eliot Kang,

Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.

[FR Doc. E9–2177 Filed 1–30–09; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Seeking OMB Approval

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) revision of a current information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 31, 2008, vol. 73, no. 212, page 65004. The information collected is used to determine air operators' compliance with the minimum safety standards set out in the regulation and the applicant's eligibility for air operations certification.

DATES: Please submit comments by March 4, 2009.

FOR FURTHER INFORMATION CONTACT: Carla Mauney at *Carla.Mauneyfaa.gov.*

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Operating Requirements: Domestic, Flag, and Supplemental Operations.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 2120–0008.

Form(s): FAA Form 8070–1.

Affected Public: An estimated 106 Respondents.

Frequency: This information is collected on occasion.

Estimated Average Burden per Response: Approximately 27.5 hours per response.

Estimated Annual Burden Hours: An estimated 1,297,755 hours annually.

Abstract: 14 CFR Part 121 prescribes the requirements governing air carrier operations. The information collected is used to determine air operators' compliance with the minimum safety standards set out in the regulation and the applicant's eligibility for air operations certification.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oirasubmission@omb.eop.gov*, or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on January 26, 2009.

Carla Mauney,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. E9–1984 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Revision From the Office of Management and Budget of a Currently Approved Information Collection Activity, Request for Comments; Operating Requirements: Commuter and On-Demand Operation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: Title 49 U.S.C., Section 44702 authorizes issuance of air carrier operating certificates. 14 CFR prescribes requirements for Air Carrier/Commercial Operators. The info collected shows compliance & applicant eligibility.

DATES: Please submit comments by April 3, 2009.

FOR FURTHER INFORMATION CONTACT: Carla Mauney on (202) 267–9895, or by e-mail at: *Carla.Mauney@faa.gov.*

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Operating Requirements: Commuter and On-Demand Operation.

Type of Request: Extension without change of an approved collection.

OMB Control Number: 2120–0039.

Form(s): 8070–1.

Affected Public: A total of 2,765 Respondents.

Frequency: The information is collected on occasion.

Estimated Average Burden per Response: Approximately 7.7 minutes per response.

Estimated Annual Burden Hours: An estimated 1,164,091 hours annually.

Abstract: Title 49 U.S.C., Section 44702 authorizes issuance of air carrier operating certificates. 14 CFR prescribes requirements for Air Carrier/Commercial Operators. The info collected shows compliance and applicant eligibility.

ADDRESSES: Send comments to the FAA at the following address: Ms. Carla Mauney, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES–200, 800 Independence Ave., SW., Washington, DC 20591.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on January 26, 2009.

Carla Mauney,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. E9–1985 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Revision From the Office of Management and Budget of a Currently Approved Information Collection Activity, Request for Comments; Commercial Space Transportation Licensing Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The information determines if applicant proposals for conducting commercial space launches can be accomplished according to regulations issued by the Office of the Associate Administrator for Commercial Space Transportation.

DATES: Please submit comments by April 3, 2009.

FOR FURTHER INFORMATION CONTACT: Carla Mauney on (202) 267–9895, or by e-mail at: *Carla.Mauney@faa.gov.*

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Commercial Space Transportation Licensing Regulations.

Type of Request: Extension without change of an approved collection.

OMB Control Number: 2120–0608.

Form(s): 8800–1.

Affected Public: A total of 2 Respondents.

Frequency: The information is collected on occasion.

Estimated Average Burden per Response: Approximately 1,544.5 hours per response.

Estimated Annual Burden Hours: An estimated 3,089 hours annually.

Abstract: The information determines if applicant proposals for conducting commercial space launches can be accomplished according to regulations issued by the Office of the Associate Administrator for Commercial Space Transportation.

ADDRESSES: Send comments to the FAA at the following address: Ms. Carla Mauney, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES–200, 800 Independence Ave., SW., Washington, DC 20591.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on January 26, 2009.

Carla Mauney,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. E9–1986 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Revision From the Office of Management and Budget of a Currently Approved Information Collection Activity, Request for Comments; Changes in Permissible Stage 2 Airplane Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: This information is used to issue special flight authorizations for non-revenue operations of Stage 2 airplanes at U.S. airports.

DATES: Please submit comments by April 3, 2009.

FOR FURTHER INFORMATION CONTACT: Carla Mauney on (202) 267–9895, or by e-mail at: *Carla.Mauney@faa.gov.*

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Changes in Permissible Stage 2 Airplane Operations.

Type of Request: Extension without change of an approved collection.

OMB Control Number: 2120–0652.

Form(s): There are no FAA forms associated with this collection.

Affected Public: A total of 50 Respondents.

Frequency: The information is collected on occasion.

Estimated Average Burden per Response: Approximately 14.4 minutes per response.

Estimated Annual Burden Hours: An estimated 12 hours annually.

Abstract: This information is used to issue special flight authorizations for non-revenue operations of Stage 2 airplanes at U.S. airports. Only a minimal amount of data is requested to identify the affected parties and determine whether the purpose for the flight is one of those enumerated by law.

ADDRESSES: Send comments to the FAA at the following address: Ms. Carla Mauney, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES–200, 800 Independence Ave., SW., Washington, DC 20591.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on January 26, 2009.

Carla Mauney,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. E9–1987 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2009–0001–N–2]

Notice and Request for Comments

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the nature of the information collections and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on November 25, 2008 (73 FR 71715).

DATES: Comments must be submitted on or before March 4, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292), or Ms. Nakia Jackson, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6073). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law No. 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its

implementing regulations, 5 CFR Part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On November 25, 2008, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 73 FR 71715. FRA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the information collection requirements (ICRs) and the expected burden. The revised requirements are being submitted for clearance by OMB as required by the PRA.

Title: FRA Emergency Order No. 26.

OMB Control Number: 2130–0579.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Abstract: Emergency Order No. 26—and its associated collection of information—is FRA's direct and proactive response to the September 12, 2008, Chatsworth, California, collision of a Union Pacific (UP) freight train and a Metrolink commuter train, which resulted in the deaths of 25 people and numerous injuries to train occupants, as well as to other train accidents/incidents involving cell phone use and use of electronic/electrical devices that have occurred throughout the country recently. The collection of information under Emergency Order No. 26 is aimed at ensuring that railroads revise their programs of operational tests and inspections, as necessary, to include the requirements of E.O. 26 and specifically include a minimum number of operational tests and inspections; and at ensuring railroads instruct each of their operating employees and supervisors of railroad operating employees concerning the requirements of E.O. 26 and implementing railroad rules and instructions. The collection of information under E.O. 26 also contains a provision that allows railroads to petition for relief from this Order by adopting other means of ensuring that railroad operating employees are not distracted from their duties by use of electronic or electrical devices or by implementing technology that will prevent inappropriate acts and omissions from resulting in injury to persons.

Annual Estimated Burden Hours: 33,268 hours.

ADDRESSES: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, Attention: FRA Desk Officer. Alternatively, comments may be sent via e-mail to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, at the following address: *oira_submissions@omb.eop.gov*.

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC on January 27, 2009.

Kimberly Orben,

Director, Office of Financial Management, Federal Railroad Administration.

[FR Doc. E9–2196 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2009–0009]

Inventory of U.S.-Flag Launch Barges

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Inventory of U.S.-Flag Launch Barges.

SUMMARY: The Maritime Administration is updating its inventory of U.S.-flag launch barges. Additions, changes and comments to the list are requested. Launch barge information may be found at *http://www.marad.dot.gov/ships_shipping_landing_page/domestic_shipping/launch_barge_program/Launch_Barge_Program.htm*.

DATES: Any comments on this inventory should be submitted in writing to the contact person by March 4, 2009.

FOR FURTHER INFORMATION CONTACT: Joann Spittle, Office of Cargo Preference and Domestic Trade, Maritime Administration, MAR–730, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone 202–366–5979 or 800–9US–FLAG; e-mail: *Joann.Spittle@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 CFR part 389 (Docket No. MARAD–2008–0045) Determination of Availability of Coastwise Qualified Launch Barges, the Interim Final Rule requires that the Maritime Administration publish a notice in the **Federal Register** requesting that owners or operators (or potential owners or operators) of coastwise qualified launch barges notify us of:

(1) Their interest in participating in the transportation and, if needed, the launching or installation of offshore platform jackets; (2) the contact information for their company; and, (3) the specifications of any currently owned or operated coastwise qualified launch barges or plans to construct same.

In addition, we are also seeking information on non-coastwise qualified (U.S.-flag) launch barges as well.

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 (Volume 65, Number 70; Pages 19477–78).

Dated: January 27, 2009.

By order of the Maritime Administrator.

Leonard Sutter,

Secretary, Maritime Administration.

REPORTED U.S.-FLAG LAUNCH BARGES

Vessel name	Owner	Built	Length (ft.)	Beam (ft.)	DWT (L.T.)	Approx launch capacity (L.T.)	Coastwise qualified
Julie B	Crowley Marine Services	2008	400	130	23,600	23,100	X
Marty J	Crowley Marine Services	2008	400	105	19,226	18,766	X
Barge 455–3	Crowley Marine Services	2008	400	105	19,226	18,766	X
Barge 400L	Crowley Marine Services	1997	400	100	19,646	19,146	X
Barge 500–1	Crowley Marine Services	1982	400	105	16,397	15,897	X
Barge 410	Crowley Marine Services	1974	400	99.5	12,035	11,535	X
Barge 416	Crowley Marine Services	1975	400	99.5	12,035	11,535	X
McDermott Tidelands 021	J. Ray McDermott, Inc	1980	240	72	4,700	2,200	X
McDermott Tidelands No. 012.	J. Ray McDermott, Inc	1973	240	72.2	4,217	4,000	X
McDermott Tidelands No. 014.	J. Ray McDermott, Inc	1973	240	72.2	4,217	4,000	X
McDermott Tidelands 020	J. Ray McDermott, Inc	1980	240	72	5,186	5,000	X
McDermott Tidelands 021	J. Ray McDermott, Inc	1981	240	72	5,186	5,000	X
MARMAC 400	McDonough Marine Service.	2001	400	99′–9″	10,861	4,400	X
MARMAC 300	McDonough Marine Service.	1998	300	100	10,267	4,200	X
MARMAC 22	McDonough Marine Service.	2003	260	72	5,198	2,400	X
MARMAC 21	McDonough Marine Service.	2002	260	72	5,120	2,400	X
MARMAC 20	McDonough Marine Service.	1999	250	72	4,943	2,200	X
MARMAC 19	McDonough Marine Service.	1999	250	72	4,765	2,200	X
MARMAC 18	McDonough Marine Service.	1998	250	72	4,765	2,200	X
MARMAC 17	McDonough Marine Service.	1997	250	72	4,765	2,200	X
MARMAC 16	McDonough Marine Service.	1995	250	72	4,765	2,200	X
MARMAC 15	McDonough Marine Service.	1995	250	72	4,765	2,200	X
MARMAC 12	McDonough Marine Service.	1994	250	72	4,765	2,200	X
MARMAC 11	McDonough Marine Service.	1994	250	72	4,765	2,200	X
MARMAC 9	McDonough Marine Service.	1993	250	72	4,765	2,200	X

[FR Doc. E9–2099 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2009 0006]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel BELLE MER.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2009–0006 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before March 4, 2009.

ADDRESSES: Comments should refer to docket number MARAD–2009–0006. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West

Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BELLE MER is:

Intended Use: ''carry passengers for hire.''

Geographic Region: ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, N. Carolina, S. Carolina, Georgia, Florida.''

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 (Volume 65, Number 70; Pages 19477–78).

Dated: January 27, 2009.

By Order of the Maritime Administrator.

Leonard Sutter,

Secretary, Maritime Administration.

[FR Doc. E9–2097 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2009 0007]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel MISTRESS.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2009–0007 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before March 4, 2009.

ADDRESSES: Comments should refer to docket number MARAD–2009–0007. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MISTRESS is:

Intended Use: ''Teach Sailing, Sailing charters (moonlight sail, sunset sail) crewed.''

Geographic Region: ''California, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, Hawaii.''

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 (Volume 65, Number 70; Pages 19477–78).

Dated: January 27, 2009.

By order of the Maritime Administrator.

Leonard Sutter,

Secretary, Maritime Administration.

[FR Doc. E9–2098 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2009 0008]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel MAKING WAVES.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2009–0008 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse

effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before March 4, 2009.

ADDRESSES: Comments should refer to docket number MARAD–2009–0008. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MAKING WAVES is:

Intended Use: ''Chartering small parties.''

Geographic Region: ''Massachusetts, Rhode Island, Connecticut, New York, New Jersey.''

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 (Volume 65, Number 70; Pages 19477–78).

Dated: January 27, 2009.

By Order of the Maritime Administrator.

Leonard Sutter,

Secretary, Maritime Administration.

[FR Doc. E9–2100 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on November 5, 2008 [73 FR 65920].

DATES: Comments must be submitted on or before March 4, 2009.

FOR FURTHER INFORMATION CONTACT: Mike Pyne at the National Highway Traffic Safety Administration, Office of Rulemaking (NVS–123), 202–366–4171, 1200 New Jersey Avenue, SE., Room W43–457, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: 49 CFR 571.403, Platform lift systems for motor vehicles and 49 CFR 571.404, Platform lift installations in motor vehicles.

OMB Number: 2127–0621.

Type of Request: Extension of a currently approved collection.

Abstract: FMVSS No. 403, Platform lift systems for motor vehicle, establishes minimum performance standards for platform lifts designed for installation on motor vehicles. Its purpose is to prevent injuries and fatalities to passengers and bystanders during the operation of platform lifts that assist persons with limited mobility in entering and leaving a vehicle. FMVSS No. 404, ''Platform lift installations in motor vehicles,'' places specific requirements on vehicle manufacturers or alterers who install platform lifts in new vehicles. Under these regulations, lift manufacturers must certify that their lifts meet the requirements of FMVSS No. 403 and must declare the certification on the owner's manual insert, the installation instructions, and the lift operating instruction label. Certification of compliance with FMVSS No. 404 is on the certification label already required of vehicle manufacturers and alterers under 49 CFR part 567. Therefore, lift manufacturers must produce an insert that is placed in the vehicle owner's manual, installation instructions, and one or two labels that are placed near the controls of the lift.

Affected Public: Business or other-for-profit organizations.

Estimated Total Annual Burden: There is no burden to the general public.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued: January 27, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9–2104 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office

of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on November 3, 2008 (73 FR 65444).

This document describes a collection of information on eight Federal motor vehicle safety standards (FMVSSs) and one regulation, for which NHTSA intends to seek OMB approval. The information collection pertains to requirements that specify certain safety precautions regarding items of motor vehicle equipment must appear in the vehicle owner's manual.

DATES: Comments must be submitted on or before March 4, 2009.

FOR FURTHER INFORMATION CONTACT: Lori Summers, the National Highway Traffic Safety Administration, Office of Rulemaking (NVS–112), (202) 366–4917, 1200 New Jersey Avenue, SE., W43–314, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Consolidated Vehicle Owner's Manual Requirements for Motor Vehicles and Motor Vehicle Equipment.

OMB Number: 2127–0541.

Type of Request: Extension of a currently approved collection.

Abstract: In order to ensure that manufacturers are complying with the FMVSS and regulations, NHTSA requires a number of information collections in FMVSS Nos. 108, 110, 138, 202, 205, 208, 210, and 213, and Part 575 Sections 103 and 105.

FMVSS No.108, ''Lamps, reflective devices, and associated equipment.'' This standard requires that certain lamps and reflective devices with certain performance levels be installed on motor vehicles to assure that the roadway is properly illuminated, that vehicles can be readily seen, and the signals can be transmitted to other drivers sharing the road, during day, night and inclement weather. Since the specific manner in which headlamp aim is to be performed is not regulated (only the performance of the device is), aiming devices manufactured or installed by different vehicle and headlamp manufacturers may work in significantly different ways. As a consequence, to assure that headlamps can be correctly aimed, instructions for proper use must be part of the vehicle as a label, or optionally, in the vehicle owner's manual.

FMVSS No. 110, ''Tire selection and rims.'' This standard specifies requirements for tire selection to prevent tire overloading. The vehicle's normal load and maximum load on the tire shall not be greater than applicable specified limits. The standard requires a permanently affixed vehicle placard specifying vehicle capacity weight, designated seating capacity, manufacturer recommended cold tire inflation pressure, and manufacturer's recommended tire size. The standard further specifies rim construction requirements, load limits of nonpneumatic spare tires, and labeling requirements for non-pneumatic spare tires, including a required placard. Owner's manual information is required for ''Use of Spare Tire.'' FMVSS No. 110 will require additional owner's manual information on the revised vehicle placard and tire information label, on revised tire labeling, and on tire safety and load limits and terminology.

FMVSS No. 138, ''Tire Pressure Monitoring Systems.'' This standard specifies requirements for a tire pressure monitoring system to warn the driver of an under-inflated tire condition. Its purpose is to reduce the likelihood of a vehicle crash resulting from tire failure due to operation in an under-inflated condition. The standard requires the Owner's Manual to include specific information on the low pressure warning telltale and the malfunction indicator telltale. In a final rule published April 8, 2005, most vehicles with a gross vehicle weight rating of 4,536 kg or less (*e.g.,* excluding motorcycles) were required to be equipped with a tire pressure monitoring system by September 1, 2008 and include related safety information in the Owner's Manual.

FMVSS No. 202, ''Head restraints.'' This standard specifies requirements for head restraints. The standard, which seeks to reduce whiplash injuries in rear collisions, currently requires head restraints for front outboard designated seating positions in passenger cars and in light multipurpose passenger vehicles, trucks and buses. In a final rule published on December 14, 2004 (69 FR 74880), the standard requires that vehicle manufacturers include information in owner's manuals for vehicles manufactured on or after September 1, 2008. The owner's manual must clearly identify which seats are equipped with head restraints. If the head restraints are removable, the owner's manual must provide instructions on how to remove the head restraint by a deliberate action distinct from any act necessary for adjustment, and how to reinstall head restraints. The owner's manual must warn that all head restraints must be reinstalled to properly protect vehicle occupants. Finally, the owner's manual must describe, in an easily understandable format, the adjustment of the head restraints and/or seat back to achieve appropriate head restraint position relative to the occupant's head.

FMVSS No. 205, ''Glazing materials.'' This standard specifies requirements for all glazing material used in windshields, windows, and interior partitions of motor vehicles. Its purpose is to reduce the likelihood of lacerations and to minimize the possibility of occupants penetrating the windshield in a crash. More detailed information regarding the care and maintenance of such glazing items, as the glass-plastic windshield, is required to be placed in the vehicle owner's manual.

FMVSS No. 208, ''Occupant crash protection.'' This standard specifies requirements for both active and passive occupant crash protection systems for passenger cars, multipurpose passenger vehicles, trucks and small buses. Certain safety features, such as air bags, or the care and maintenance of air bag systems, are required to be explained to the owner by means of the owner's manual. For example, the owner's manual must describe the vehicle's air bag system and provide precautionary information about the proper positioning of the occupants, including children. The owner's manual must also warn that no objects, such as shotguns carried in police cars, should be placed over or near the air bag covers.

FMVSS No. 210, ''Seat belt assembly anchorages.'' This standard specifies requirements for seat belt assembly anchorages to ensure effective occupant restraint and to reduce the likelihood of failure in a crash. The standard requires that manufacturers place the following information in the vehicle owner's manual:

a. An explanation that child restraints are designed to be secured by means of the vehicle's seat belts, and,

b. A statement alerting vehicle owners that children are always safer in the rear seat.

FMVSS No. 213, ''Child restraint systems.'' This standard specifies requirements for child restraint systems and requires that manufacturers provide consumers with detailed information relating to child safety in air bag-equipped vehicles. The vehicle owner's manual must include information about the operation and do's and don'ts of built-in child seats.

Part 575 Section 103, ''Camper loading.'' This standard requires that manufacturers of slide-in campers designed to fit into the cargo bed of pickup trucks affix a label to each camper that contains information

relating to certification, identification and proper loading, and to provide more detailed loading information in the owner's manual of the truck.

Part 575 Section 105, ''Utility vehicles.'' This regulation requires manufacturers of utility vehicles to alert drivers that the particular handling and maneuvering characteristics of utility vehicles require special driving practices when these vehicles are operated on paved roads. For example, the vehicle owner's manual is required to contain a discussion of vehicle design features that cause this type of vehicle to be more likely to roll over, and to include a discussion of driving practices that can reduce the risk of roll over. A statement is provided in the regulation that manufacturers shall include, in its entirety or equivalent form, in the vehicle owner's manual.

Affected Public: Individuals, households, business, other for-profit, not-for-profit, farms, Federal Government and State, Local or Tribal Government.

Estimated Total Annual Burden: 3,051 hours.

Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Issued on: January 26, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9–2110 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Mitsubishi Motors

AGENCY: National Highway Traffic Safety Administration (NHTSA) Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Mitsubishi Motors R&D of America (Mitsubishi) petition for exemption of the Mitsubishi Outlander vehicle line in accordance with 49 CFR part 543, *Exemption from the Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). Mitsubishi requested confidential treatment for some of the information and attachments it submitted in support of its petition. The agency will address Mitsubishi's request for confidential treatment by separate letter.

DATES: The exemption granted by this notice is effective beginning with the 2011 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Ballard's phone number is (202) 366–0846. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated September 26, 2008, Mitsubishi requested exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR Part 541) for the Mitsubishi Outlander vehicle line beginning with MY 2011. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Mitsubishi provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the Outlander vehicle line. Mitsubishi will install a passive, transponder-based, electronic engine immobilizer device as standard equipment on its Outlander vehicle line beginning with MY 2011. Features of the antitheft device will include an electronic key, electronic control unit (ECU), and a passive immobilizer. Mitsubishi will also incorporate an alarm system as standard equipment on all trimline vehicles. Mitsubishi's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in 543.5 and the specific content requirements of 543.6.

Mitsubishi further explained that entry models for the Outlander vehicle line will be equipped with an immobilizer that functions via a Wireless Control Module (WCM). Mitsubishi stated that this is a keyless entry system in which the transponder is located in a traditional key that must be inserted into the key cylinder in order to activate the ignition. All other models of the Outlander vehicle line are equipped with an immobilizer that functions via a Keyless Operation System (KOS), which utilizes a keyless system that allows the driver to push a knob in the steering lock unit to activate the ignition (instead of using a traditional key in the key cylinder) as long as the transponder is located in close proximity to the driver inside the vehicle. Mitsubishi stated that the construction and performance of the immobilizer will be the same in all models whether the vehicle has a WCM or KOS entry system. Mitsubishi further stated that the only difference between the two keyless entry systems is the ''key'' and the method used to transmit the information from the key to the immobilizer.

Specifically, once the ignition switch is turned to the ''on'' position, the transceiver module reads the specific ignition key code for the vehicle and transmits an encrypted message containing the key code to the electronic control unit (ECU). The immobilizer receives the key code signal transmitted from either type of key (WCM or KOS) and verifies that the key code signal is correct. The immobilizer then sends a separate encrypted start-code signal to the engine ECU to allow the driver to start the vehicle. The power train only will function if the key code matches the unique identification key code previously programmed into the ECU. If the codes do not match, the power train engine and fuel system will be disabled.

In addressing the specific content requirements of 543.6, Mitsubishi provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Mitsubishi conducted tests

based on its own specified standards. Mitsubishi provided a detailed list of the tests conducted and believes that the device is reliable and durable since the device complied with its specific requirements for each test. Mitsubishi additionally stated that its immobilizer system is further enhanced by several factors making it very difficult to defeat. Specifically, Mitsubishi stated that communication between the transponder and the ECU are encrypted and have trillions of different possible key codes that make successful key code duplication virtually impossible. Mitsubishi also stated that its immobilizer system and the ECU share security data during vehicle assembly that make them a matched set. These matched modules will not function if taken out and reinstalled separately on other vehicles. Mitsubishi also stated that it is impossible to mechanically override the system and start the vehicle because the vehicle will not be able to start without the transmission of the specific code to the electronic control module. Lastly, Mitsubishi stated that the antitheft device is extremely reliable and durable because there are no moving parts, nor does the key require a separate battery.

Mitsubishi informed the agency that the Outlander vehicle line was first equipped with the proposed device beginning with it's MY 2007 vehicles. Additionally, Mitsubishi informed the agency that its Eclipse vehicle line has been equipped with the device beginning with it's MY 2000 vehicles. Mitsubishi stated that the theft rate for the MY 2000 Eclipse decreased by almost 42% when compared with that of it's MY 1999 Mitsubishi Eclipse (unequipped with an immobilizer device). Mitsubishi also revealed that the Galant and Endeavor vehicle lines have been equipped with a similar type of immobilizer device since January and April 2004 respectively. The Mitsubishi Galant and Endeavor vehicle lines were both granted parts-marking exemptions by the agency and the average theft rates using 3 MY's data is 4.4173 and 2.9564 respectively. Therefore, Mitsubishi has concluded that the antitheft device proposed for its vehicle line is no less effective than those devices in the lines for which NHTSA has already granted full exemption from the parts-marking requirements.

Based on the evidence submitted by Mitsubishi, the agency believes that the antitheft device for the Outlander vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7(b), the agency grants a petition for an exemption from the parts-marking requirements of part 541 either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541. The agency finds that Mitsubishi has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Mitsubishi provided about its device.

The agency concludes that the device will provide the five types of Performance listed in § 543.6(a)(3): promoting activation; attract attention to the efforts of an unauthorized person to enter or move a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

For the foregoing reasons, the agency hereby grants in full Mitsubishi's petition for exemption for the Outlander vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Mitsubishi decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, the line must be fully marked as required by 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Mitsubishi wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: January 27, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9–2108 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition To Modify an Exemption of a Previously Approved Antitheft Device; General Motors Corporation

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (DOT).

ACTION: Notice; Grant of Petition.

SUMMARY: On May 15, 1995, the National Highway Traffic Safety Administration (NHTSA) granted in full General Motors Corporation's (GM) petition for an exemption in accordance with § 543.9(c)(2) of 49 CFR part 543, *Exemption from the Theft Prevention Standard* for the Buick Regal vehicle line (subsequently renamed LaCrosse). On July 27, 2004, the agency granted GM's first petition to modify its exemption. On September 25, 2008, GM submitted a second petition to modify its previously approved exemption for the Buick Regal/LaCrosse vehicle line beginning with model year (MY) 2010. NHTSA is granting GM's second petition to modify the exemption in full because it has determined that the modified device is also likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard.

DATES: The exemption granted by this notice is effective beginning with model year (MY) 2010.

FOR FURTHER INFORMATION CONTACT: Deborah Mazyck, Office of International Policy, Fuel Economy and Consumer Standards, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Mazyck's telephone number is (202) 366–0846. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: On May 15, 1995, NHTSA published in the **Federal Register** a notice granting in full a petition from GM for an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR 541) for the Buick Regal vehicle line beginning with its MY 1996 vehicles. The Buick Regal was equipped with the PASS-Key II antitheft device (See 69 FR 44724).

On July 27, 2004 (see 69 FR 44724), the agency granted a petition for modification of the previously granted exemption for the Buick Regal/LaCrosse vehicle line beginning with its MY 2005 vehicles. The notice also acknowledged that the nameplate for the Buick Regal would be changed to Buick LaCrosse. On September 25, 2008, GM submitted a second petition to modify the previously approved exemption for the Buick LaCrosse vehicle line. This notice grants in full GM's second petition to modify the exemption for the Buick LaCrosse vehicle line. GM's submission is a complete petition, as required by 49 CFR part 543.9(d), in that it meets the general requirements contained in 49 CFR part 543.5 and the specific content requirements of 49 CFR part 543.6. GM's petition provides a detailed description and diagram of the identity, design, and location of the components of the antitheft device proposed for installation beginning with the 2010 model year.

The MY 1996 antitheft device (PASS-Key II) installed on the Buick Regal/LaCrosse was a passively activated, transponder-based, electronic immobilizer system. GM stated that, in the PASS-Key II device, the key resistance was determined by a microprocessor, and the key information was monitored for the duration of a valid ignition cycle. Additionally, a security indicator would illuminate continuously directing the operator to have the vehicle serviced if ''fail enabled'' conditions (i.e., vehicle does not start with the proper key because of a dirty or contaminated resistor pellet) arose. If a fault was detected, future ignition cycles would not be allowed regardless of key authorization.

GM stated that the current PASS-Key III antitheft device (MY 2004 modification) installed on the Buick Regal vehicle line provides protection against unauthorized starting and fueling of the vehicle engine. The antitheft device is designed to be active at all times without direct intervention by the vehicle operator, and so that no specific or discrete security system action is necessary to achieve protection of the device. The device is fully armed immediately after the vehicle has been turned off and the key has been removed. GM also stated that the PASS-Key III device utilizes a special ignition key and decoder module. The mechanical code of the key unlocks and releases the transmission lever. The vehicle can only be operated when the key's electrical code is sensed by the key cylinder and properly decoded by the controller module.

The ignition key contains electronics in the key head that receive energy from the controller module. Upon receipt of the data from the controller module, the key transmits a unique code through low frequency transmission. The controller module translates the received signal from the key into a digital signal which is transmitted to the body control module (BCM). The received signal is compared to an internally stored value by the BCM. If the values match, the key is recognized as valid and a vehicle security password is transmitted through data link to the engine control module to enable fuel and starting of the vehicle.

In its second modification, GM stated that it proposes to install its Buick LaCrosse vehicle line with its PASS-Key III+ antitheft device beginning with its MY 2010 vehicles. The PASS-Key III+ is also a transponder based electronic immobilizer system. It is designed to be active at all times without direct intervention by the vehicle operator. The antitheft device is fully armed immediately after the ignition has been turned off and the key removed. The device will continue to provide protection against unauthorized use (i.e., starting and engine fueling), but will not provide any visible or audible indication of unauthorized vehicle entry (i.e., flashing lights or horn alarm).

Components of the modified antitheft device include an electronically-coded ignition key, a PASS-Key III+ controller module and a powertrain control module. Unlike the ignition key used with the PASS-Key and PASS-Key II devices, the PASS-Key III and PASS-Key III+ ignition key contains electronics embedded within the head of the key.

GM states that the PASS-Key III+ utilizes an encryption process. The electronics embedded within the head of the key receive energy and data from the control module. Upon receipt of the data, the key will calculate a response to the data using secret information and an internal encryption algorithm, and transmit the response back to the vehicle. The controller module translates the radio frequency signal received from the key into a digital signal and compares the received response to an internally calculated value. If the values match, the key is recognized as valid, and one of 65,534 ''Vehicle Security Passwords'' is transmitted to enable fuel and starting.

The PASS-Key III and PASS-Key III+ device use billions of electrical key codes which varies with every ignition cycle, while the PASS-Key II has code combinations that never varies at each ignition cycle. In the PASS-Key III+, each key is uniquely coded and the vehicle can be programmed to operate with up to ten different codes, compared to the PASS-Key and PASS-Key II devices that only allow a vehicle to recognize a single unique code. The PASS-Key III+ device uses an encrypted code while the codes for the PASS-Key, PASS-Key II and PASS-Key III devices use a fixed code.

GM indicated that the theft rates, as reported by the Federal Bureau of Investigation's National Crime Information Center (NCIC), are lower for GM models equipped with the ''PASS-Key''-like systems which have exemptions from the parts-marking requirements of 49 CFR part 541, than the theft rates for earlier, similarly-constructed models which were parts-marked. Based on the performance of the PASS-Key, PASS-Key II, and PASS-Key III systems on other GM models, and the advanced technology utilized by the modification, GM believes that the MY 2010 antitheft device will be more effective in deterring theft than the parts-marking requirements of 49 CFR part 541.

GM stated that the theft rates for the 2003 and 2004 Cadillac CTS and the MY 2004 Cadillac SRX currently installed with the PASS-Key III+ antitheft device exhibit theft rates that are lower than the median theft rate (3.5826) established by the agency. The Cadillac CTS introduced as a MY 2003 vehicle line has been equipped with the PASS-Key III+ device since the start of production. The theft rates for the MY 2003 and 2004 Cadillac CTS are 1.0108 and 0.7681 respectively. Similarly, the Cadillac SRX introduced as a MY 2004 vehicle has been equipped with the PASS-Key III+ device since production.

The theft rate for MY 2004 Cadillac SRX is 0.7789. GM stated that the theft rates experienced by these lines with installation of the PASS-Key III+ device demonstrate the effectiveness of the device. The agency agrees that the device is substantially similar to devices for which the agency has previously approved exemptions.

GM's proposed device, as well as other comparable devices that have received full exemptions from the parts-marking requirements, lack an audible or visible alarm. Therefore, these devices cannot perform one of the functions listed in 49 CFR part 543.6(a)(3), that is, to call attention to unauthorized attempts to enter or move the vehicle. Based on comparison of the reduction in the theft rates of GM vehicles using a passive theft deterrent device with an audible/visible alarm system to the reduction in theft rates for GM vehicle models equipped with a passive antitheft device without an alarm, GM finds that the lack of an alarm or attention attracting device does not compromise the theft deterrent performance of a system such as PASS-Key III+. In past petitions, the agency has concluded that the lack of a visual or audio alarm has not prevented these antitheft devices from being effective protection against theft.

On the basis of this comparison, GM believes that the antitheft device (PASS-Key III+) for model years 2010 and later will provide essentially the same functions and features as found on its MY 2005–2009 PASS-Key III device and therefore, its modified device will provide at least the same level of theft prevention as parts-marking. GM believes that the antitheft device proposed for installation on its MY 2010 Buick LaCrosse is likely to be as effective in reducing thefts as compliance with the parts marking requirements of part 541.

In addressing the specific content requirements of part 543.6, GM provided information on the reliability and durability of the proposed device. To ensure reliability and durability of the device, GM conducted tests based on its own specified standards. GM provided a detailed list of the tests conducted and believes that the device is reliable and durable since it complied with the specified requirements for each test. GM also stated that since the authorization code is not handled or contacted by the vehicle operator, the reliability of the PASS-Key III+ is significantly improved over the PASS-Key and PASS-Key II devices. This reliability allows the system to return to the ''Go/No Go'' based system, eliminating the ''fail enabled'' mode of operation.

The agency has evaluated GM's MY 2010 petition to modify the exemption for the Buick LaCrosse vehicle line from the parts-marking requirements of 49 CFR part 541, and has decided to grant it. It has determined that the PASS-Key III+ system is likely to be as effective as parts-marking in preventing and deterring theft of these vehicles, and therefore qualifies for an exemption under 49 CFR part 543. The agency believes that the proposed device will continue to provide four of the five types of performance listed in § 543.6(a)(3): promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

If GM decides not to use the exemption for this line, it should formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: January 27, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9–2106 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Mitsubishi Motors

AGENCY: National Highway Traffic Safety Administration (NHTSA) Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Mitsubishi Motors R&D of America (Mitsubishi) petition for exemption of the Mitsubishi Lancer vehicle line in accordance with 49 CFR part 543, *Exemption from the Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). Mitsubishi requested confidential treatment for some of the information and attachments it submitted in support of its petition. The agency will address Mitsubishi's request for confidential treatment by separate letter.

DATES: The exemption granted by this notice is effective beginning with the 2010 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Ballard's phone number is (202) 366–0846. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated September 26, 2008, Mitsubishi requested exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541) for the Mitsubishi Lancer vehicle line beginning with MY 2010. The petition requested an exemption from parts-marking pursuant to 49 CFR 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Mitsubishi provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the Lancer vehicle line. Mitsubishi will install a passive, transponder-based, electronic engine immobilizer device as standard equipment on its Lancer vehicle line beginning with MY 2010. Features of the antitheft device will include an electronic key, electronic control unit (ECU), and a passive immobilizer. Mitsubishi will also incorporate an alarm system as standard equipment on all Lancer models, except for the DE models, which will offer an optional alarm system. However, based on the declining theft rate experience of other vehicles equipped with devices that do not have an audio or visual alarm for which NHTSA has already exempted from the parts-marking requirements, the agency has concluded that the absence of a visual or audio alarm has not prevented these antitheft devices from being effective protection against theft. Mitsubishi's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements

contained in 543.5 and the specific content requirements of 543.6.

Mitsubishi further explained that entry models for the Lancer vehicle line will be equipped with an immobilizer that functions via a Wireless Control Module (WCM). Mitsubishi stated that this is a keyless entry system in which the transponder is located in a traditional key that must be inserted into the key cylinder in order to activate the ignition. All other models of the Lancer vehicle line are equipped with an immobilizer that functions via a Keyless Operation System (KOS), which utilizes a keyless system that allows the driver to push a knob in the steering lock unit to activate the ignition (instead of using a traditional key in the key cylinder) as long as the transponder is located in close proximity to the driver inside the vehicle. Mitsubishi stated that the construction and performance of the immobilizer will be the same in all models whether the vehicle has a WCM or KOS entry system. Mitsubishi further stated that the only difference between the two keyless entry systems is the ''key'' and the method used to transmit the information from the key to the immobilizer.

Specifically, once the ignition switch is turned to the ''on'' position, the transceiver module reads the specific ignition key code for the vehicle and transmits an encrypted message containing the key code to the electronic control unit (ECU). The immobilizer receives the key code signal transmitted from either type of key (WCM or KOS) and verifies that the key code signal is correct. The immobilizer then sends a separate encrypted start-code signal to the engine ECU to allow the driver to start the vehicle. The power train only will function if the key code matches the unique identification key code previously programmed into the ECU. If the codes do not match, the power train engine and fuel system will be disabled.

In addressing the specific content requirements of 543.6, Mitsubishi provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Mitsubishi conducted tests based on its own specified standards. Mitsubishi provided a detailed list of the tests conducted and believes that the device is reliable and durable since the device complied with its specific requirements for each test. Mitsubishi additionally stated that its immobilizer system is further enhanced by several factors making it very difficult to defeat. Specifically, Mitsubishi stated that communication between the transponder and the ECU are encrypted and have trillions of different possible key codes that make successful key code duplication virtually impossible. Mitsubishi also stated that its immobilizer system and the ECU share security data during vehicle assembly that make them a matched set. These matched modules will not function if taken out and reinstalled separately on other vehicles. Mitsubishi also stated that it is impossible to mechanically override the system and start the vehicle because the vehicle will not be able to start without the transmission of the specific code to the electronic control module. Lastly, Mitsubishi stated that the antitheft device is extremely reliable and durable because there are no moving parts, nor does the key require a separate battery.

Mitsubishi informed the agency that the Lancer vehicle line was first equipped with the proposed device beginning with its MY 2008 vehicles. Additionally, Mitsubishi informed the agency that its Eclipse vehicle line has been equipped with the device beginning with its MY 2000 vehicles. Mitsubishi stated that the theft rate for the MY 2000 Eclipse decreased by almost 42% when compared with that of its MY 1999 Mitsubishi Eclipse (unequipped with an immobilizer device). Mitsubishi also revealed that the Galant and Endeavor vehicle lines have been equipped with a similar type of immobilizer device since January and April 2004 respectively. The Mitsubishi Galant and Endeavor vehicle lines were both granted parts-marking exemptions by the agency and the average theft rates using 3 MY's data is 4.4173 and 2.9564 respectively. Therefore, Mitsubishi has concluded that the antitheft device proposed for its vehicle line is no less effective than those devices in the lines for which NHTSA has already granted full exemption from the parts-marking requirements.

Based on the evidence submitted by Mitsubishi, the agency believes that the antitheft device for the Lancer vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7(b), the agency grants a petition for an exemption from the parts-marking requirements of part 541 either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541. The agency finds that Mitsubishi has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Mitsubishi provided about its device.

The agency concludes that the device will provide four of the five types of performance listed in § 543.6(a)(3): Promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

For the foregoing reasons, the agency hereby grants in full Mitsubishi's petition for exemption for the Lancer vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Mitsubishi decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, the line must be fully marked as required by 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Mitsubishi wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. part 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the

manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: January 27, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9–2107 Filed 1–30–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 664 (Sub-No. 1)]

Use of a Multi-Stage Discontinued Cash Flow Model in Determining the Railroad Industry's Cost of Capital

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of Final Decision.

SUMMARY: By a decision served on January 28, 2009, the Board modified its methodology for determining the cost of capital for the railroad industry by adopting the average of the estimates produced by its Capital Asset Pricing Model (CAPM) with the Morningstar/Ibbotson multi-stage Discontinued Cash Flow (DCF) model to estimate the railroad industry's cost of equity.

DATES: This action is effective on January 28, 2009.

FOR FURTHER INFORMATION CONTACT: Timothy J. Strafford, (202) 245–0356. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: The Board has been thoroughly reviewing its regulatory processes for determining the railroad industry's cost of capital. The overall cost of capital is determined through the use of two figures: The cost of debt and the cost of equity. The cost of debt is readily available and observable; however, the cost of equity is not and must be estimated using a finance model. The Board determined in a decision served on January 28, 2009, the combination of finance models that it found best depicts the cost of equity, and thereby the cost of capital. In that decision, the Board revised its methodology for determining the cost of capital for the railroad industry by adopting the average of CAPM and the Morningstar/Ibbotson multi-stage DCF model.

Additional information is contained in the Board's decision. A copy of the Board's decision is available for inspection or copying at the Board's Public Docket Room, Room 131, 395 E Street, SW., Washington, DC 20423–0001, and is posted on the Board's Web site, *http://www.stb.dot.gov.*

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10101(14); 49 U.S.C. 10704(a)(2)–(3).

Decided: January 23, 2009.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9–2185 Filed 1–30–09; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, March 17, 2009.

FOR FURTHER INFORMATION CONTACT: Ellen Smiley at 1–888–912–1227, or (414) 231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 4 Taxpayer Advocacy Panel will be held Tuesday, March 17, 2009, at 1 p.m. Central Time. For more information, please contact Ellen Smiley. Ms. Smiley may be reached at 1–888–912–1227, or (414) 231–2360, or you can submit written comments to the panel by faxing the comments to (414) 231–2363, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or you can post comments to the Web site at *http://www.improveirs.org.*

The agenda will include the following: Various IRS issues.

Dated: January 27, 2009.

Shawn F. Collins,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E9–2101 Filed 1–30–09; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing—March 4, 2009, Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: Carolyn Bartholomew, Chairman of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.''

Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on March 4, 2009 to address ''China's Military and Security Activities Abroad.''

Background

This event is the second in a series of public hearings the Commission will hold during its 2009 report cycle to collect input from leading academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The March 4 hearing will examine the People's Liberation Army's domestic and foreign activities and orientation, China's expanding military and security influence, China's military operations abroad, and China's conventional arm sales.

The March 4 hearing will be Co-chaired by Commission Chairman Carolyn Bartholomew and Vice Chairman Larry M. Wortzel.

Information on hearings, as well as transcripts of past Commission hearings, can be obtained from the USCC Web site *http://www.uscc.gov.*

Copies of the hearing agenda will be made available on the Commission's Web site *http://www.uscc.gov* as soon as available. Any interested party may file

a written statement by March 4, 2009, by mailing to the contact below. On March 4, the hearing will be held in two sessions, one in the morning and one in the afternoon. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Date and Time: Wednesday, March 4, 2009, 9 a.m. to 4:15 p.m. Eastern Standard Time. A detailed agenda for the hearing will be posted to the Commission's Web site at *http://www.uscc.gov* in the near future.

ADDRESSES: The hearing will be held on Capitol Hill in Room 562 of the Dirksen Senate Office Building located at First Street and Constitution Avenue, NE., Washington, DC 20510. Public seating is limited to about 50 people on a first come, first served basis. Advance reservations are not required.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning the hearing should contact Kathy Michels, Associate Director for the U.S.-China Economic and Security Review Commission, 444 North Capitol Street, NW., Suite 602, Washington, DC 20001; phone: 202–624–1409, or via e-mail at *kmichels@uscc.gov*.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005).

Dated: January 27, 2009.

Kathleen J. Michels,

Associate Director, U.S.-China Economic and Security Review Commission.

[FR Doc. E9–2103 Filed 1–30–09; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0110]

Proposed Information Collection (Application for Assumption Approval and/or Release From Personal Liability to the Government on a Home Loan) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to approve a claimant's request to be released from personal liability on a Government home loan.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 3, 2009.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0110'' in any correspondence. During the comment period, comments may be viewed online through at FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Assumption Approval and/or Release from Personal Liability to the Government on a Home Loan, VA Form 26–6381.

OMB Control Number: 2900–0110.

Type of Review: Extension of a currently approved collection.

Abstract: Veteran-borrows complete VA Form 26–6381 to sell their home by assumption rather than requiring the purchaser to obtain their own financing to pay off the VA guaranteed home loan. In order for the veteran-borrower to be released from personal liability, the loan must be current and the purchaser must assume all of the veteran's liability to the Government and to the mortgage holder and meet the credit and income requirements.

Affected Public: Individuals or households, Business or other for profit.

Estimated Annual Burden: 42 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 250.

Dated: January 22, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–2069 Filed 1–30–09; 8:45 am]

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Federal Register

Vol. 74, No. 20

Monday, February 2, 2009

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CFR PARTS AFFECTED DURING FEBRUARY

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LIST OF PUBLIC LAWS

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S. 181/P.L. 111–2

Lilly Ledbetter Fair Pay Act of 2009 (Jan. 29, 2009; 123 Stat. 5)

Last List January 21, 2009

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When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Date of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
February 2	Feb 17	Mar 4	Mar 19	Apr 3	May 4
February 3	Feb 18	Mar 5	Mar 20	Apr 6	May 4
February 4	Feb 19	Mar 6	Mar 23	Apr 6	May 5
February 5	Feb 20	Mar 9	Mar 23	Apr 6	May 6
February 6	Feb 23	Mar 9	Mar 23	Apr 7	May 7
February 9	Feb 24	Mar 11	Mar 26	Apr 10	May 11
February 10	Feb 25	Mar 12	Mar 27	Apr 13	May 11
February 11	Feb 26	Mar 13	Mar 30	Apr 13	May 12
February 12	Feb 27	Mar 16	Mar 30	Apr 13	May 13
February 13	Mar 2	Mar 16	Mar 30	Apr 14	May 14
February 17	Mar 4	Mar 19	Apr 3	Apr 20	May 18
February 18	Mar 5	Mar 20	Apr 6	Apr 20	May 19
February 19	Mar 6	Mar 23	Apr 6	Apr 20	May 20
February 20	Mar 9	Mar 23	Apr 6	Apr 21	May 21
February 23	Mar 10	Mar 25	Apr 9	Apr 24	May 26
February 24	Mar 11	Mar 26	Apr 10	Apr 27	May 26
February 25	Mar 12	Mar 27	Apr 13	Apr 27	May 26
February 26	Mar 13	Mar 30	Apr 13	Apr 27	May 27
February 27	Mar 16	Mar 30	Apr 13	Apr 28	May 28