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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, March 17, 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

RESERVATIONS: (202) 741–6008

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0150; Directorate Identifier 2009–CE–010–AD; Amendment 39–15830; AD 2009–05–06]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–500 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

There is a possibility that during a go around procedure with a flap system failed the stall warning and the stick pusher triggering angles are anticipated reducing the margin between the real angle of attack and the stick pusher triggering angle. If the stick pusher is activated at a low altitude the pilot may be not able to recover the airplane control. Since this condition affects flight safety, an immediate corrective action is required. Thus, sufficient reason exists to request compliance with this EAD in the indicated time limit without prior notice.

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective February 27, 2009.

We must receive comments on this AD by March 30, 2009.

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

The AGÊNCIA NACIONAL DE AVIAÇÃO CIVIL—BRAZIL, which is the aviation authority for Brazil, has issued EAD No.: 2009–02–04, dated February 13, 2009 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

There is a possibility that during a go around procedure with a flap system failed the stall warning and the stick pusher triggering angles are anticipated reducing the margin between the real angle of attack and the stick pusher triggering angle. If the stick pusher is activated at a low altitude the pilot may be not able to recover the airplane control. Since this condition affects flight safety, an immediate corrective action is required. Thus, sufficient reason exists to request compliance with this EAD in the indicated time limit without prior notice.

You may obtain further information by examining the MCAI in the AD docket.

FAA's Determination and Requirements of the AD

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

Differences Between This AD and the MCAI or Service Information

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

We might have also required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the AD. These requirements take precedence over those copied from the MCAI.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because if the stick pusher is activated at a low altitude the pilot may not be able to recover the airplane control. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant

data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0150; Directorate Identifier 2009–CE–010–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2009–05–06 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–15830; Docket No. FAA–2009–0150; Directorate Identifier 2009–CE–010–AD.

Effective Date

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

Affected ADs

(b) None.

Applicability

(c) This AD applies to Models EMB–500 airplanes, all serial numbers, equipped with the stall warning computer part number (P/N) C100106–1, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 27: Flight Controls.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states: There is a possibility that during a go around procedure with a flap system failed the stall warning and the stick pusher triggering angles are anticipated reducing the margin between the real angle of attack and the stick pusher triggering angle. If the stick pusher is activated at a low altitude the pilot may be not able to recover the airplane control. Since this condition affects flight safety, an immediate corrective action is required. Thus, sufficient reason exists to request compliance with this EAD in the indicated time limit without prior notice.

Actions and Compliance

(f) Unless already done, before further flight, incorporate into the airplane flight manual (AFM) the following procedures and limitations section revisions. You may insert a copy of this AD into the appropriate sections of the AFM to comply with the requirements of this AD.

(1) Revise the AFM by adding Figure 1 of this AD to the Limitations section 2.30.

BILLING CODE 4910–13–P

Figure 1 – AFM Limitations Section 2.30 Revision

FLAPS

Flap FULL must not be used to land in no icing condition.

(2) Replace the GO–AROUND procedure in AFM Section 3–03, page 2, with the procedure in Figure 2 of this AD.

Figure 2 – AFM Section 3-03, GO-AROUND Procedure

FLAPS MUST NOT BE RETRACTED DURING GO-AROUND MANEUVER

GO-AROUND

TO/GA Buttons ..... PRESS
Thrust Levers..... TO/GA

Rotate the airplane following the flight director guidance.

In case of flight director is inoperative, rotate the airplane according to the table below.

LANDING FLAPS POSITION	GO-AROUND PITCH ANGLE
2	7.5°

With positive rate of climb:
LDG GEAR Lever ..... UP
Minimum Airspeed..... V_{AC}

At the acceleration altitude proceed as in a normal takeoff.

(3) Replace the ONE ENGINE INOPERATIVE PROCEDURE APPROACH AND LANDING procedure in AFM Section 4–01, page 17, with the procedure in Figure 3 of this AD.

Figure 3 – AFM Section 4-01, ONE ENGINE INOPERATIVE PROCEDURE

APPROACH AND LANDING Procedure

FLAPS MUST NOT BE RETRACTED DURING GO-AROUND MANEUVER.

ONE ENGINE INOPERATIVE APPROACH AND LANDING

During descent:

Landing Speeds ..... SET
Landing Field Elevation ..... SET
Approach Aids ..... SET
Altimeters ..... SET/CHECK

Landing configuration:

LDG GEAR Lever ..... DN
Flaps 2
Airspeed ..... MINIMUM
V_{REF} + 10 KIAS

CAUTION: MULTIPLY THE FULL FLAPS UNFACTORED LANDING DISTANCE BY 1.25.

If a go around is required:

Go-Around Buttons ..... PRESS
Thrust Levers ..... TO/GA

CAUTION: DO NOT PRESS THE TO/GA BUTTON AFTER SELECTING GO AROUND FLAP.

Rotate the airplane to 7.5° nose up.

With positive rate of climb:

LDG GEAR Lever ..... UP
Airspeed ..... APPROACH
CLIMB SPEED

(4) Revise AFM Section 5–02 by adding the statement in Figure 4 of this AD.

Figure 4 – AFM Section 5-02 Revision

WARNING: OPERA LANDING PERFORMANCE FOR NO ICE CONDITIONS (ANTI-ICE OFF) MUST NOT BE USED.

(5) Replace the AFM performance tables (ANTI–ICE OFF) in Section 5–20, pages 2 and 3, with the table in Figure 5 of this AD.

Figure 5 – AFM Section 5-20, Performance Tables (ANTI-ICE OFF)

APPROACH FLAPS 2 AND LANDING FLAPS 2

ANTI-ICE OFF

WEIGHT (kg)	APPROACH	LANDING (CLIMB/REFERENCE)
	FLAPS 2	FLAPS 2
	V_{AC} – KIAS	V_{REF} – KIAS
3200	92	91
3300	93	91
3400	94	92
3500	95	93
3600	97	95
3700	98	96
3800	99	97
3900	100	98
4000	101	100
4100	102	101
4200	103	102
4300	104	104
4400	105	105
4500	107	106

(6) Replace the AFM performance tables (ANTI–ICE OFF) in Section 5–25, pages 2 and 3, with the table in Figure 6 of this AD.

Figure 6 – AFM Section 5-25, Performance Tables (ANTI-ICE OFF)

MAXIMUM LANDING WEIGHT – CLIMB LIMITED
APPROACH FLAPS 2 – LANDING FLAPS 2 – ANTI-ICE OFF

TEMP (°C)	MAXIMUM LANDING WEIGHT (kg)					
	Altitude (ft)					
	-1000 ft	0 ft	1000 ft	2000 ft	3000 ft	4000 ft
-40	4430 (S)	4430 (S)	4430 (S)	4426 (A)	4275 (A)	4125 (A)
-35	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4279 (A)	4129 (A)
-30	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4283 (A)	4133 (A)
-25	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4287 (A)	4137 (A)
-20	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4290 (A)	4141 (A)
-15	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4294 (A)	4145 (A)
-10	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4297 (A)	4148 (A)
-5	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4301 (A)	4152 (A)
0	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4304 (A)	4156 (A)
5	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4305 (A)	4157 (A)
10	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4301 (A)	4154 (A)
15	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4297 (A)	4151 (A)
20	4430 (S)	4430 (S)	4430 (S)	4430 (S)	4284 (A)	4137 (A)
25	4430 (S)	4430 (S)	4430 (S)	4338 (A)	4169 (A)	3998 (A)
30	4430 (S)	4430 (S)	4311 (A)	4126 (A)	3954 (A)	3788 (A)
35	4430 (S)	4262 (A)	4080 (A)	3908 (A)	3744 (A)	3584 (A)
40	4191 (A)	4030 (A)	3866 (A)	3701 (A)	3544 (A)	3397 (A)
45	3977 (A)	3826 (A)	3665 (A)	3509 (A)	-	-
50	3773 (A)	3629 (A)	-	-	-	-

TEMP (°C)	MAXIMUM LANDING WEIGHT (kg)					
	Altitude (ft)					
	5000 ft	6000 ft	7000 ft	8000 ft	9000 ft	10000 ft
-40	3977 (A)	3847 (A)	3723 (A)	3603 (A)	3485 (A)	3410 (A)
-35	3981 (A)	3850 (A)	3727 (A)	3606 (A)	3488 (A)	3412 (A)
-30	3984 (A)	3854 (A)	3730 (A)	3610 (A)	3492 (A)	3415 (A)
-25	3988 (A)	3857 (A)	3734 (A)	3613 (A)	3495 (A)	3417 (A)
-20	3992 (A)	3861 (A)	3737 (A)	3616 (A)	3498 (A)	3419 (A)
-15	3995 (A)	3864 (A)	3740 (A)	3619 (A)	3501 (A)	3422 (A)
-10	3998 (A)	3867 (A)	3743 (A)	3623 (A)	3504 (A)	3424 (A)
-5	4002 (A)	3870 (A)	3747 (A)	3626 (A)	3508 (A)	3426 (A)
0	4005 (A)	3874 (A)	3750 (A)	3629 (A)	3511 (A)	3429 (A)
5	4007 (A)	3877 (A)	3752 (A)	3631 (A)	3513 (A)	3431 (A)
10	4006 (A)	3874 (A)	3750 (A)	3630 (A)	3512 (A)	3429 (A)
15	4005 (A)	3872 (A)	3747 (A)	3627 (A)	3509 (A)	3409 (A)
20	3987 (A)	3828 (A)	3678 (A)	3535 (A)	3378 (A)	3223 (A)
25	3821 (A)	3654 (A)	3496 (A)	3345 (A)	3198 (A)	3124 (A)
30	3619 (A)	3455 (A)	3302 (A)	3175 (A)	3124 (A)	3124 (A)
35	3416 (A)	3268 (A)	3154 (A)	-	-	-
40	3242 (A)	-	-	-	-	-

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Note 1: The above limitation and procedures are considered an interim solution until a final action is identified, at which time AGÊNCIA NACIONAL DE AVIAÇÃO CIVIL—BRAZIL (ANAC) and the FAA may consider further AD action.

Note 2: Operation in icing conditions is not affected by the above limitations and procedures.

FAA AD Differences

Note 3: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI ANAC, EAD No.: 2009–02–04, dated February 13, 2009.

Issued in Kansas City, Missouri, on February 20, 2009.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–4099 Filed 2–26–09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–1065; Directorate Identifier 2008–NM–126–AD; Amendment 39–15827; AD 2009–05–03]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 727 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Boeing Model 727 airplanes. This AD requires among other actions, installing new ground fault interrupter (GFI) relays for the main fuel tanks and the auxiliary fuel tank pumps. This AD also requires revising the FAA-approved maintenance program to incorporate new Airworthiness Limitations for the GFI of the boost pumps and for the uncommanded on system for the auxiliary fuel tank pumps. This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent an electrical fault in the fuel pump system, which might cause a connector or end cap to burn through and a subsequent fire or explosion inside the fuel pump or wing spar area. We are also issuing this AD to prevent uncommanded operation of the auxiliary fuel tank pumps, which can cause them to run dry. This condition will increase pump temperature and could supply an ignition source to fumes in the fuel tank, which can result in a consequent fire or explosion.

DATES: This AD is effective April 3, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 3, 2009.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1, fax 206–766–5680; e-mail *me.boecom@boeing.com*; Internet *https://www.myboeingfleet.com*.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Binh Tran, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6485; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to certain Boeing Model 727 airplanes. That NPRM was published in the **Federal Register** on October 7, 2008 (73 FR 58509). That NPRM proposed to require, among other actions, installing new ground fault interrupter (GFI) relays for the main fuel tanks and the auxiliary fuel tank pumps. This AD also requires revising the FAA-approved maintenance program to incorporate new Airworthiness Limitations for the GFI of the boost pumps and for the uncommanded on system for the auxiliary fuel tank pumps.

Comments

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

Support for the NPRM

Boeing concurs with the contents of the NPRM.

General Comment Disagreeing With NPRM

Another commenter, Ralph Pascale, asserts that the current configuration of the boost pump circuits is adequate and does not need to be changed. The commenter feels that by installing the GFIs on the boost pumps according to the NPRM, there could be a condition where during a loss of all generators due to thunderstorms, electrical power is lost to the boost pumps and the possibility of the GFI tripping due to high voltage (getting hit by lightning) will prevent the boost pumps from supplying boosted pressure when electrical power is re-established, causing a triple flameout.

We infer that the commenter is requesting that we withdraw the NPRM. We do not concur. Loss of all generators resulting in loss of all boost pumps is a rare event, even without GFI installed for the boost pumps. The GFI has been tested for lightning threat to a level that is higher than the worst-case lightning threat that a Model 727 airplane would typically experience. Therefore, the risk to the boost pumps has not increased. We have not changed this final rule in light of the comment.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

We estimate that this AD will affect 199 airplanes of U.S. registry. The following table provides the estimated

costs for U.S. operators to comply with this AD.

TABLE—ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per product	Number of U.S.-registered airplanes	Fleet cost
Installation of new GFI relays.	Between 202 and 416.[1]	$80	Between $30,619 and $59,785.[1]	Between $46,779 and $93,065.[1]	199	Between $9,309,021 and $18,519,935.[1]
Concurrent requirements	Between 68 and 209.[1]	80	Between $1,292 and $10,470.[1]	Between $6,732 and $27,190.[1]	35	Between $235,620 and $951,650.[1]
Revision of FAA-approved maintenance program.	1	80	None	$80	199	$15,920.

[1] Depending on the airplane configuration.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2009–05–03 Boeing: Amendment 39–15827. Docket No. FAA–2008–1065; Directorate Identifier 2008–NM–126–AD.

Effective Date

(a) This airworthiness directive (AD) is effective April 3, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 727–28A0128, dated April 4, 2008.

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

Unsafe Condition

(d) This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent an electrical fault in the fuel pump system, which might cause a connector or end cap to burn through and a subsequent fire or explosion inside the fuel pump or wing spar area. We are also issuing this AD to prevent uncommanded operation of the auxiliary fuel tank pumps, which can cause them to run dry. This condition will increase pump temperature and could supply an ignition source to fumes in the fuel tank, which can result in a consequent fire or explosion.

Compliance

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

Installation

(f) Within 60 months after the effective date of this AD, install new ground fault interrupter (GFI) relays for the main fuel tanks and the auxiliary fuel tank pumps and do all the other specified actions by accomplishing all the applicable actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 727–28A0128, dated April 4, 2008.

Concurrent Requirements

(g) For airplanes identified as Groups 5 through 18 inclusive, in Boeing Alert Service Bulletin 727–28A0128, dated April 4, 2008: Concurrently with the installation required by paragraph (f) of this AD, do the actions specified in paragraphs (g)(1) and (g)(2) of this AD in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 727–28A0130, dated April 30, 2008.

(1) Install new ground blocks, track, switch mounting bracket, relay mounting bracket, toggle switches, and relays, and make

changes to the wire bundles in the GFI relay panel in the electronic equipment bay.

(2) Install new circuit breakers and lights and make changes to wire bundles on the third crewman's P6 and P4 panels in the flight compartment.

Maintenance Program Revision

(h) Concurrently with accomplishing the installation required by paragraph (f) of this AD, revise the FAA-approved maintenance program by incorporating Airworthiness Limitations Nos. 28–AWL–16 and 28–AWL–17 of Section D of ''Boeing 727–100/200 Airworthiness Limitations (AWLs),'' Document D6–8766–AWL, Revision August 2007.

No Alternative Inspection or Inspection Intervals

(i) After accomplishing the action required by paragraph (h) of this AD, no alternative inspections or inspection intervals may be used, unless the inspections or intervals are approved as an alternative means of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, ATTN: Binh Tran, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6485; fax (425) 917–6590; has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

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

Material Incorporated by Reference

(k) You must use the service information contained in Table 1 of this AD, as applicable, to do the actions required by this AD, unless the AD specifies otherwise.

TABLE 1—MATERIAL INCORPORATED BY REFERENCE

Document	Revision	Date
Boeing Alert Service Bulletin 727–28A0128	Original	April 4, 2008.
Boeing Alert Service Bulletin 727–28A0130	Original	April 30, 2008.
Boeing 727–100/200 Airworthiness Limitations (AWLs) Document D6–8766–AWL	August 2007	August 2007.

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

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1, fax 206–766–5680; e-mail *me.boecom@boeing.com*; Internet *https://www.myboeingfleet.com*.

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, WAashington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

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

Issued in Renton, WA, on January 30, 2009.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3875 Filed 2–26–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0857; Directorate Identifier 2007–NM–317–AD; Amendment 39–15785; AD 2009–01–06]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–300 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to all AvCraft Dornier Model 328–300 airplanes. That AD currently requires modifying the electrical wiring of the fuel pumps; installing insulation at the flow control and shut-off valves, and other components of the environmental control system; installing markings at fuel wiring harnesses; replacing the wiring harness of the auxiliary fuel system with a new wiring harness; and installing insulated couplings in the fuel system; as applicable. The existing AD also requires revising the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate new inspections of the fuel tank system. This new AD replaces the flight-hour-based threshold for conducting certain initial inspections, with a calendar-based threshold. This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

DATES: This AD becomes effective April 3, 2009.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of April 3, 2009.

On September 6, 2005 (70 FR 44046, August 1, 2005), the Director of the Federal Register approved the incorporation by reference of certain other publications referenced in this AD.

ADDRESSES: For service information identified in this AD, contact 328 Support Services GmbH, Global Support Center, P.O. Box 1252, D–82231 Wessling, Federal Republic of Germany; telephone +49 8153 88111 6666; fax +49 8153 88111 6565; e-mail *gsc.op@328support.de*; Internet *http://www.328support.de*.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the

Docket Office (telephone 800–647–5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Groves, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1503; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2005–15–16, amendment 39–14205 (70 FR 44046, August 1, 2005). The existing AD applies to all AvCraft Dornier Model 328–300 airplanes. That NPRM was published in the **Federal Register** on August 11, 2008 (73 FR 46569). That NPRM proposed to continue to require modifying the electrical wiring of the fuel pumps; installing insulation at the flow control and shut-off valves, and other components of the environmental control system; installing markings at fuel wiring harnesses; replacing the wiring harness of the auxiliary fuel system with a new wiring harness; and installing insulated couplings in the fuel system; as applicable. That NPRM also proposed to continue to require revising the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate new inspections of the fuel tank system. That NPRM also proposed to replace the flight-hour-based threshold for conducting certain initial inspections, with a calendar-based threshold.

Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been received on the NPRM or on the determination of the cost to the public.

Conclusion

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

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD. The average labor rate is $80 per work hour.

ESTIMATED COSTS

Actions	Work hours	Parts	Number of U.S.-registered airplanes	Cost per airplane	Fleet cost
Modification/installation with option 033F003 installed (required by AD 2005–15–16 and retained in this AD).	95	$9,402	None, currently.	$17,002 if an affected airplane is placed on the U.S. Register in the future.	None
Modification/installation without option 033F003 installed (required by AD 2005–15–16 and retained in this AD).	70	14,118	28	$19,718	$552,104
Airworthiness limitations revision	1	None	28	$80	2,240

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14205 (70 FR 44046, August 1, 2005) and by adding the following new airworthiness directive (AD):

2009–01–06 328 Support Services GmbH (Formerly Avcraft Aerospace GmbH, formerly Fairchild Dornier GmbH, formerly Dornier Luftfahrt GmbH): Amendment 39–15785. Docket No. FAA–2008–0857; Directorate Identifier 2007–NM–317–AD.

Effective Date

(a) This AD becomes effective April 3, 2009.

Affected ADs

(b) This AD supersedes AD 2005–15–16.

Applicability

(c) This AD applies to all 328 Support Services GmbH Dornier Model 328–300 airplanes, certificated in any category, serial numbers 3105 through 3223 inclusive.

Unsafe Condition

(d) This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Compliance

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

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

Restatement of the Requirements of AD 2005–15–16

Without Option 033F003 Installed: Modification and Installations

(f) For airplanes without option 033F003 installed: Within 12 months after September 6, 2005 (the effective date of AD 2005–15–16), do the actions in Table 1 of this AD in accordance with the Accomplishment Instructions of AvCraft Service Bulletin SB–328J–00–197, dated August 23, 2004.

TABLE 1—REQUIREMENTS FOR AIRPLANES WITHOUT OPTION 033F003 INSTALLED

Do the following actions—	By accomplishing all the actions specified in—
(1) Modify the electrical wiring of the left-hand and right-hand fuel pumps	Paragraph 1.B(1) of the service bulletin.
(2) Install insulation at the left-hand and right-hand flow control and shut-off valves and other components of the environmental control system.	Paragraph 1.B(2) of the service bulletin.
(3) Install markings at fuel wiring harnesses	Paragraph 1.B(3) of the service bulletin.

With Option 033F003 Installed: Modification, Replacement, and Installation

(g) For airplanes with option 033F003 installed: Within 12 months after September 6, 2005, do the actions in Table 2 of this AD in accordance with the Accomplishment Instructions of AvCraft Service Bulletin SB–328J–00–198, dated August 23, 2004.

TABLE 2—REQUIREMENTS FOR AIRPLANES WITH OPTION 033F003 INSTALLED

Do the following actions—	By accomplishing all the actions specified in—
(1) Modify the electrical wiring of the left-hand and right-hand fuel pumps	Paragraph 2.B(1) of the service bulletin.
(2) Replace the wiring harness of the auxiliary fuel system with a new wiring harness	Paragraph 2.B(2) of the service bulletin.
(3) Install markings at fuel wiring harnesses	Paragraph 2.B(3) of the service bulletin.
(4) Install insulated couplings in the fuel system	Paragraph 2.B(5) of the service bulletin.

Revision to Airworthiness Limitations

(h) Within 12 months after September 6, 2005, revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate the information in AvCraft Temporary Revision (TR) ALD–028, dated October 15, 2003, into the AvCraft 328JET Airworthiness Limitations Document (ALD). Thereafter, except as provided by paragraph (k) of this AD, no alternative inspection intervals may be approved for this fuel tank system.

Note 2: This may be done by inserting a copy of AvCraft TR ALD–028, dated October 15, 2003, in the AvCraft 328JET ALD. When this TR has been included in general revisions of the AvCraft 328JET ALD, the TR no longer needs to be inserted into the revised Airworthiness Limitations document.

New Requirements of This AD

Revised Initial Compliance Time

(i) For Sub-tasks 28–00–00–02 and 28–00–00–03 (''Detailed Inspection of Outer and Inner Fuel Tank Harness Internal''), as identified in AvCraft TR ALD–028, dated October 15, 2003; or Section G, ''Fuel Tank System Limitations,'' of the AvCraft Dornier 328JET ALD TM–ALD–010599–ALL, Revision 2, dated January 31, 2005, the initial compliance time is within 8 years after the effective date of this AD. Thereafter, except as provided by paragraph (k) of this AD, these tasks must be accomplished at the repetitive interval specified in Section G, ''Fuel Tank System Limitations,'' of the AvCraft Dornier 328JET ALD TM–ALD–010599–ALL, Revision 2, dated January 31, 2005.

No Alternative Inspections, Inspection Intervals, or Critical Design Configuration Control Limitations (CDCCLs)

(j) After accomplishing the actions specified in paragraphs (f), (g), and (h), and the initial inspections in paragraph (i) of this AD, no alternative inspections, inspection intervals, or critical design configuration control limitations (CDCCLs) may be used unless the inspections, intervals, or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k) of this AD.

Alternative Methods of Compliance (AMOCs)

(k) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Groves, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1503; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Related Information

(l) European Aviation Safety Agency Airworthiness Directive 2006–0197 [Corrected], dated July 11, 2006, also addresses the subject of this AD.

Material Incorporated by Reference

(m) You must use the service information identified in Table 3 of this AD, as applicable, to perform the actions that are

required by this AD, unless the AD specifies otherwise.

TABLE 3—ALL MATERIAL INCORPORATED BY REFERENCE

Service information	Revision	Date
AvCraft Service Bulletin SB–328J–00–197, including Price Information Sheet	Original	August 23, 2004.
AvCraft Service Bulletin SB–328J–00–198, including Price Information Sheet	Original	August 23, 2004.
AvCraft Temporary Revision ALD–028 to the AvCraft 328JET Airworthiness Limitations Document.	Original	October 15, 2003.
Section G of the AvCraft Dornier 328JET ALD TM–ALD–010599–ALL	2	January 31, 2005.

Revision 2, dated January 31, 2005, of AvCraft Dornier 328JET ALD TM–ALD–010599–ALL contains the following effective pages:

Page title/description	Page number(s)	Revision number	Date shown on page(s)
List of Effective Pages			
ALD Title Page	None shown	2	January 31, 2005.
ALD List of Effective Pages	1–2	2	January 31, 2005.
Section G, Fuel Tank System Limitations			
	1–3, G–4	2	January 31, 2005.

(1) The Director of the Federal Register approved the incorporation by reference of Section G, ''Fuel Tank System Limitations,'' of the AvCraft Dornier 328JET ALD TM–ALD–010599–ALL, Revision 2, dated January 31, 2005, under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On September 6, 2005 (70 FR 44046, August 1, 2005), the Director of the Federal Register approved the incorporation by reference of the service information identified in Table 4 of this AD.

TABLE 4—MATERIAL PREVIOUSLY INCORPORATED BY REFERENCE

Service information	Date
AvCraft Service Bulletin SB–328J–00–197, including Price Information Sheet	August 23, 2004.
AvCraft Service Bulletin SB–328J–00–198, including Price Information Sheet	August 23, 2004.
AvCraft Temporary Revision ALD–028 to the AvCraft 328JET Airworthiness Limitations Document	October 15, 2003.

(3) For service information identified in this AD, contact 328 Support Services GmbH, Global Support Center, P.O. Box 1252, D–82231 Wessling, Federal Republic of Germany; telephone +49 8153 88111 6666; fax +49 8153 88111 6565; e-mail *gsc.op@328support.de*; Internet *http://www.328support.de*.

(4) You may review copies of the service information that is incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

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

Issued in Renton, Washington, on December 18, 2008.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3871 Filed 2–26–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–1210; Directorate Identifier 2008–CE–047–AD; Amendment 39–15829; AD 2009–05–05]

RIN 2120–AA64

Airworthiness Directives; Avidyne Corporation Primary Flight Displays (Part Numbers 700–00006–000, –001, –002, –003, and –100)

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) to supersede AD 2008–06–28 R1, which applies to certain Avidyne Corporation (Avidyne) Primary Flight Displays

(PFDs) (part numbers (P/Ns) 700–00006–000, –001, –002, –003, and –100) that are installed on airplanes. AD 2008–06–28 R1 currently requires you to do a check of the maintenance records and inspection of the PFD (if necessary) to determine if an affected serial number PFD is installed and incorporate (if necessary) operational limitations. Since we issued AD 2008–06–28 R1, Avidyne developed a factory modification that will correct the problems on these Avidyne PFDs and also factory modified certain serial number PFDs. To terminate the operational limitations of AD 2008–06–28 R1, this AD adds actions to assure any affected serial number PFD complies with one of the following: Passes the air data system performance verification test, receives the factory modification, or is replaced with a PFD that has complied with one of the previous two conditions or is not one of the affected serial number PFDs. Consequently, this AD will retain the actions from the previous AD until the added terminating action has been complied with. We are issuing this AD to prevent certain conditions from existing when PFDs display incorrect attitude, altitude, and airspeed information. This could result in airspeed/altitude mismanagement or spatial disorientation of the pilot with consequent loss of airplane control, inadequate traffic separation, or controlled flight into terrain.

DATES: This AD becomes effective on April 3, 2009.

On April 3, 2009, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: For service information identified in this AD, contact Avidyne Corporation, 55 Old Bedford Road, Lincoln, MA 01773; telephone: (781) 402–7400; fax: (781) 402–7599; E-mail: *techsupport@avidyne.com*; Internet: *http://www.avidyne.com/*.

To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at *http://www.regulations.gov*. The docket number is FAA–2008–1210; Directorate Identifier 2008–CE–047–AD.

FOR FURTHER INFORMATION CONTACT: Solomon Hecht, Aerospace Engineer, ANE–150, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone: (781) 238–7159, fax: (781) 238–7170.

SUPPLEMENTARY INFORMATION:

Discussion

On November 7, 2008, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Avidyne PFDs P/Ns 700–00006–000, –001, –002, –003, and –100 that are installed on airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 14, 2008 (73 FR 67429). The NPRM proposed to retain the actions from AD 2008–06–28 R1 until the affected PFD is factory serviced; add the actions of a label or marking check, an air data system performance verification test, and (if necessary) replacement of the PFD and factory servicing of the failed PFD; and reduce the serial number applicability from that of AD 2008–06–28 R1.

Comments

We provided the public the opportunity to participate in developing this AD. The following presents the comment received on the proposal and FAA's response to the comment:

Comment Issue: Affected Units Identified in Service Information

Mr. Frederic Barber, Avidyne Corporation, comments that Avidyne has updated their service information and issued Revision 2. He notes the test and repair requirements remain unchanged, but the list of serial numbers has been updated to remove those PFDs known to have been serviced since Revision 1 was published. Mr. Barber recommends that the proposed AD be modified to reference Revision 2.

We do not agree that the proposed AD be modified to reference Revision 2 of the service information. Some units may have already had the modification done per Revision 1 and these serial numbers may be reflected in the Revision 2 of the service information. Paragraph 35.c. of FAA AD Manual, FAA–IR–M–8040.1B (FAA–AIR–M–8040.1), dated May 28, 2008, reads:

> The fact that an AD has been complied with by all owners/operators does not make the AD (the change in type design) unnecessary. Therefore, an AD must never be removed based on the representation of a manufacturer that all affected aircraft are in compliance with the AD, or the information that there are no affected aircraft left on the U.S. registry.

With this in mind, we have determined that we also should not base the applicability on the manufacturer's assurance that certain units have since been modified, but rather should base the applicability on those units that originally needed the modification. The ''unless already done'' phrase in the AD would give AD credit to those that have already incorporated the modification.

We are not changing the final AD rule action as a result of this comment.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD affects 384 airplanes in the U.S. registry.

We estimate the following costs to do the serial number determination:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 work-hour × $80 per hour = $80	Not applicable	$80	$30,720

We estimate the following costs to do any necessary test and replacement that would be required based on the results of the proposed test. We have no way of determining the number of airplanes that may need this test and replacement:

Labor cost	Parts cost	Total cost per airplane
4 work-hours × $80 per hour = $320	Not applicable	$320

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''Docket No. FAA–2008–1210; Directorate Identifier 2008–CE–047–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2008–06–28 R1, Amendment 39–15468 (73 FR 19963, April 14, 2008), and adding the following new AD:

2009–05–05 Avidyne Corporation: Amendment 39–15829; Docket No. FAA–2008–1210; Directorate Identifier 2008–CE–047–AD.

Effective Date

(a) This AD becomes effective on April 3, 2009.

Affected ADs

(b) This AD supersedes AD 2008–06–28 R1, Amendment 39–15440.

Applicability

(c) This AD applies to Avidyne Corporation (Avidyne) Primary Flight Displays (PFDs), part numbers (P/Ns) 700–00006–000, 700–00006–001, 700–00006–002, 700–00006–003, and 700–00006–100 with any serial number listed in Avidyne Service Bulletin No. 601–00006–096, Revision 1, dated July 14, 2008. Paragraph (d) of this AD gives procedures to determine if an affected serial number is installed on your airplane. This AD applies to affected serial number PFDs that are installed on, but not limited to the airplanes below that are certificated in any category.

(1) Adam Aircraft Model A500;

(2) Cessna Aircraft Company Model 441 (STEC Alliant Supplemental Type Certificate (STC) No. SA09547AC–D incorporated);

(3) Cessna Aircraft Company Models LC42–550FG and LC41–550FG (Columbia Aircraft Manufacturing and The Lancair Company previously held the type certificate for these airplanes);

(4) Cirrus Design Corporation Models SR20 and SR22;

(5) Diamond Aircraft Industries GmbH Model DA 40;

(6) Hawker Beechcraft Corporation Model E90 (STEC Alliant STC No. SA09545AC–D incorporated);

(7) Hawker Beechcraft Corporation Model 200 series (STEC Alliant STC No. SA09543AC–D incorporated); and

(8) Piper Aircraft, Inc. Models PA–28–161, PA–28–181, PA–28R–201, PA–32R–301 (HP), PA–32R–301T, PA–32–301FT, PA–32–301XTC, PA–34–220T, PA–44–180, PA–46–350P, PA–46R–350T, and PA–46–500TP.

(d) If you have one of the affected part number PFDs installed on your airplane, you must positively show that it is not one of the affected serial numbers or comply with paragraph (f), all subparagraphs, as applicable in this AD. Under 14 CFR 43.7, the owner/operator holding at least a private pilot certificate is allowed to do the check in paragraph (d)(1) of this AD. All other actions must be done by a certificated mechanic, unless noted differently.

(1) Do a logbook check of aircraft records (previously referred to in AD 2008–06–28 R1 as ''maintenance records'') to determine if any PFD (P/Ns 700–00006–000, 700–00006–001, 700–00006–002, 700–00006–003, or 700–00006–100) with any affected serial number listed in Avidyne Service Bulletin No. 601–00006–096, Revision 1, dated July 14, 2008, is installed.

(i) If, as a result of the logbook check, you positively identify that the PFD installed does not have a serial number affected by this AD, then only paragraph (f)(5) of this AD applies to you.

(ii) If, as a result of the logbook check, you cannot positively identify the serial number of the PFD, do the visual inspection required in paragraph (d)(2) of this AD.

(iii) If, as a result of the logbook check, you find any PFD installed with an affected serial number, do the actions required by paragraph (f) of this AD, including all subparagraphs as applicable.

(2) If, as a result of the above logbook check, you cannot positively identify the serial number of the PFD, visually inspect any PFD (P/Ns 700–00006–000, 700–00006–001, 700–00006–002, 700–00006–003, or 700–00006–100) for any affected serial number listed in Avidyne Service Bulletin No. 601–00006–096, Revision 1, dated July 14, 2008.

(i) If, as a result of this visual inspection, you positively identify that the PFD installed does not have a serial number affected by this AD, then only paragraph (f)(5) of this AD applies to you.

(ii) If, as a result of this visual inspection, you identify that the PDF installed does have a serial number affected by this AD, do the actions required in paragraph (f) of this AD, including all subparagraphs as applicable.

Unsafe Condition

(e) This AD results from several field reports of Avidyne PFDs displaying incorrect altitude and airspeed information and Avidyne preparing a factory modification that will correct the possible incorrect altitude and airspeed information displayed. We are issuing this AD to prevent certain conditions from existing when PFDs display incorrect attitude, altitude, and airspeed information. This could result in airspeed/

altitude mismanagement or spatial disorientation of the pilot with consequent loss of airplane control, inadequate traffic separation, or controlled flight into terrain.

Compliance

(f) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
(1) Incorporate the operational limitations below by doing whichever of the following applies: (i) For airplanes with an airplane flight manual (AFM), pilot's operating handbook (POH), or airplane flight manual supplement (AFMS), incorporate the language in the Appendix of this AD into the Limitations section of the AFM, POH, or AFMS. (ii) For airplanes without an AFM, POH, or AFMS, do the following: (A) Incorporate the language in the Appendix of this AD into your aircraft maintenance records; and (B) Fabricate a placard (using at least ⅛-inch letters) with the following words and install the placard on the instrument panel within the pilot's clear view: "THIS AD AND SUPERSEDED AD 2008–06–28 R1 CONTAIN LIMITATIONS REGARDING AVIDYNE PRIMARY FLIGHT DISPLAYS (PFD) AND REQUIRED INCORPORATION OF THESE LIMITATIONS INTO THE AIRCRAFT RECORDS. YOU MUST FOLLOW THESE LIMITATIONS."	Prior to further flight after April 3, 2009 (the effective date of this AD).	Under 14 CFR 43.7, the owner/operator holding at least a private pilot certificate is allowed to insert the information into the AFM, POH, AFMS, or maintenance records as required in paragraph (f)(1)(i) or (f)(1)(ii)(A) of this AD and fabricate the placard required in paragraph (f)(1)(ii)(B) of this AD. Make an entry into the aircraft records showing compliance with these portions of the AD in accordance with 14 CFR 43.9.
(2) Inspect for a label marked "Deviation 08–19A" on the exterior of the PFD near the TSO label or a "MOD 52" marking. (i) If the label marked "Deviation 08–19A" or "MOD 52" marking is present, then the PFD has received the factory modification. Remove the limitations required by paragraph (f)(1) of this AD and AD 2008–06–28 R1. Except for the actions of paragraph (f)(5) of this AD, no further action is required by this AD. (ii) If the label or marking is not present, do the PFD air data system performance verification test in Section 3.3 of the referenced service bulletin.	Within the next 15 days after April 3, 2009 (the effective date of this AD).	Follow Avidyne Service Bulletin No. 601–00006–096, Revision 1, dated July 14, 2008.
(3) If the PFD passes the test required in paragraph (f)(2)(ii) of this AD, remove the limitations required by paragraph (f)(1) of this AD and AD 2008–06–28 R1. Except for the actions of paragraph (f)(5) of this AD, no further action is required by this AD.	Within the next 15 days after April 3, 2009 (the effective date of this AD).	Follow Avidyne Service Bulletin No. 601–00006–096, Revision 1, dated July 14, 2008.
(4) If the PFD does not pass the test required in paragraph (f)(2)(ii) of this AD, do the following: (i) Remove the PFD, install a PFD that has passed the air data system performance verification test, has been factory modified (PFD bears a label marked "Deviation 08–19A" on the exterior of the PFD near the TSO label or a "MOD 52" marking), or is not one of the affected serial number PFDs; (ii) Remove the limitations required by paragraph (f)(1) of this AD and AD 2008–06–28 R1; and (iii) Except for the actions of paragraph (f)(5) of this AD, no further action is required by this AD.	Within the next 15 days after April 3, 2009 (the effective date of this AD).	Follow Avidyne Service Bulletin No. 601–00006–096, Revision 1, dated July 14, 2008.

Actions	Compliance	Procedures
(5) Do not install any PFD (P/Ns 700–00006–000, 700–00006–001, 700–00006–002, 700–00006–003, or 700–00006–100) with any affected serial number listed in Avidyne Service Bulletin No. 601–00006–096, Revision 1, dated July 14, 2008, unless it has passed the air data system performance verification test or has been factory modified (PFD bears a label marked ''Deviation 08–19A'' on the exterior of the PFD near the TSO label or a ''MOD 52'' marking).	As of April 3, 2009 (the effective date of this AD).	Not applicable.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Boston Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Solomon Hecht, Aerospace Engineer, ANE–150, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone: (781) 238–7159, fax: (781) 238–7170. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(h) AMOCs approved for AD 2008–06–28 R1 are approved for this AD.

Material Incorporated by Reference

(i) You must use Avidyne Service Bulletin No. 601–00006–096, Revision 1, dated July 14, 2008, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Avidyne Corporation, 55 Old Bedford Road, Lincoln, MA 01773; telephone: (781) 402–7400; fax: (781) 402–7599; E-mail: *techsupport@avidyne.com*; Internet: *http://www.avidyne.com/*.

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329–3768.

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

Appendix to Airworthiness Directive 2009–05–05 Limitations Regarding Avidyne Primary Flight Displays (PFDs)

Before conducting flight operations, pilots must review and be familiar with the Crosscheck Monitor section of the Avidyne Primary Flight Display Pilot's Guide and all limitations contained in the aircraft operating handbook.

As a normal practice, all pilots should be vigilant in conducting proper preflight and in-flight checks of instrument accuracy, including:

- Preflight check of the accuracy of both the primary and backup altimeter against known airfield elevation and against each other.
- Verification of airspeed indications consistent with prevailing conditions at startup, during taxi, and prior to takeoff.
- ''Airspeed alive'' check and reasonable indications during takeoff roll.
- Maintenance of current altimeter setting in both primary and backup altimeters.
- Cross-check of primary and backup altimeters at each change of altimeter setting and prior to entering instrument meteorological conditions (IMC).
- Cross-check of primary and backup altimeters and validation against other available data, such as glideslope intercept altitude, prior to conducting any instrument approach.
- Periodic cross-checks of primary and backup airspeed indicators, preferably in combination with altimeter cross-checks.

For flight operations under instrument flight rules (IFR) or in conditions in which visual reference to the horizon cannot be reliably maintained (that is IMC, night operations, flight operations over water, in haze or smoke) and the pilot has reasons to suspect that any source (PFD or back-up instruments) of attitude, airspeed, or altitude is not functioning properly, flight under IFR or in these conditions must not be initiated (when condition is determined on the ground) and further flight under IFR or in these conditions is prohibited until equipment is serviced and functioning properly.

Operation of aircraft not equipped with operating backup (or standby) attitude, altimeter, and airspeed indicators that are located where they are readily visible to the pilot is prohibited.

Pilots must frequently scan and crosscheck flight instruments to make sure the information depicted on the PFD correlates and agrees with the information depicted on the backup instruments.

Issued in Kansas City, Missouri, on February 19, 2009.

John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–4102 Filed 2–26–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0159; Directorate Identifier 2008–NM–175–AD; Amendment 39–15828; AD 2009–05–04]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–215–6B11 (CL–215T Variant) and CL–215–6B11 (CL–415 Variant) Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier Model CL–215–6B11 (CL–215T variant) and CL–215–6B11 (CL–415 variant) airplanes. This AD requires repetitive inspections for contamination of grease, bearing wear checks, grease applications of the rudder lower torque tube upper bearing, and a rudder upper hinge gap check; and related investigative and corrective actions if necessary. This AD results from a report of corrosion on the rudder lower torque tube upper bearing. We are issuing this AD to detect and correct corroded bearings which could lead to hinge deformation, and could result in a rudder jam and consequent reduced controllability of the airplane.

DATES: This AD becomes effective March 16, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of March 16, 2009.

We must receive comments on this AD by March 30, 2009.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.

• *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

• *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; e-mail *thd.crj@aero.bombardier.com*; Internet *http://www.bombardier.com*.

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Discussion

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified us that an unsafe condition may exist on Bombardier Model CL–215–6B11 (CL–215T variant) and CL–215–6B11 (CL–415 variant) airplanes. TCCA advises that during a routine inspection, an operator reported corrosion on the rudder lower torque tube upper bearing, part number DAT48–64A, on two airplanes. These bearings had been installed in accordance with Bombardier Service Bulletin 215–4328, Revision 3, dated May 20, 2008, as part of the torque tube replacement. Corroded lower torque tube upper bearings can lead to hinge deformation, which could result in a rudder jam and consequent reduced controllability of the airplane.

Relevant Service Information

Bombardier has issued Bombardier Service Bulletin 215–3151, dated May 5, 2008 (for 215T variant airplanes); and Bombardier Service Bulletin 215–4394, dated May 5, 2008 (for 415 variant airplanes). These service bulletins describe procedures for repetitive detailed inspections for signs of contamination, including corrosion/rust particles in the flange and housing of the rudder lower torque tube upper bearing. These service bulletins also describe procedures for bearing wear checks, and grease applications of the rudder lower torque tube upper bearing, and a rudder upper hinge gap check; and related investigative and corrective actions if necessary. Related investigative actions include inspecting old grease for signs of contamination, measuring the distance from the top of the bearing housing to the top of the lower bearing flange shoulder at multiple locations around the bearing, and doing a visual inspection to determine the cause of the excessive wear. Corrective actions include replacing the bearing(s) and adjusting the hinge gap. TCCA mandated the service information and issued Canadian airworthiness directive CF–2008–29, dated August 20, 2008 (referred to after this as ''the MCAI''), to ensure the continued airworthiness of these airplanes in Canada.

FAA's Determination and Requirements of This AD

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

Therefore, we are issuing this AD to detect and correct corroded bearings which can lead to hinge deformation, and result in a rudder jam and consequent reduced controllability of the airplane. This AD requires accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between This AD and the Canadian Airworthiness Directive.''

Differences Between This AD and the Canadian Airworthiness Directive

Bombardier Service Bulletin 215–3151, dated May 5, 2008 (for 215T variant airplanes); and Bombardier Service Bulletin 215–4394, dated May 5, 2008 (for 415 variant airplanes) recommend accomplishing the required actions ''before and after every fire season,'' but we find this interval to be imprecise and vague. In developing appropriate compliance times for this AD, we considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the required actions. In light of all of these factors, we find that a 6-month repetitive interval for the required actions is an appropriate interval of time for affected airplanes to continue to operate without compromising safety. This difference has been coordinated with TCCA.

Interim Action

We consider this proposed AD interim action. If final action is later identified, we might consider further rulemaking then.

Costs of Compliance

None of the airplanes affected by this action are on the U.S. Register. All airplanes affected by this AD are currently operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, we consider this AD necessary to ensure that the unsafe condition is addressed if any affected airplane is imported and placed on the U.S. Register in the future.

The following table provides the estimated costs to comply with this AD for any affected airplane that might be imported and placed on the U.S. Register in the future.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts cost	Cost per airplane
Inspection	4	$80	None	$320 per inspection cycle.

FAA's Determination of the Effective Date

No airplane affected by this AD is currently on the U.S. Register. Therefore, providing notice and opportunity for public comment is unnecessary before this AD is issued, and this AD may be made effective in less than 30 days after it is published in the **Federal Register**.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0159; Directorate Identifier 2008–NM–175–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that the regulation:

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

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

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2009–05–04 Bombardier Inc. (Formerly Canadair): Amendment 39–15828. Docket No. FAA–2009–0159; Directorate Identifier 2008–NM–175–AD.

Effective Date

(a) This AD becomes effective March 16, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the following airplanes, certificated in any category:

(1) Bombardier Model CL–215–6B11 (CL–215T variant) airplanes, serial numbers 1056 through 1125 inclusive, and

(2) Bombardier Model CL–215–6B11 (CL–415 variant) airplanes, serial numbers 2001 through 2990 inclusive.

Unsafe Condition

(d) This AD results from a report of corrosion on the rudder lower torque tube upper bearing. We are issuing this AD to detect and correct corroded bearings which could lead to hinge deformation, and could result in a rudder jam and consequent reduced controllability of the airplane.

Compliance

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

Inspections

(f) Within 6 months after the effective date of this AD, do a detailed inspection for contamination of grease, a bearing wear check, and grease application of the rudder lower torque tube upper bearing, and do a rudder upper hinge gap check, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 215–3151, dated May 5, 2008 (for 215T variant airplanes); or Bombardier Service Bulletin 215–4394, dated May 5, 2008 (for 415 variant airplanes); as applicable. Do all related investigative and corrective actions before further flight in accordance with the service bulletin, as applicable. Repeat the detailed inspection thereafter at intervals not to exceed 6 months.

Note 1: For the purposes of this AD, a detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.''

Exception to Service Bulletin Specifications

(g) Although Bombardier Service Bulletin 215–3151, dated May 5, 2008; and Bombardier Service Bulletin 215–4394, dated May 5, 2008; specify to submit certain information to the manufacturer, this AD does not include that requirement.

Alternative Methods of Compliance (AMOCs)

(h) The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Fabio Buttitta, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7303; fax (516) 794–5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

Related Information

(i) Canadian airworthiness directive CF–2008–29, dated August 20, 2008, also addresses the subject of this AD.

Material Incorporated by Reference

(j) You must use Bombardier Service Bulletin 215–3151, dated May 5, 2008; or Bombardier Service Bulletin 215–4394, dated May 5, 2008; as applicable; to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; e-mail *thd.crj@aero.bombardier.com*; Internet *http://www.bombardier.com*.

(3) You may review copies of the service information that is incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

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

Issued in Renton, Washington, on February 17, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3864 Filed 2–26–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9441]

RIN 1545–BI46

Section 482: Methods To Determine Taxable Income in Connection With a Cost Sharing Arrangement

Correction

In rule document E8–30715 beginning on page 340 in the issue of Monday, January 5, 2009 make the following correction:

§1.482–7T [Corrected]

On page 354, in §1.482–7T(b)(5), in the second column, in paragraph (5), in the second line, ''*(i)* Situation in which Commissioner must treat arrangement as a CSA.'' should read ''(i)*Situation in which Commissioner must treat arrangement as a CSA.*''

[FR Doc. Z8–30715 Filed 2–26–09; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2008–0485; A–1–FRL–8771–3]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; 2009 Motor Vehicle Emissions Budgets for the Boston-Manchester-Portsmouth (SE), New Hampshire, 8-Hour Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. This revision contains 8-hour ozone transportation conformity emission budgets for the Boston-Manchester-Portsmouth (SE), New Hampshire, 8-hour ozone nonattainment area. This action is being taken under the Clean Air Act.

DATES: This direct final rule will be effective April 28, 2009, unless EPA receives adverse comments by March 30, 2009. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2008–0485 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: arnold.anne@epa.gov.*
3. *Fax:* (617) 918–0047.
4. *Mail:* ''Docket Identification Number EPA–R01–OAR–2008–0485'', Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAQ), Boston, MA 02114–2023.
5. *Hand Delivery or Courier.* Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, (CAQ), Boston, MA 02114–2023. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R01–OAR–2008–0485. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *http://www.regulations.gov*, or e-mail, information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

In addition, copies of the state submittal are also available for public inspection during normal business hours, by appointment at the State Air Agency; Air Resources Division,

Department of Environmental Services, 6 Hazen Drive, P.O. Box 95, Concord, NH 03302–0095.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, Air Quality Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAQ), Boston, MA 02114–2023, telephone number (617) 918–1668, fax number (617) 918–0668, e-mail *cooke.donald@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background and Purpose
II. Comparisons of Year 2002 Emissions to Year 2009
III. Adequacy Process and SIP Approval
IV. Transportation Conformity Motor Vehicle Emissions Budgets
V. Basis for Approval
VI. Final Action
VII. Statutory and Executive Order Reviews

I. Background and Purpose

On April 30, 2004 (69 FR 23857), EPA designated as nonattainment any area that was violating the 1997 0.08 parts per million (ppm) 8-hour ozone national ambient air quality standard (NAAQS) based on the three most recent years (2001–2003) of air quality data.[1] Portions of Hillsborough, Merrimack, Rockingham and Strafford Counties in New Hampshire were designated as a moderate ozone nonattainment area (specifically, the Boston-Manchester-Portsmouth (SE), New Hampshire area). The rest of New Hampshire was designated as attainment of the 1997 8-hour ozone NAAQS. (See 40 CFR 81.330.) One year after the June 15, 2004 effective date of the 8-hour ozone designations, transportation and general conformity applied to the nonattainment area.

On March 18, 2008, EPA determined that the Boston-Manchester-Portsmouth (SE), New Hampshire moderate 8-hour ozone nonattainment area had attained the 1997 8-hour ozone NAAQS. (See 73 FR 14387.) This determination of attainment was based upon certified ambient air monitoring data that show the Boston-Manchester-Portsmouth (SE), New Hampshire area had monitored attainment of the 1997 ozone NAAQS since the 2002–2004 monitoring period. At present, quality controlled and quality assured ozone data for 2008 available in the EPA Air Quality System (AQS) database, but not yet certified, show this area continues to attain the 1997 ozone NAAQS.

Under the provisions of EPA's ozone implementation rule (see 40 CFR Section 51.918), this determination of attainment suspended the requirements for the Boston-Manchester-Portsmouth (SE), New Hampshire moderate ozone nonattainment area to submit an attainment demonstration, a reasonable further progress plan, section 172(c)(9) contingency measures, and any other planning State Implementation Plans (SIPs) related to attainment of the 1997 8-hour ozone NAAQS for so long as the area continues to attain the 1997 ozone NAAQS. However, this action did not constitute a redesignation to attainment under CAA section 107(d)(3), because the area did not have an approved maintenance plan as required under section 175A of the CAA, nor a determination that the area had met the other requirements for redesignation. The classification and designation status of the area remains moderate nonattainment for the 1997 8-hour ozone NAAQS and transportation and general conformity continue to apply.

On May 28, 2008, the State of New Hampshire submitted a formal revision to its SIP containing 8-hour ozone transportation conformity emission budgets in tons per summer day, of volatile organic compounds (VOC) and oxides of nitrogen (NO_X) for the year 2009 for the Boston-Manchester-Portsmouth (SE), New Hampshire moderate 8-hour ozone nonattainment area. This SIP revision was developed in accordance with EPA's transportation conformity rule (69 FR 40028; July 1, 2004), which allows states with 8-hour ozone nonattainment areas to adopt early motor vehicle emissions budgets (MVEBs) that address the 8-hour ozone NAAQSs in advance of a complete SIP attainment demonstration. EPA's clean air determination has stayed the state's obligation to prepare an 8-hour ozone attainment SIP for the 1997 ozone standard. The submitted SIP revision establishes budgets to simplify the conformity process for New Hampshire Metropolitan Planning Organizations (MPOs) while increasing the level of protection for New Hampshire's citizens during this interim period before MVEBs are established by an 8-hour ozone redesignation plan and its maintenance plan.

The 8-hour ozone motor vehicle emissions budgets for calendar year 2009 included in New Hampshire's May 28, 2008 SIP revision cover the exact area of the 8-hr ozone nonattainment area. Before these budgets were determined adequate (see Section III ''Adequacy Process and SIP Approval'' below), the four New Hampshire MPOs in the nonattainment area[2] were required to determine conformity jointly using: (1) The 2002 interim emissions budgets for that portion of the 8-hour ozone area located within the former Manchester 1-hour ozone nonattainment area; (2) the 2007 MVEBs for the former Boston-Lawrence-Worcester, Southern New Hampshire 1-hour ozone nonattainment area; and, (3) the 2003 MVEBs for the former Portsmouth-Dover-Rochester, New Hampshire 1-hour ozone nonattainment area.

II. Comparisons of Year 2002 Emissions to Year 2009

Inventory information developed for the New Hampshire 2002 Periodic Emission Inventory, as well as for 2009 emission projections, was prepared on a full county level, not on an individual town basis. Interagency consultation between EPA and the New Hampshire Department of Environmental Services established that emissions reductions calculated for the four full county inventories (point sources, area sources, non-road and on-road mobile) would be proportional to emissions reductions in the slightly smaller area of the Boston-Manchester-Portsmouth (SE), New Hampshire, 8-hour ozone nonattainment area. However, the actual 2009 MVEBs were developed on a town-by-town basis and correspond to the actual area of the 8-hour nonattainment area.

The total inventory of VOC for Hillsborough, Merrimack, Rockingham, and Strafford Counties is 231,636 pounds per summer weekday in calendar year 2002, and is projected to be 195,536 pounds per summer weekday in calendar year 2009. This represents an overall inventory reduction of 15.58% (36,099 pounds of VOC per summer weekday). Similarly, the total inventory of NO_X for Hillsborough, Merrimack, Rockingham, and Strafford Counties is 280,757 pounds per summer weekday in calendar year 2002, and is projected to be 191,074 pounds per summer weekday in calendar year 2009. This represents an overall inventory reduction of 31.94% (89,683 pounds of NO_X per summer weekday). On-road mobile VOC and NO_X 2009 summer weekday emissions are expected to decrease significantly from 2002 levels

[1] On March 27, 2008 (73 FR 16436), EPA revised the 8-hour ozone standard. The new standard is set at 0.075 ppm. EPA has not yet made designations for the 2008 ozone standard.

[2] The four metropolitan planning organizations within 8-hr ozone nonattainment area are: the Nashua Regional Planning Commission; the Rockingham Planning Commission; the Southern New Hampshire Planning Commission, and the Strafford Regional Planning Commission.

(38.13% reduction of VOC and 36.24% reduction of NO_X).

Table 1 below shows that VOC and NO_X emissions in the southern New Hampshire four counties (Hillsborough, Merrimack, Rockingham, and Strafford Counties) are expected to decrease considerably from year 2002 to year 2009 for all source categories, except area sources.

TABLE 1—BASELINE AND FUTURE EMISSIONS FOR THE SOUTHERN FOUR COUNTIES OF NEW HAMPSHIRE

[In pounds per summer weekday]

Sector	VOC				NO_X			
	2002	2009	Change	% Change	2002	2009	Change	% Change
Point Sources	15,700	8,982	−6,718	−42.79	66,760	25,526	−41,234	−61.76
Area Sources	86,622	99,486	12,864	14.85	33,264	38,125	4,861	14.61
Non-Road Mobile	61,026	44,822	−16,204	−26.55	46,086	41,568	−4,518	−9.80
On-Road Mobile	68,286	42,246	−26,040	−38.13	134,647	85,855	−48,792	−36.24
Total	231,636	195,536	−36,099	−15.58	280,757	191,074	−89,683	−31.94

III. Adequacy Process and SIP Approval

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued a decision on EPA's third set of transportation conformity amendments in response to a case brought by the Environmental Defense Fund. The decision held that conformity determinations could no longer be based on submitted SIP emission budgets, prior to a positive adequacy determination by EPA.

A May 14, 1999 EPA memorandum from Gay MacGregor to the Regional Division Directors provides guidance on how to review budgets for adequacy and the process for public comment and notification (posting on the Web). The May 14, 1999 guidance is available on EPA's conformity Web site at URL address: *http://www.epa.gov/otaq/stateresources/transconf/policy/epaguidf.pdf*. EPA provided additional guidance in its Final Rulemaking on July 1, 2004, (69 FR 40004–40081), ''Transportation Conformity Rule Amendments for the New 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes; Final Rule.''

EPA initiated the adequacy process for New Hampshire's motor vehicle emissions budgets on June 4, 2008, by announcing that New Hampshire had submitted a 2009 MVEB SIP for 8-hour ozone on EPA's Web site ''SIP Submissions Currently Under EPA Adequacy Review'' *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm*. The criteria by which EPA determines whether a SIP's motor vehicle emissions budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4)(i) through 93.118(e)(4)(vi) and 93.118(e)(5). On July 9. 2008, EPA notified the New Hampshire Department of Environmental Services (NH DES) that no comments were received during the thirty day public comment period, and that EPA had determined the 2009 motor vehicle emissions budgets submitted on May 28, 2008, to be adequate for transportation conformity purposes. EPA New England published a Notice of Adequacy in the **Federal Register** on July 28, 2008, (73 FR 43751), announcing our July 9, 2008 adequacy determination and making the motor vehicle emissions budgets effective on August 12, 2008. A copy of EPA's July 9, 2008 adequacy determination to NH DES and the **Federal Register** Notice of Adequacy are both posted in the electronic docket as well as on EPA's Web site ''SIP Submissions that EPA has Found Adequate or Inadequate,'' at URL address: *http://www.epa.gov/otaq/stateresources/transconf/pastsips.htm*.

This positive adequacy determination simplifies the administrative process for demonstrating transportation conformity by establishing the 2009 VOC and NO_X motor vehicle emissions budgets as conformity criteria for all 2009 and later evaluation years. In addition, New Hampshire's 2009 motor vehicle emissions budgets will help ensure maintenance of the 8-hour ozone NAAQS by limiting the transportation sector to a more restrictive year 2009 level of on-road VOC and NO_X than currently allowed by transportation conformity's interim emission tests which are based on a combination of 2002 emissions, 2003 1-hour ozone MVEBs and 2007 1-hour ozone MVEBs in the 8-hour ozone nonattainment area.

Today's direct final rulemaking approves New Hampshire's adequate 2009 8-hour ozone motor vehicle emissions budgets into the New Hampshire SIP.

IV. Transportation Conformity Motor Vehicle Emissions Budgets

The 2009 8-hour ozone motor vehicle emissions budgets being approved are the on-road portion of the 2009 emissions projections. As illustrated in Table 2, below, the budgets are 15.31 tons per summer day for VOC and 28.53 tons per summer day for NO_X. The State of New Hampshire Department of Transportation and Metropolitan Planning Organizations within the nonattainment area shall use these budgets for future transportation conformity determinations.

TABLE 2—2009 TRANSPORTATION CONFORMITY EMISSION BUDGETS

	VOC emissions (tons per summer day)	NO_X emissions (tons per summer day)
Boston-Manchester-Portsmouth (SE), New Hampshire moderate 8-hour ozone nonattainment area	15.31	28.53

V. Basis for Approval

EPA's review of New Hampshire's SIP revision concludes that this SIP revision is consistent with EPA's Transportation Conformity Rule. Approval of New Hampshire's SIP revision is directionally sound since it would approve year 2009 motor vehicle emissions budgets which are more stringent than the year 2002 baseline emissions, and more stringent than the year 2003 and year 2007 1-hour ozone attainment demonstration MVEBs now used to evaluate transportation conformity in the Boston-Manchester-Portsmouth (SE), New Hampshire 8-hour ozone nonattainment area. The projected overall summer weekday inventory reduction in VOC emissions from 2002 to 2009 is approximately 15.6 percent, along with a 31.9 percent reduction in NO_X emissions. This results from a projected 38 percent reduction in VOC emissions and a 36 percent reduction in NO_X emissions from on-road mobile sources.

New Hampshire's projected reduction in VOC and NO_X emissions will help ensure maintenance of the 8-hour ozone standard. The projected reduction in both on-road mobile sources and overall inventory is greater than the five to ten percent reduction that was provided as an example in the July 2004 conformity rule preamble (69 FR 40019; July 1, 2004). EPA believes that New Hampshire's May 28, 2008 SIP revision containing 2009 motor vehicle emissions budgets for the Southeast New Hampshire moderate 8-hour ozone nonattainment area should be approved since it will strengthen the existing SIP. Listed below are several factors that make New Hampshire's SIP package directionally sound.

1. On March 18, 2008, (73 FR 14387) the EPA determined that the Boston-Manchester-Portsmouth (SE), New Hampshire moderate 8-hour ozone nonattainment area had attained the 1997 8-hour NAAQS for ozone.

2. Certified ambient air monitoring data continues to show that the area is monitoring attainment for the 1997 8-hour ozone NAAQS.

3. There is a very large percent reduction projected in both VOC and NO_X on-road emissions (38% and 36%, respectively). New Hampshire's June 7, 2007 submittal of its 2002 Periodic Inventory shows that on-road mobile sources made up 29 percent of the VOC inventory and 50 percent of the NO_X inventory for the 8-hour ozone nonattainment area.

4. The 2009 motor vehicle emissions budgets are more stringent than existing 1-hour budgets that the area has been using in conjunction with the interim emissions tests.

VI. Final Action

EPA is approving New Hampshire's 2009 motor vehicle emissions budgets for the 8-hour ozone National Ambient Air Quality Standard, which were submitted on May 28, 2008, into the New Hampshire SIP. The VOC and NO_X motor vehicle emissions budgets being approved are the on-road mobile source 2009 projections of 15.31 tons per summer day of VOC and 28.53 tons per summer day of NO_X. These motor vehicle emissions budgets must be used to demonstrate that all transportation plans and transportation improvement programs in the Boston-Manchester-Portsmouth (SE), New Hampshire, 8-hour ozone nonattainment area result in emissions of VOC and NO_X that do not exceed the 2009 motor vehicle emissions budgets.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective April 28, 2009 without further notice unless the Agency receives relevant adverse comments by March 30, 2009.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. All parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on April 28, 2009 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

VII. Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides

that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: January 27, 2009.

Ira W. Leighton,

Acting Regional Administrator, EPA New England.

■ Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart EE—New Hampshire

■ 2. Section 52.1534 is amended by adding paragraph (d) to read as follows:

§ 52.1534 Control strategy: Ozone.

* * * * *

(d) Approval—Revision to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on May 28, 2008. This revision establishes Year 2009 motor vehicle emission budgets of 15.31 tons per summer day of volatile organic compounds (VOC) and 28.53 tons per summer day of nitrogen oxides (NO_X) to be used in transportation conformity in the Boston-Manchester-Portsmouth (SE), New Hampshire moderate 8-hour ozone nonattainment area.

[FR Doc. E9–4134 Filed 2–26–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–RO7–RCRA–2008–0830; FRL–8778–1]

Nebraska: Final Authorization of State Hazardous Waste Management Program Revisions; Withdrawal of Immediate Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of immediate final rule.

SUMMARY: Because EPA received adverse comment, we are withdrawing the immediate final rule for Nebraska: Final Authorization of State Hazardous Waste Management Program Revisions, published on December 30, 2008.

DATES: Effective February 27, 2009, EPA withdraws the immediate final rule published at 73 FR 79661 on December 30, 2008.

FOR FURTHER INFORMATION CONTACT: Lisa Haugen, Immediate Office, Air and Waste Management Division, EPA Region 7, 901 North 5th Street, Kansas City, Kansas 66101, telephone (913) 551–7877, *haugen.lisa@epa.gov*.

SUPPLEMENTARY INFORMATION: Because EPA received adverse comment, we are withdrawing the immediate final rule for Nebraska: Final Authorization of State Hazardous Waste Management Program Revisions published on December 30, 2008 (73 FR 79661). We stated in that immediate final rule that if we received adverse comment by January 29, 2009, the immediate final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. We will address the comment in a subsequent final action. As stated in the immediate final rule and the parallel proposed rule, we will not institute a second comment period in this action.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Incorporation by reference, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of section 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926 and 6974(b).

Dated: February 23, 2009.

William Rice,

Acting Regional Administrator, Region 7.

[FR Doc. E9–4231 Filed 2–26–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 401 and 405

[CMS–4064–RCN2]

RIN 0938–AM73

Medicare Program; Changes to the Medicare Claims Appeal Procedures; Continuation of Effectiveness and Extension of Timeline for Publication of Final Rule

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

ACTION: Interim final rule with comment period; continuation of effectiveness and extension of timeline for publication of final rule.

SUMMARY: This notice announces the continuation of effectiveness of a Medicare interim final rule with comment period and the extension of the timeline for publication of the final rule. This notice is issued in accordance with section 1871(a)(3)(C) of the Social Security Act (the Act), which allows an interim final rule to remain in effect after the expiration of the timeline specified in section 1871(a)(3)(B) of the Act (the ''regular timeline'') or, if applicable, at the end of each succeeding 1-year extension to the regular timeline, if prior to the expiration of the timeline, the Secretary publishes in the **Federal Register** a notice of continuation and explains why the regular timeline or any subsequent extension was not complied with.

DATES: *Effective Date:* February 27, 2009.

FOR FURTHER INFORMATION CONTACT: David Danek, (617) 565–2682. Arrah Tabe-Bedward, (410) 786–7129.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1871(a)(3)(A) of the Act requires the Secretary, in consultation with the Director of the Office of Management and Budget (OMB), to establish and publish a regular timeline for the publication of a final rule based on the previous publication of a proposed rule or an interim final rule. In accordance with section 1871(a)(3)(B) of the Act, such regular timeline may vary among different regulations, based on the complexity of the rule, the number and scope of the comments received, and other relevant factors. The timeline for publishing the final regulation, however, cannot exceed 3 years from the date of publication of the proposed or interim final rule, unless there are exceptional circumstances. After consultation with the Director of OMB, we published a notice in the **Federal Register** on December 30, 2004 (69 FR 78442) establishing a general 3-year timeline for finalizing a Medicare proposed and an interim final rule.

Section 1871(a)(3)(C) of the Act states that a Medicare interim final rule shall not continue in effect if the final rule is not published before the expiration of the regular timeline and, if applicable, before the expiration of each succeeding one-year period, unless the Secretary publishes at the end of the regular timeline and any subsequent 1-year extension a notice of continuation that includes an explanation of why the regular or previously extended timeline was not met. Upon publication of such a notice, the regular timeline or such timeline as previously extended for publishing the final rule is extended for 1 year.

II. Notice of Continuation

Section 521 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA), amended section 1869 of the Act to provide for significant changes to the Medicare claims appeal procedures. On November 15, 2002, we published in the **Federal Register** a proposed rule (67 FR 69312) consistent with Section 521 of BIPA. An interim final rule with comment period implementing the BIPA provisions as well as further changes to the claim appeals procedures enacted in Title IX of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) appeared in the **Federal Register** in March 2005 (70 FR 11420). Under the regular timeline for publication of a final rule, we were required to publish a final rule responding to public comments on the interim final rule with comment period no later than March 1, 2008. However, on February 29, 2008, we published in the **Federal Register** a continuation notice entitled ''Medicare Program; Changes to the Medicare Claims Appeal Procedures; Continuation of Effectiveness and Extension of Timeline for Publication of Final Rule'' to extend the timeline for publication of the final rule for 1 year until March 1, 2009 (73 FR 11043).

This notice announces an additional extension of the timeline for publication of the final rule and the continuation of effectiveness of the March 2005 interim final rule with comment period. We are not able to meet the timeline for publication of the final rule due to the need to allow an opportunity for full consideration of issues of law and policy raised in the regulation. We believe it is necessary and appropriate to delay publication of this final rule in order to afford the President's appointees and designees an opportunity to further review and consider the laws and policies that will be set forth in the final rule.

Therefore, this notice extends the timeline for publication of the final rule until March 1, 2010. In accordance with section 1871(a)(3)(C) of the Act, the interim final rule with comment period shall remain in effect through March 1, 2010 (unless the final rule is published and becomes effective before March 1, 2010).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 23, 2009.

Ashley Files Flory,

Deputy Executive Secretary to the Department.

[FR Doc. E9–4223 Filed 2–26–09; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15, 27, 54, 73, 76, and 90

[MB Docket No. 09–17; FCC 09–11]

Implementation of the DTV Delay Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document issues the final rules in the Second Report and Order implementing the DTV Delay Act. It amends the requirements of the DTV Consumer Education Initiative, as well as extending the duration of certain licenses and construction permits, to conform to the new, June 12, 2009, transition date. It announces the Commission's intent to apply the provisions of the Analog Nightlight Order to the period after June 12, 2009. And, it established March 17, 2009 as the date by which stations must notify the Commission of their planned timing to complete their transition and April 16, 2009 as the first date on which stations can terminate analog signals.

DATES: Effective February 27, 2009, except for §§§ 15.124, 54.418, and 76.1630, which are effective April 1, 2009.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For more information, please contact Nazifa Sawez, *Nazifa.Sawez@fcc.gov,* at 202–418–7059 or Shaun Maher, *Shaun.Maher@fcc.gov,* at 202–418–2324, of the Video Division, Media Bureau; or Evan Baranoff, *Evan.Baranoff@fcc.gov,* at 202–418–7142; Lyle Elder, *Lyle.Elder@fcc.gov,* at 202–418–2120; or Kim Matthews, *Kim.Matthews@fcc.gov,* at 202–418–2154, of the Policy Division, Media Bureau; or Eloise Gore, *Eloise.Gore@fcc.gov,* at 202–418–7200, of the Media Bureau. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams on (202) 418–2918, or via the Internet at *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order,* FCC 09–11, adopted and released on February 20, 2009. (The companion Notice of Proposed Rulemaking (NPRM) to this document is published elsewhere in this issue of the **Federal Register**.) The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY–A257, Washington, DC 20554. These documents will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to *fcc504@fcc.gov* or call the

Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Final Paperwork Reduction Act ("PRA") Analysis

This Report and Order was analyzed with respect to the Paperwork Reduction Act of 1995 ("PRA") and contains modified information collection requirements. Specifically, this Report and Order modifies several existing DTV transition-related information collection requirements to reflect the statutory change in the nationwide transition date to June 12, 2009. The Commission has obtained OMB approval for these non-substantive changes, and is seeking OMB approval under OMB's emergency processing rules for the requirement on broadcast stations to file a binding notice of their proposed analog service termination date.

Summary of the Report and Order

I. Introduction

1. In this Report and Order, the second in response to the Congressional extension of the digital television (DTV) transition period, we take a number of actions necessary to implement the "DTV Delay Act," which was enacted into law on February 11, 2009. In the DTV Delay Act, Congress extended the DTV transition deadline from February 17, 2009, to June 12, 2009, in an effort to provide consumers additional time to prepare for the transition from analog to digital broadcasting. It afforded the FCC discretion to allow broadcasters to complete their transitions prior to June 12, 2009, subject to such rules as the Commission finds necessary or appropriate. The Act instructed the Commission to take any actions "necessary or appropriate to implement the provisions, and carry out the purposes" of the date extension, and to do so within 30 days. In addition, the DTV Delay Act amends the Digital Television and Public Safety Act of 2005 ("DTV Act"), Public Law 109–171, 120 Stat. 4 (2006), to direct the Commission to "take such actions as are necessary (1) to terminate all licenses for full-power television stations in the analog television service, and to require the cessation of broadcasting by full-power stations in the analog television service, by June 13, 2009; and (2) to require by June 13, 2009, * * * all broadcasting by full-power stations in the digital television service, occur only on channels between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive)." The Commission has already taken a number of steps to comply with this directive. We issued a series of public notices (PNs) establishing and implementing the early transition process for stations that transitioned on February 17, 2009. In the first of these PNs, we also noted that early transitions are prohibited between February 18 and March 14. We also released the *First Report and Order,* 74 FR 7654 (Feb. 19, 2009), in the DTV Delay Act docket, extending the analog license terms and adjusting the construction permits for the full power television stations subject to the DTV Delay Act.

2. As discussed in Section V below, we find that the matters addressed here are not subject to the rulemaking requirements of the Administrative Procedure Act (APA), Congressional Review Act (CRA), Regulatory Flexibility Act (RFA), or any other provision of law that otherwise would apply and would impede implementation of the statutory directives. As discussed below, we also find that there is good cause for departure from the rulemaking requirements of the APA under the circumstances here. Nevertheless, we are providing notice and an abbreviated opportunity for public comment regarding the issues addressed in Section IV below to allow interested parties to contribute to our consideration of these issues to the extent possible in the limited time Congress has provided.

II. Executive Summary

3. This Report and Order carries out the most time sensitive of the remaining actions necessitated by the delay in the transition deadline. The most fundamental change to our rules, licenses, etc., made necessary by the DTV Delay Act is that all references to the transition deadline must be revised to conform to the new date established in that Act. Thus, for each rule or order addressed in this Omnibus order that refers to "February 17, 2009," or otherwise references the date of the transition deadline, we revise the rule to read "June 12, 2009" or make other revisions as appropriate; for example, Section 2(c) of the DTV Delay Act extends certain license terms and construction deadlines for the recovered spectrum for 116 days. In many cases, some additional revision is or will be necessary. We make additional revisions in the following areas in this Report and Order, and we intend to follow up quickly with additional rulemakings as needed.

4. *DTV Consumer Education Initiative rules*

- We extend the duration of the *DTV Consumer Education Initiative* requirements, including reporting requirements, so that most expire at the end of the second calendar quarter, in which the transition now ends, rather than at the end of the first calendar quarter, in which the transition originally ended.
- We revise the guidance text that is used as the basis for multichannel video programming distributor (MVPD), eligible telecommunications carrier (ETC), and manufacturer notices to reflect that the transition deadline has been extended and that many stations will transition or have transitioned prior to that date. We also require these notices to include contact information for the FCC Call Center and the NTIA Coupon Program, as well as a suggestion that readers contact their local television station for additional information. These revised requirements take effect April 1, in order to provide affected parties with sufficient time to prepare revised notices.
- Broadcast stations must comply with one of three sets of requirements for consumer education, choosing Options One or Two if they are a commercial station, or Options One, Two, or Three if they are a noncommercial station. We find that Option One broadcasters must continue to provide viewers with the maximum level of consumer education, and revise the guidance text that is used as the basis for on-air notices to reflect that the transition deadline has been extended and that many stations will transition or have transitioned prior to that date.
- We find that Option Two broadcasters must begin a new 100-day countdown to the transition on March 4, 2009. Nevertheless, we also seek comment in the NPRM about whether this requirement should be modified to better educate and inform consumers. Pending any modifications as a result of our consideration of the comments filed in response to that NPRM, Option Two broadcasters must begin a new 100-day countdown on March 4.
- We find that Option Three broadcasters must continue to provide viewers with the maximum level of consumer education.
- We revise Form 388 to reflect the changes above, and remind broadcasters that they must continue to file it and post it online quarterly up to and including the final quarter in which they have education obligations under these rules.
- We provide notice that the DTV.gov Transition Partners program has been

discontinued, and that as a result no additional filings will be required as a result of participation in the program.

5. *Third DTV Periodic Report and Order*

• We revise the analog service termination notification procedure contained in the *Third DTV Periodic Report and Order,* 72 FR 37310 (July 9, 2007), and require all stations to notify the Commission no later than Tuesday, March 17 of the date they will terminate analog television service.

• Consistent with the *Third DTV Periodic Report and Order* and the timing adopted in this Order, we require all full-power television stations to update their DTV Transition Status Reports, FCC Form 387, no later than Thursday April 16, 2009 to reflect their transition plans as a result of the delay in the nationwide transition deadline.

• We revise our rules to reflect changes to construction deadlines and our rules for obtaining extensions of time to construct digital facilities.

6. *700 MHz Band License Periods and Construction Requirements:*

• We extend the terms of the licenses for the ''recovered spectrum,'' including the applicable construction benchmark deadlines, for a period of 116 days pursuant to section 2(c) of the DTV Delay Act. We also modify sections 27.1310 and 90.1410 of the 700 MHz Public/Private Partnership rules to conform these provisions to the license term extension.

7. *Analog Nightlight*

• We find that the Analog Nightlight program, implemented pursuant to the Analog Nightlight Act, will be in effect after the DTV transition deadline on June 12, 2009.

8. *Notice of Proposed Rulemaking*

• We invite comments, in an expedited, one-round, five (5) day cycle, in the Notice of Proposed Rulemaking (NPRM), published elsewhere in this issue of the **Federal Register**, regarding additional amendments to our rules and regulations to carry out the purposes of the DTV Delay Act.

• In particular, we propose to revise the analog service termination requirements for stations still operating in analog. We believe that these proposed revisions to the procedures in the *Third DTV Periodic Report and Order,* in addition to the notification changes adopted in the Order, are necessary to implement the DTV Delay Act.

• We also seek comment on possible revisions to the consumer education rules, particularly the adoption of a requirement that broadcasters notify viewers of predicted service loss. We ask whether broadcasters should provide information on rescanning with digital equipment, and, where applicable, information regarding the need for different equipment due to changes from UHF to VHF service, or vice versa. We also seek comment on amendments to the ''100-Day Countdown'' responsibility of Option Two broadcasters and the 30 minute informational video that is required in both Option Two and Option Three. Finally, we ask whether stations that participate in or support the post-transition analog nightlight program should be exempt from post-transition consumer education requirements.

III. Discussion

A. Consumer Education

9. In early 2008, the Commission adopted a number of rules designed to educate viewers and consumers about the digital television transition. Many of these rules were specifically tied to the original February 17, 2009 nationwide transition date, and all were set to expire on a schedule reflecting that the transition would conclude in the first quarter of 2009. Therefore, now that the transition has been extended, most of these rules must be revised to continue to serve their educational purpose.

10. The DTV Delay Act establishes a new ''hard'' deadline for the completion of the nation's transition to digital television for full power stations. However, unlike the Act establishing the original hard deadline, which left early transitions completely to the discretion of the Commission, the DTV Delay Act expressly contemplates a ''rolling'' transition, in which stations are permitted to cease providing analog service at various times prior to the nationwide conclusion of the transition consistent with the Commission's rules. Our revised consumer education rules therefore reflect not only the simple postponement of the transition deadline, but the fact that many consumers will begin to experience the switch to digital before June 12, if they have not already.

1. Comprehensive Changes

11. In addition to updating references to the transition deadline in the Commission's rules and regulations, as discussed above, we must revise the rules governing the comprehensive consumer education campaign and its conclusion in response to the delay.

12. The Consumer Education rules, as originally adopted, remain in effect until the conclusion of the calendar quarter in which the transition ended; thus, because the transition originally would have ended in the first quarter of 2009, the consumer education requirements would have remained in effect only through the end of March, 2009. The DTV Delay Act has postponed the transition deadline to the second quarter of 2009, and recognized that for many stations, and some entire markets, the transition will occur even sooner. Therefore, we find that it is appropriate for the revised consumer education requirements to remain in effect until the conclusion of the second quarter of 2009. We encourage broadcasters to revise their messaging as appropriate after the conclusion of the transition. We will exercise our prosecutorial discretion regarding the specific content of PSAs and crawls run pursuant to Option One. In each case where the Consumer Education rules refer to ''March 31, 2009,'' ''in March 2009,'' etc., we are revising them to reflect that the rules will conclude at the end of June, 2009. As a result, each of the rules discussed below will remain in effect through June 30, 2009, even where we find that no other change is necessary to bring the rule into compliance with the DTV Delay Act.

2. Manufacturer, ETC, and MVPD Notices

13. Many of the rules in the *DTV Consumer Education Initiative* require industry stakeholders to provide their customers with paper or electronic notices that briefly explain the DTV transition. The rules governing manufacturers, ETCs, and MVPDs use identical language to describe the minimum information that must be provided in these notices:

> After February 17, 2009, a television receiver with only an analog broadcast tuner will require a converter box to receive full power over-the-air broadcasts with an antenna because of the Nation's transition to digital broadcasting. Analog-only TVs should continue to work as before to receive low power, Class A or translator television stations and with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products.

Although this text is not mandatory, we recognize that many of the affected stakeholders follow it closely. In order to carry out the purposes of the DTV Delay Act, we find that we must revise this guidance to reflect not only that all full-power analog broadcasting will conclude on June 12, 2009, but that it may conclude earlier in many cases. We note that stations participating in the statutory nightlight program will continue to provide some analog service after June 12, 2009.

14. Therefore, we adopt the following revised text to serve as guidance:

The nationwide switch to digital television broadcasting will be complete on June 12, 2009, but your local television stations may switch sooner. After the switch, analog-only television sets that receive TV programming through an antenna will need a converter box to continue to receive over-the-air TV. Watch your local stations to find out when they will turn off their analog signal and switch to digital-only broadcasting. Analog-only TVs should continue to work as before to receive low power, Class A or translator television stations and with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products.

In addition to information about the transition itself, the rules require that these notices also provide contact information that will allow the recipients to seek additional information about the transition. We find that it is appropriate to revise this requirement to ensure that the notices include, at a minimum, the toll-free number and Internet site for the FCC's Call Center, as well as NTIA's toll-free number and Internet site for the coupon program, and a suggestion to contact local television stations. Because of the delay of the final transition and the ''rolling'' transitions that will be taking place prior to June 12, 2009, it is even more important that citizens have access to locally targeted information about how the transition will affect them. We believe these requirements will help to ensure that consumers have access to up-to-date information in order to help them better prepare for the transition.

15. Manufacturers, ETCs, and MVPDs should include language based on this revised guidance in their notices as soon as practicable, but in any case no later than April 1, 2009. Thus, ETC and MVPD notices mailed in April must include updated language, and the notices included with television receivers and related devices manufactured in April must include updated language. We recognize that some companies may have already printed sufficient transition notices to meet their needs through March 31, 2009, the original conclusion of the education campaign, and have no desire to penalize these companies for being prepared. Because the existing rules expire on March 31, 2009, a failure to begin distribution of revised notices by at least April 1 will create a gap in the information provided to consumers. The original *DTV Consumer Education Initiative* was released by the Commission on March 3, 2008, and the rules became effective on April 30, 2008, 30 days after OMB approval for the rules was published. Therefore, ETCs and MVPDs had 58 days to prepare to fully comply. As discussed in the *Consumer Education Sua Sponte Reconsideration*, the Consumer Electronics Association argued that consumer electronics manufacturers need the ''same time period for implementation of the notice requirement that is required of MVPDs'' and ETCs. That order was released on April 23, 2008 and provided for a start date of May 30, 2008 for manufacturer rules, giving them 37 days to prepare to fully comply. Manufacturers had no difficulty doing so. A date certain of April 1, 2009 for all three groups will provide manufacturers with slightly more time to comply than they received in the reconsidered order, and MVPDs/ETCs with slightly less time, but we anticipate that the time provided will be sufficient to allow the parties to comply. All of the affected parties are already including DTV consumer education notices pursuant to the existing rules, so the only change will be to the text printed on those notices. As discussed in the *DTV Consumer Education Initiative*, a party responsible for manufacturer notices (such as, in some cases, retailers and distributors) can comply by placing a sticker on the outside of the packaging of a covered device (47 CFR 15.124(a)) that reflects the revised notice text and the change in the transition deadline. The party responsible for inclusion of the notice is the ''manufacturer,'' or the party acting as the manufacturer under our rules; *i.e.*, the ''responsible party'' as defined in Section 2.909 of the Commission's Rules.

3. Broadcaster On-Air Consumer Education

16. Broadcasters are required to regularly provide on-air consumer education about the transition. The Consumer Education Initiative offered broadcasters a choice of rules: Options One or Two, available to any broadcaster, or Option Three, available only to non-commercial stations. Among and within these Options, broadcasters have a range of techniques to choose from, resulting in a mix of public service announcements (PSAs), graphics and text superimposed over programming, and longer form informational programming. Elements of each Option must be revised in response to the DTV Delay Act, and are addressed below. We remind broadcasters that whatever option they elected, these on-air education requirements are separate from and in addition to any viewer notification requirements imposed on a station by the *Third DTV Periodic Report and Order*, the Commission's recent public notice addressing early transitions on February 17, 2009, or any other rule or regulation. We also direct broadcasters to the companion NPRM, which raises questions about additional or revised requirements for broadcasters, including a requirement to provide viewers with notifications about any predicted service loss.

a. Option One

17. The rules require Option One broadcasters to air both PSAs and crawls, in every quarter of every day, with increasing frequency as the transition approaches. During the first calendar quarter in which the rules were in effect, they were at a minimum level of only one PSA and one crawl aired in each quarter of each day. The rules increased to their maximum level for the final two quarters of the consumer education campaign. Beginning on October 1, 2008, and extending ''through the conclusion of the campaign,'' broadcasters were required to air three PSAs and three crawls in each quarter of the day. Thus, Option One broadcasters have already been engaged in this maximum level of consumer education, and have planned to continue to provide it through the conclusion of the first quarter of 2009. As discussed above, the conclusion of the nationwide consumer education campaign has now been extended to the end of the second quarter of 2009 (June 30, 2009). Given that this delay was driven by the need for greater consumer awareness, and the change to the ''hard'' transition date, it would be inappropriate to diminish the amount of information available to television viewers now. Furthermore, broadcasters are now in the final two quarters of the transition, and the Commission has previously found that providing the most extensive information to viewers is essential during this time period. Therefore, we do not revise this rule, and Option One broadcasters must continue to air three PSAs and three crawls in each quarter of the day.

18. Although the Commission did not dictate the content of the PSAs and crawls, Option One broadcasters do have to convey certain specific information to viewers, including describing changes in the geographic area or population served by the station during or after the transition. Some of this information is described using the same guidance text as the MVPD, ETC, and manufacturer rules. We find that the revisions applied to this text in the MVPD/ETC/manufacturer context are equally appropriate in this context, and revise the Option One rules accordingly.

b. Option Two

19. The rules require broadcasters that selected Option Two to air a certain

number of PSAs and crawls, snipes, or tickers each calendar quarter (25% of which must be in prime time), and to provide a ''100-Day Countdown to the transition.'' We note that many of the Option Two requirements were proposed by the National Association of Broadcasters (''NAB'') and that the NAB has provided much of the material that broadcasters use to fulfill these requirements. The 100-Day Countdown supplements the initial requirements and consists of an at-least-once-daily airing of a graphic or longer-form information segment that, at a minimum, gives the number of days remaining until the transition and provides a Web site or phone number viewers can call for more information. Stations that elected Option Two have been airing these countdown reminders on a daily basis since November 10, 2008. Now, however, more than 100 days remain until the national transition. Therefore, barring any additional Commission action prior to March 4, 2009, we find that all Option Two stations must begin a new 100-day countdown to June 12, 2009 on March 4, 2009. Nevertheless, we are seeking comment in the attached NPRM on whether and how to modify the new 100-day countdown requirement to ensure that it provides the most accurate and useful information to viewers. Pending any modification as a result of our consideration of the comments filed in response to that NPRM, we conform the 100-Day countdown to the new, June 12, 2009, transition date, and require all Option Two stations to begin a new 100-day countdown to June 12, 2009 on March 4, 2009.

c. Option Three

20. Option Three, available only to noncommercial educational broadcasters (NCEs), does not require airing of a certain number of PSAs or crawls. Instead, it requires broadcasters to air several minutes of DTV education daily, allocated between PSAs and longer form messages as the broadcaster chooses. However it is allocated, NCEs must devote an increasing number of minutes to consumer education as the transition approaches. During the first period in which the rules were in effect, they were at a minimum level of only 1 minute of education daily, with 7.5 minutes a month in prime time. The rules increased to their maximum level for the final months prior to the transition. Beginning on November 1, 2008, and extending through March 31, 2009, broadcasters were required to air 3 minutes of education daily, with 22.5 minutes a month in prime time. Thus, Option Three broadcasters have already been engaged in this maximum level of consumer education, and have planned to continue to provide it through the conclusion of the first quarter of 2009. As discussed above, the conclusion of the nationwide consumer education campaign has now been extended to the end of the second quarter of 2009 (June 30, 2009). Given that this delay was driven by the need for greater consumer awareness, and the change to the ''hard'' transition date, it would be inappropriate to diminish the amount of information available to television viewers now. Furthermore, broadcasters are now in the final months of the transition, and the Commission has previously found that providing the most extensive information to viewers is essential during this time period. Therefore, we will change only the end date of this rule, and Option Three broadcasters must continue to air 3 minutes of education daily, with 22.5 minutes a month in prime time.

d. Broadcaster Reporting

21. The Consumer Education rules require that all broadcasters prepare reports summarizing their consumer education outreach efforts, file them with the Commission, and make them publicly available both online and in their public inspection forms. These reports must be prepared ''up to and including the quarter in which a station concludes its education campaign.'' This requirement needs no revision. Broadcasters must continue to file their reports through the second quarter of 2009 and, where appropriate, longer (after June 30, any station that has filed a request for an extension to complete construction of its full, authorized, post-transition facility or is operating under such an extension must continue its education campaign until the request is withdrawn or denied or, if granted, until it expires). They must also continue to retain their reports in the public file, and make them available online, for one year from the date they are filed. To facilitate our timely review of those reports, we remind broadcasters that their reports should reflect all notices aired on a broadcaster's stations, including PSA and crawls, snipes, or tickers originated by broadcast networks. We encourage the networks and their affiliates to cooperate to compile this information, to the extent they have not done so already. The instructions attached to Form 388, *DTV Quarterly Activity Station Report*, have been amended to reflect the changes to the 30 minute informational program and 100-day countdown requirements. The Commission has received approval from OMB for these minor changes to the forms.

22. Further, we take this opportunity to remind broadcasters of their continued responsibility in ensuring an effective and seamless DTV transition for consumers. We applaud the substantial efforts that broadcasters have made in educating consumers about the DTV transition to date, but we reiterate the importance of their full compliance with the DTV consumer education requirements. As we continue to monitor the consistency of the DTV consumer education efforts by broadcasters via the review of the consumer education campaign selected in their respective FCC Form 388s, we emphasize that full compliance with each and every element of the consumer education campaign option selected is required. We believe that a failure to meet each element of the option selected would significantly jeopardize the successful transition to DTV by consumers.

4. Other Reporting

a. 700 MHz Auction Winner Consumer Education Reporting

23. The rules governing 700 MHz auction winners do not require particular outreach efforts, but they do specify that auction winners must, for ''the remaining period of the DTV transition,'' file a report on a quarterly basis. This report must detail what, if any, DTV transition consumer education efforts they undertook in the previous quarter. The rules provide that the reporting requirement terminates with the filing of the report for the first quarter of 2009. We revise the rules to reflect the extension of the remaining period of the transition by noting that auction winner reports must be filed for the second quarter of 2009.

b. DTV.gov Partner Consumer Education Reporting

24. The Commission is working closely with stakeholders from industry and federal, state, local, and tribal governments, all of whom are active partners in the DTV outreach and education effort. We find that the limited DTV.gov Transition Partners program, as part of the DTV.gov Web site, is no longer an accurate reflection of our extensive work with outside groups, and therefore discontinue the program, effective immediately. As a result, there is no further obligation for Partners to file quarterly outreach updates as originally required in the *DTV Consumer Education Order*.

B. Changes to Third DTV Periodic Report and Order

25. We make the following revisions to the *Third DTV Periodic Report and Order* in order to implement the extension of the DTV transition date to June 12, mandated by the DTV Delay Act.

1. Analog Service Terminations

26. We revise our analog (and pre-transition digital) service termination and reduction procedures to require all stations to file a binding notice of their proposed analog service termination date by March 17, 2009. The rule changes herein apply to analog service terminations and substantial reductions to analog service. In general, a ''substantial'' reduction is one that would affect 10 percent or more of the population in a station's service area, as represented by the predicted Grade B contour. References to ''termination'' here are intended to apply to such substantial reductions as well as to terminations. This notification, and the procedures that will be adopted in this docket, supersede the early analog termination procedures established in the *Third DTV Periodic Report and Order.* As a result, no service termination notifications may be filed prior to the adoption of the new procedures and form proposed in the companion NPRM. We find that this revision is necessary to implement and carry out the purposes of the DTV Delay Act. We establish March 17, 2009, as the date certain by which stations must notify us of the date on which they intend to terminate analog service. In this notification, stations must either commit to terminating on June 12, 2009, or on a date prior to the nationwide DTV transition deadline subject to the procedures to be adopted in this proceeding. Any station that does not notify us by March 17, 2009, will be assumed to be terminating on June 12, 2009, and will not be permitted to terminate their analog service prior to June 12, 2009 (except in the case of equipment failure, natural disaster, or other unforeseeable emergency). We seek comment in the companion NPRM on proposed procedures and requirements for stations seeking to complete their transition prior to June 12, 2009. We expect to adopt an Order finalizing the requirements no later than March 13, 2009. We strongly encourage major network affiliates that intend to transition prior to June 12 to communicate with the other affiliates serving the same viewing area as early as possible.

27. Congress extended the nationwide DTV transition deadline to allow time for consumers to be prepared for the transition. In particular, Congress and the President took note that the digital converter box program administered by the National Telecommunications and Information Administration of the Department of Commerce (''NTIA'') has a backlog of applications for coupons, now numbering more than four million. Moreover, the Commission and industry partners have recently undertaken to provide a unified toll-free number for consumers seeking assistance with the transition (1–888–CALL–FCC), and we have arranged through contractors and volunteers to provide hands-on assistance for consumers across the country. If stations plan to transition before June 12, 2009 despite the significant benefits to consumers of continuing analog service through the transition deadline, it is essential that the Commission, industry, and the public be fully informed well in advance. We conclude that the 30-day advance notice procedure adopted in December 2007 in the *Third DTV Periodic Report and Order* is insufficient for the present circumstances. We cannot forecast and deploy resources to prepare and assist consumers based on rolling, uncoordinated notifications. We believe that allowing any or all stations to terminate or substantially reduce analog service under the existing *Third DTV Periodic Report and Order* procedures would squander the time given to us and the country by the delay enacted by Congress and the President. Accordingly, we require all full-power television stations that have not terminated their analog service as of February 17, 2009 to decide on a firm date by which they intend to terminate their regular analog television service and to notify us of that date no later than Tuesday, March 17, 2009. By this date, stations will have had ample time to consider their plans in light of other broadcasters' plans and the circumstances in their markets, and can finalize their own transition plans accordingly. Furthermore, as explained above, we need to establish an orderly and predictable process for any transitions prior to the statutory deadline. In order to establish and maintain such a process, we must know stations' firm dates for analog service termination in order to focus and deploy consumer education resources appropriately; and viewers, industry and other interested parties also need to know the relevant date for stations in their markets so they can appropriately prepare for the change in television service.

28. In the companion NPRM, we seek to develop revised service termination procedures that will best enable us to evaluate and adjust deployment of our resources and to coordinate with other entities in order to prepare for stations' analog service terminations and protect the public interest while preserving broadcasters' flexibility to terminate analog operations. The Commission must make, adjust and prioritize arrangements for consumer outreach, call center staffing, and converter installation assistance and coordinate with contractors, partners, volunteers, and organizations throughout the country to address areas where stations will terminate their analog signals throughout the transition period. In addition, other broadcasters, cable operators, satellite carriers and other MVPDs, equipment manufacturers, and tower crews will be relying on stations' notifications of their analog service termination dates for their own planning purposes. The establishment of this date certain for notifications and the brief hiatus before notifications may be filed are essential steps that must be undertaken now to enable the Commission to implement the new procedures.

29. As discussed below in the NPRM, we encourage stations that wish to transition before June 12, 2009 to file comments in the DTV Delay Act rulemaking docket (No. 09–17) indicating the date they would like to transition, why they need to transition early and the basis for the particular date they prefer. Such comments will be helpful to us in formulating the final procedures. However, dates listed in a station's comments will not represent binding commitments, and will not replace the March 17 notices that all stations must file. Indeed, any notifications filed with us before the adoption of new procedures through this rulemaking, including notices filed prior to the release of this Order, will be for informational purposes only and will not serve as official notice authorizing stations to terminate. Any stations that have already filed termination notifications will be required to re-file pursuant to the new procedures and form to be adopted. Nonetheless, we believe that having more information available to the Commission when drafting the specific requirements for early termination will result in a better outcome, and will consider all comments from stations in crafting revised procedures.

30. We find that the DTV Delay Act, taken as a whole, authorizes the

Commission to change the procedures established in the *Third DTV Periodic Report and Order* as necessary to implement and carry out the purposes of the DTV Delay Act. Section 4(a) of the Act provides that ''[n]othing in this Act is intended to prevent'' early termination ''in accordance with the [FCC's] requirements in effect on the date of enactment of this Act, including the flexible procedures established in the [*Third DTV Periodic Report and Order*].'' Section 4(c) of the Act authorizes the Commission to ''adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act.'' Because Section 4(a) is written in permissive terms with a limiting proviso (''Nothing in this Act is intended to prevent * * *''), and does not prohibit the Commission from modifying its early termination procedures, and because Section 4(a) grants the Commission broad discretion to revise its rules ''as necessary or appropriate'' to carry out the Act's purposes, we find that the Act, as a whole, authorizes the Commission to modify the analog (and pre-transition digital) service termination procedures initially established in the *Third DTV Periodic Report and Order*. We find that Congress simply intended in Section 4(a) of the DTV Delay Act to make it clear that it was not overriding the FCC's existing termination procedures—not to prevent the FCC from modifying those procedures. We note, however, that the new procedures that we adopt herein and propose in the companion NPRM will provide stations with flexibility to terminate analog (and pre-transition digital) television service before the new transition deadline of June 12, 2009.

31. The *Third DTV Periodic Report and Order* established streamlined notification procedures for stations planning to terminate analog service on a date 90 days or less before the transition date. Such early terminations were permitted if ''necessary for purposes of the transition,'' and with notification to the Commission as well as to viewers. In the *February 5 Public Notice,* we stated that for analog terminations on or after March 14, stations must notify us at least 30 days prior to the termination date and provide viewer notifications for at least 30 days prior to their termination of analog service pursuant to the *Third DTV Periodic Report and Order* procedures. Except in the case of equipment failure, we said we would not permit stations to terminate analog service with less than 30 days notice to the Commission and the stations' viewers. We reserved the right, however, to amend these rules and procedures, if necessary, and we do so here in order to carry out the purposes of the DTV Delay Act.

32. Accordingly, only notifications filed prior to March 17, 2009, and in compliance with the procedures adopted in this docket will be accepted. Stations should not file 30-day advance notifications of intent to terminate analog service, and will not be authorized to terminate analog service prior to June 12, 2009 based upon the filing of any notification submitted before we finalize and release the analog service termination procedures. In the companion NPRM, we tentatively conclude that stations may terminate no earlier than April 16, 2009, to provide at least 30 days from the notification date for all parties to prepare and educate consumers. As required by the DTV Delay Act, we will establish final analog service termination procedures no later than Friday, March 13, 2009 (which date is 30 days after enactment of the DTV Delay Act).

2. Transition Status Reports (FCC Form 387)

33. Consistent with the *Third DTV Periodic Report and Order* and the timing adopted in this Order, we require all full-power television stations to update their DTV Transition Status Reports, FCC Form 387, no later than Thursday April 16, 2009 to reflect their transition plans as a result of the delay in the nationwide transition deadline. Stations that already filed an update since enactment of the DTV Delay Act to show that they terminated analog television service on or before February 17, 2009 need not file this update. In the *Third DTV Periodic Report and Order,* the Commission established the Form 387 to require all full-power television stations to detail (1) their current transition status, (2) any additional steps needed to commence their full, digital operations, and (3) their timeline to meet the transition deadline. In addition to two mandatory filing dates in February and October of 2008, the Commission required stations to promptly update their forms as events warrant, until they reported the completion of their transition. Because all stations must reevaluate and adjust their plans in light of the delay of the transition date, we are requiring this mandatory update to the Form 387 for stations to provide the details of their revised transition plan, including if they intend to continue broadcasting an analog signal until June 12, 2009. We are also revising Form 387 to conform to the DTV Delay Act and reflect the new June 12, 2009 transition deadline. The Commission has received approval from OMB for these minor changes to the form. The Form 387 must be updated electronically using the Commission's Consolidated Database System (''CDBS'') Electronic Filing System.

3. Construction Deadlines, Extension Requests, and Tolling Notifications

34. In the *Third DTV Periodic Report and Order,* the Commission established deadlines for full-power television stations to construct digital facilities and stricter standards for stations to obtain extensions of these deadlines. The Commission set construction deadlines of May or August 2008 for stations that were going to use their current (pre-transition) DTV channel for post-transition operations, but established a deadline of February 17, 2009 (the previous transition date) for stations that: (1) Were building digital facilities based on a new channel allotment in the post-transition DTV Table of Allotments, *i.e.*, the station would be either returning to its analog channel or moving to a new digital channel for post-transition operations; or (2) demonstrated that a unique technical challenge, such as the need to reposition a side-mounted antenna, prevents them from completing construction of their final DTV facilities. The Commission also established stricter standards for granting extensions of time to construct digital facilities. More specifically, the Commission required stations with a construction deadline on or before February 17, 2009 to apply for an extension under the revised extension request standard in Section 73.624(d)(3) of the rules and required stations with a construction deadline occurring February 18, 2009 or later to seek an extension under the even stricter tolling standard set forth in Section 73.3598(b) of the rules.

35. In the First DTV Delay Order, we extended until June 12, 2009 (the new transition deadline) the construction deadline for stations with a deadline of February 17, 2009 (the previous transition deadline). We now revise Section 73.624(d)(1)(vii) of the rules to reflect this change. Accordingly, these stations must complete construction of their digital facility no later than June 12, 2009. In addition, in the First DTV Delay Order, we also extended until June 12, 2009 the analog license terms and adjusted the construction permits for full power television stations. In the First DTV Delay Order, we noted that a

number of stations are operating with reduced analog facilities pursuant to special temporary authority, based upon a showing that the service reduction was directly related to the construction and operation of their post-transition facilities, and extended the date of termination for these STAs from February 17, 2009 to June 12, 2009 (11:59:59 p.m. local time). This extension, however, does not apply to STAs granted to stations for reasons not related to the DTV transition including those STAs filed for emergency reductions in power. These other stations must request Commission approval for an extension to remain at reduced power by filing an analog engineering STA. These STAs will be reviewed on a case-by-case basis. By this Order we also extend until June 12, 2009 (11:59:59 p.m. local time) the license terms for pre-transition digital operations and adjust the pre-transition digital authorizations, accordingly. Stations' construction permits expire on June 12, 2009 at 11:59:59 local time. We also note that a station which has a maximized construction permit that expires on June 12, 2009, and which completes construction of its initial post-transition authorized facility by that date may file an application for a license to cover the constructed initial facility, and may also request that the construction deadline for its maximized construction permit be extended to three years from the date its maximized construction permit applications was granted. Such requests should be directed via e-mail to Kevin Harding of the Media Bureau's Video Division at *Kevin.Harding@fcc.gov*.

36. Consistent with our extension of the construction deadlines, we extend to June 12, 2009 the date for granting extensions of time to construct digital facilities. Accordingly, we revise Sections 73.624(d)(3)(ii) and (iii) of our rules and will apply the extension request standard contained in Section 73.624(d)(3) to stations with construction deadlines on or before June 12, 2009 and the tolling standard set forth in Section 73.3598(b) to all construction deadlines occurring June 13, 2009 or later. This extension is consistent with the decision made in the *Third DTV Periodic Report and Order* to allow stations building their authorized post-transition facility to rely upon the extension standards until the date of the transition deadline and thereafter to apply the tolling standard that applies to other broadcast facilities. We take this opportunity to remind stations that if their construction deadline is extended beyond June 12, 2009, the tolling standard applies to the extended construction deadline, and stations may use only the tolling criteria as a basis for failing to complete construction. We revise Section 73.3598(b)(3) of our rules to reflect the new transition deadline.

37. *Phased Transition Provisions.* We find there is no need to extend the Special Temporary Authority (STA) deadlines established for stations through the phased transition provisions of the *Third DTV Periodic Report and Order*. In the *Third DTV Periodic Report and Order*, the Commission adopted two provisions for a ''phased transition'' in an effort to offer broadcasters regulatory flexibility in meeting their post-transition construction deadlines without disappointing viewer expectations after the transition deadline. First, the Commission granted a six month STA to stations to temporarily remain on their pre-transition DTV channel with an option to seek another six months, provided the station continues to satisfy the conditions for this STA. These stations must commence operations on their final, post-transition (digital) channel no later than February 18, 2010. Second, the Commission granted a one-time six-month STA to stations to build less than their full, authorized facility by their construction deadline. These stations must commence operations at full, authorized digital facilities no later than August 18, 2009. To qualify for these provisions, stations were required to meet a service requirement to minimize the loss of service after the transition deadline, were prohibited from causing impermissible interference to other stations or preventing other stations from making their transition, and were required to comply with a viewer notification requirement. Pursuant to the first phased transition provision, the Commission allowed stations that are moving to a different DTV channel for post-transition operations to temporarily remain on their pre-transition DTV channel while they complete construction of their final digital facilities, provided: (1) They build facilities that serve at least the same population that receives their current analog TV and DTV service so that over-the-air viewers will not lose TV service; and (2) They do not cause impermissible interference to other stations or prevent other stations from making their transition. Pursuant to the second phased transition provision, the Commission allowed stations to operate their post-transition facilities at less than their full, authorized facilities, provided they demonstrated either: (1) A ''unique technical challenge'' (as defined in the *Third DTV Periodic Report and Order*) and could serve at least 85 percent of the same population that receives their current analog TV and DTV service; or (2) A significant technical impediment to the construction of their full, authorized facilities that would not otherwise qualify for an extension of time to construct facilities under the new, stricter standard adopted in the *Third DTV Periodic Report and Order* and could serve at least 100 percent of the same population that receives their current analog TV and DTV service so that over-the-air viewers will not lose TV service. Both phased transition provisions also require the station to notify viewers on its analog channel about the station's planned delay in construction and operation of post-transition (DTV) service. The viewer notifications must occur every day on-air at least four times a day including at least once in primetime for the 30 days prior to the station's termination of full, authorized analog service. We note that stations that started these viewer notifications in advance of a previously planned February 17, 2009 termination that did not occur must restart airing these notifications 30 days in advance of their phased transition. We find it unnecessary at this time to automatically extend these STAs. In many cases, these phased transition STAs were granted to address construction impediments due to weather-related concerns. To the extent additional time is needed, stations with a phased transition STA must comply with Section 73.3598(b) tolling standard established the *Third DTV Periodic Report and Order*.

C. 700 MHz Band License Periods and Construction Requirements

38. Section 2(c)(1) of the DTV Delay Act states that the Commission ''shall extend the terms of the licenses for the recovered spectrum, including the license period and construction requirements associated with those licenses, for a 116-day period.'' Section 2(c)(2) defines ''recovered spectrum'' as both ''the recovered analog spectrum, as such term is defined in section 309(j)(15)(C)(vi) of the Communications Act of 1934'' *and* ''the spectrum excluded from the definition of recovered analog spectrum by subclauses (I) and (II) of such section.'' Thus, ''recovered spectrum,'' as defined in the DTV Delay Act, includes all spectrum between frequencies 698 and 806 megahertz, inclusive (700 MHz Band).

39. In this Report and Order, we conform the license period in section

27.13, and construction deadlines provided in section 27.14, to the provisions of section 2(c) of the DTV Delay Act. Section 27.13 of our rules currently provides that the license period for the licenses associated with the 698–763 MHz and 776–793 MHz bands are for a term not to exceed ten years from February 17, 2009, the previous digital television transition date. Section 27.14 of our rules similarly ties the construction benchmarks and associated reporting requirements to February 17, 2009. Accordingly, we modify these dates to implement the 116 day extension required by the DTV Delay Act.

40. In addition, we conform sections 27.1310, 90.528, and 90.1410 of the 700 MHz Public/Private Partnership rules to the provisions of section 2(c) of the DTV Delay Act. We note that these rules are under consideration in a pending rulemaking proceeding and may be further revised in that proceeding.

D. Analog Nightlight Program

41. The Short-term Analog Flash and Emergency Readiness Act was enacted on December 23, 2008, prior to the enactment of the DTV Delay Act. It required the Commission to develop and implement a program to ''encourage and permit'' continued analog television service during the 30-day period after the DTV transition for the purpose of providing emergency and DTV transition information to viewers who had not obtained the necessary equipment to receive digital broadcasts by the transition deadline, which was then February 17, 2009. The Analog Nightlight Act specified that the analog nightlight program is to occur ''during the 30-day period beginning on the day after the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service and the cessation of broadcasting by full-power stations in the analog television service.'' On January 15, 2009, the Commission adopted and released the ''Analog Nightlight Order'' implementing the Analog Nightlight Act and listing stations eligible to participate in the Analog Nightlight program. The DTV Delay Act amends Section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 by striking ''February 18, 2009'' and inserting ''June 13, 2009.'' In light of the fact that the Analog Nightlight Act's language ties the provision of ''Nightlight'' service to the nationwide DTV transition deadline provided for by statute, rather to the original statutory deadline of February 17, 2009, we conclude that the 30-day period applicable to the Analog Nightlight program will begin following the new transition deadline and will run from and including June 13 through July 12, 2009. We note that this statutory post-transition Nightlight is distinct from the 60-day pre-transition ''enhanced nightlight'' adopted for some network affiliates that transitioned on February 17, 2009, and proposed in the companion NPRM.

42. We find that our interpretation of the Analog Nightlight Act is also the most practical and logical approach to fulfilling the purpose of the analog nightlight program. We expect that the additional time afforded by the DTV Delay Act will enable many more people to be fully prepared for the final transition of full-power analog to digital-only broadcasting on June 12. Nevertheless, we recognize that some people may not have their equipment in place even by June 12 and, therefore, could benefit from the continuing availability of analog television service for a limited period of time to provide information about the DTV transition and, if necessary, emergency information. Accordingly, we find that allowing analog nightlight operation pursuant to the Analog Nightlight Act during the 30-day period after June 13 is consistent with section 4(c) of the DTV Delay Act, which authorizes the Commission to take such actions as it deems necessary or appropriate to carry out the purposes of the DTV Delay Act and ensure a smooth transition.

43. We see no reason to revise the Analog Nightlight program as we implemented it in the *Analog Nightlight Order* and will retain the parameters of the program without change except for the delay in timing. We note, however, that it is necessary to correct Appendix A to the *Analog Nightlight Order* by deleting three stations that were listed in error and correcting the column headings in that appendix for the ''pre-'' and ''post-'' transition channels. The titles of columns G and H in Appendix A were reversed. Column G, which was titled Post-Transition Channel, should be ''Pre-Transition Channel'' and Column H, which was titled Pre-Transition Channel, should be ''Post-Transition Channel.''

44. The following stations were incorrectly listed in Appendix A of the *Analog Nightlight Order* as pre-approved to be eligible for the analog nightlight program: KXGN, Glendive, MT and KALO, Honolulu, HI, both of which have been authorized to use their analog channels for post-transition digital operation, and therefore cannot remain on their analog channels after the transition; and KPBS, San Diego, CA, whose analog channel 15 has been authorized for public safety use following the transition, thus eliminating it from eligibility as a nightlight.

45. We intend to reevaluate the stations listed as eligible in Appendix A of the *Analog Nightlight Order* as we near the new June 12, 2009 transition deadline to determine if there are changes in circumstances and facilities that call for adjustments to those listed. Stations that want to provide nightlight service may notify us in accordance with the filing procedures established in the Analog Nightlight Order. Stations that are pre-approved by the Commission to be eligible to participate in the analog nightlight program may notify the Commission of their intent to participate in the analog nightlight program by either filing a Legal STA electronically through the Commission's Consolidated Database System (''CDBS'') using the Informal Application filing form or by sending an e-mail to *nightlight@fcc.gov*; stations that are not pre-approved for the program by the Commission may, nonetheless, request Commission approval to participate in the analog nightlight program by filing an Engineering STA notification electronically through CDBS using the Informal Application filing form. We delegate to the Media Bureau or Office of Engineering and Technology, as appropriate, the authority to revise and adopt amended lists of pre-approved stations, as may be necessary, including issuing an Erratum to correct the Appendix A of the *Analog Nightlight Order*, consistent with the preceding paragraphs above.

IV. Procedural Matters

A. Statutory Authority and Good Cause Findings

46. For the reasons below, pursuant to section 4(c) of the DTV Delay Act, we conclude that the rule changes and other actions herein are not subject to the rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 551, *et seq.* (APA), Congressional Review Act, 5 U.S.C. 801, *et seq.* (CRA), Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* (RFA), or any other provision of law that otherwise would apply and would impede implementation of the statutory directives. In any event, we also conclude that there is good cause for departure from such requirements here. Nevertheless, we are providing notice and an abbreviated opportunity for public comment regarding the issues addressed in Section IV above to allow

interested parties to contribute to our consideration of these issues to the extent possible in the limited time that Congress has provided.

47. Section 4 of the DTV Delay Act provides that, ''[n]otwithstanding any other provision of law,'' the Commission must ''adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act'' within 30 days of the date of its enactment. The ''notwithstanding'' clause plainly excuses compliance with otherwise applicable legal requirements that would impede FCC actions to implement the DTV Delay Act by the statutory deadline. In other contexts, the DC Circuit has interpreted similar ''notwithstanding'' language ''to supersede all other laws, stating that 'a clearer statement is difficult to imagine.' '' The plain meaning of the DTV Delay Act's language is reinforced by the circumstances surrounding its passage. Congress extended the imminent DTV transition deadline to enhance national preparedness for the DTV transition, and examination of the legislative history reflects its recognition that accomplishing this goal would require extraordinary and immediate action by the Commission and others. Thus, the Act requires the FCC to act not later than 30 days after the date of enactment, and grants it broad discretion within that brief period to take such actions ''as may be necessary or appropriate'' to accomplish the Act's goals. For the reasons explained elsewhere in this Order, we find that the rulemaking and other actions herein are necessary and appropriate to implement the DTV Delay Act and carry out its purposes. As discussed below, compliance with the APA and other procedural administrative law requirements would frustrate or impede the FCC's ability to meet the statutory deadline. Therefore, section 4(c) of the Act supersedes such legal requirements.

48. Even if the statutory language were ambiguous, we would interpret it to exempt the Commission from APA and other procedural administrative law requirements that cannot be reconciled with the statutory mandate. As stated above, the Act requires the FCC to implement its provisions and purposes within 30 days. The fact that many Commission rules, regulations and orders are tied to the original statutory deadline of February 17, 2009, combined with the Act's enactment only a few business days before February 17, reduced the time frame for many of the necessary actions from one month to a matter of days. Moreover, given the number and complexity of rulemaking and other actions required to implement the DTV Delay Act and accomplish its purposes, combined with the fact that the Act itself postpones the nationwide DTV transition for a limited period, the FCC cannot fulfill the statutory mandate and comply with otherwise applicable rulemaking and other legal requirements. There is insufficient time to publish a Notice of Proposed Rulemaking in the **Federal Register**, allow time for meaningful comment and consider those comments before taking all of the necessary legal actions. The APA also requires **Federal Register** publication at least 30 days before a rule's effective date. Here, a standard comment period after **Federal Register** publication and a 30-day waiting period before rules become effective would exceed the 30-day period after enactment during which agency implementation is required. Other legal requirements cited above likewise require more time than circumstances allow. Therefore, even if the statute were ambiguous, we would interpret it to supersede requirements that cannot be harmonized with the statutory mandate, including the APA, CRA, and RFA.

49. We also find that there is good cause for departure from the APA requirements of notice and comment, the requirements of the CRA, and a 30-day delay before rules become effective under the circumstances here. As discussed above, the extraordinary circumstances surrounding the DTV Delay Act create an urgent need for rapid action. The statutory deadline for Commission action is no more than 30 days from enactment. The DC Circuit has held that ''the extremely limited time given by Congress'' to an agency for adoption of regulations ''is a crucial factor in establishing 'good cause' '' under the APA. We note that many of our actions are of an interim nature, in that they will no longer be in force after June 13, 2009. Moreover, some of our actions, such as extending the terms of the licenses for the recovered spectrum (including the license period and construction requirements associated with those licenses) for 116-day period, are non-discretionary or ministerial in nature. Accordingly, even if our actions were subject to the APA (and, as explained above, they are not), we find that there is good cause for departure from APA requirements because the circumstances make compliance impracticable or unnecessary. Nevertheless, as indicated above, we are providing notice and an abbreviated opportunity for public comment regarding the issues addressed in Section IV above to allow interested parties to contribute to our consideration of these issues to the extent possible in the limited time that we have. We find that the five-day comment period provided herein is the maximum possible opportunity for public comment that we can provide and still fulfill our statutory mandate to take such actions as are necessary or appropriate to implement the DTV Delay Act and accomplish its purposes within 30 days of the Act's enactment, or no later than March 13, 2009.

B. Petitions for Reconsideration To Be Expeditiously Resolved

50. Although, as discussed above, the DTV Delay Act did not provide sufficient time to take comments on each aspect of the necessary rule revisions, Petitions for Reconsideration of this Order will be addressed and resolved in an expeditious manner.

V. Ordering Clauses

51. *It is ordered* that, pursuant to the authority contained in Sections 1, 2, 4, 7, 303, 309, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 157, 303, 309, and 337, and Sections 2 and 4 of the DTV Delay Act, Public Law 111–4, 123 Stat. 112, to be codified at 47 U.S.C. 309(j)(14) and 337(e), this Report and Order *is adopted* and the Commission's Rules ARE *hereby amended* as set forth in the Appendix.

52. *It is also ordered*, pursuant to the authority contained in Section 4(c) of the DTV Delay Act, DTV Delay Act § 4(c), the rules, forms and procedures adopted in this Report and Order will be effective upon publication of the summary of the Report and Order in the **Federal Register**, except for the revisions to Parts 15, 54, and 76 of Title 47 of the Code of Federal Regulations, which are effective beginning April 1, 2009. We anticipate that the summary of the Order will be published in the **Federal Register** at least 30 days before the effective date of April 1, 2009. In the event that publication is delayed, however, we find good cause for these rules to be effective on April 1, 2009, to ensure that consumers are informed about the digital television transition that is occurring on a rolling basis nationwide, and no later than June 12, 2009.

List of Subjects

47 CFR Part 15

Communications equipment, Digital Television, and Digital Television Equipment.

47 CFR Part 27

Communications common carriers, Radio, Wireless Communications Services, 700 MHz Band.

47 CFR Part 73

Digital Television, Reporting and recordkeeping requirements, and Television.

47 CFR Part 76

Cable Television and Digital Television.

47 CFR Part 90

Radio, Private Land Mobile Radio Services, Public Safety Communications, 700 MHz Band.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 15, 27, 54, 73, 76 and 90 to read as follows:

PART 15—RADIO FREQUENCY DEVICES

■ 1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, and 544a.

■ 2. Amend § 15.124 as follows:
■ a. In paragraph (a), remove the date ''May 30, 2008'' and add in its place the date ''April 1, 2009'' and remove the date ''March 31, 2009'' and add in its place the date ''June 30, 2009''.
■ b. Revise paragraphs (b)(2)(i) and (ii) to read as follows:

§ 15.124 DTV transition notices by manufacturers of televisions and related devices.

* * * * *

(b) * * *

(2) * * *

(i) The nationwide switch to digital television broadcasting will be complete on June 12, 2009, but your local television stations may switch sooner. After the switch, analog-only television sets that receive TV programming through an antenna will need a converter box to continue to receive over-the-air TV. Watch your local stations to find out when they will turn off their analog signal and switch to digital-only broadcasting. Analog-only TVs should continue to work as before to receive low power, Class A or translator television stations and with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products.

(ii) Information about the DTV transition is available from your local television stations, *http://www.DTV.gov*, or 1–888–CALL–FCC (TTY 1–888–TELL–FCC), and from *http://www.dtv2009.gov* or 1–888–DTV–2009 (TTY 1–877–530–2634) for information about subsidized coupons for digital-to-analog converter boxes; and

* * * * *

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 3. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

■ 4. Amend § 27.13 to revise paragraph (b) to read as follows:

§ 27.13 License period.

* * * * *

(b) *698–763 MHz, 776–793 MHz, 775–776, and 805–806 MHz bands.* Initial authorizations for the 698–763 MHz and 776–793 MHz bands will extend for a term not to exceed ten years from June 13, 2009, except that initial authorizations for a Part 27 licensee that provides broadcast services, whether exclusively or in combination with other services, will not exceed eight years. Initial authorizations for the 775–776 MHz and 805–806 MHz bands shall not exceed April 27, 2015. Licensees that initiate the provision of a broadcast service, whether exclusively or in combination with other services, may not provide this service for more than eight years or beyond the end of the license term if no broadcast service had been provided, whichever period is shorter in length.

* * * * *

§ 27.14 [Amended]

■ 5. In § 27.14, paragraphs (g), (g)(1), (h), (h)(1), (i)(1), (l), and (m)(1) remove the date ''February 17'' and add in its place the date ''June 13'' each place it appears.

§ 27.20 [Amended]

■ 6. In § 27.20, paragraph (c), remove the words ''first quarter'' and add in their place the words ''second quarter''.

§ 27.1310 [Amended]

■ 7. In § 27.1310, paragraph (j), remove the date ''February 17'' and add in its place the date ''June 13''.

PART 54—UNIVERSAL SERVICE

■ 8. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 201, 205, 214, and 254 unless otherwise noted.

§ 54.418 [Amended]

■ 9. Amend § 54.418 as follows:
■ a. In paragraph (a), remove the words ''April 30, 2008'' and add in their place the date ''April 1, 2009,'' and remove the words ''in March'' and add in their place the words ''on June 30,''.
■ b. Revise paragraphs (b)(2)(i) and (ii) to read as set forth below.
■ c. In paragraph (d), remove the date ''March 31, 2009'' and add in its place the date ''June 30, 2009''.

§ 54.418 Digital television transition notices by eligible telecommunications carriers.

* * * * *

(b) * * *

(2) * * *

(i) The nationwide switch to digital television broadcasting will be complete on June 12, 2009, but your local television stations may switch sooner. After the switch, analog-only television sets that receive TV programming through an antenna will need a converter box to continue to receive over-the-air TV. Watch your local stations to find out when they will turn off their analog signal and switch to digital-only broadcasting. Analog-only TVs should continue to work as before to receive low power, Class A or translator television stations and with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products.

(ii) Information about the DTV transition is available from your local television stations, *http://www.DTV.gov*, or 1–888–CALL–FCC (TTY 1–888–TELL–FCC), and from *http://www.dtv2009.gov* or 1–888–DTV–2009 (TTY 1–877–530–2634) for information about subsidized coupons for digital-to-analog converter boxes;

* * * * *

PART 73—RADIO BROADCAST SERVICES

■ 10. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.624 [Amended]

■ 11. Amend § 73.624 as follows:
■ a. In paragraphs (d)(1)(vii) and (d)(3)(iii), remove the date ''February 17, 2009'' and add in its place, the date ''June 12, 2009''.

■ b. In paragraph (d)(3)(ii), remove the date ''February 18, 2009'' and add in its place the date ''June 13, 2009''.

■ 12. Amend § 73.674 as follows:

■ a. In paragraphs (b)(3), (c)(1), (d)(5), (e)(1) and (e)(2), remove the date ''February 17, 2009'' and add in its place the date ''June 12, 2009'' each place it appears, and remove the date ''March 31, 2009'' and add in its place the date ''June 30, 2009'' each place it appears.

■ b. In paragraphs (d)(6) and (d)(6)(iv), remove the date ''November 10, 2008'' and add in its place the date ''March 4, 2009'' and remove the date ''February 17, 2009'' and add in its place the word ''transition''.

■ c. Revise paragraph (c)(3)(vi)(A), to read as follows:

§ 73.674 Digital television transition notices by broadcasters.

* * * * *

(c) * * *

(3) * * *

(vi) * * *

(A) The nationwide switch to digital television broadcasting will be complete on June 12, 2009, but your local television stations may switch sooner. After the switch, analog-only television sets that receive TV programming through an antenna will need a converter box to continue to receive over-the-air TV. Watch your local stations to find out when they will turn off their analog signal and switch to digital-only broadcasting. Analog-only TVs should continue to work as before to receive low power, Class A or translator television stations and with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products.

* * * * *

■ 13. In § 73.3598, paragraph (b)(3), remove the date ''February 17, 2009'' and add in its place the date ''June 12, 2009''.

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 14. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 336, 339, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 15. Amend § 76.1630 as follows:

■ a. In paragraph (a), remove the words ''April 26, 2008'' and add in their place the date ''April 1, 2009,'' and remove the words ''in March'' and add in their place the words ''on June 30,''.

■ b. Revise paragraphs (b)(2)(i) and (ii) to read as follows:

§ 76.1630 MVPD Digital Television Transition Notices.

* * * * *

(b) * * *

(2) * * *

(i) The nationwide switch to digital television broadcasting will be complete on June 12, 2009, but your local television stations may switch sooner. After the switch, analog-only television sets that receive TV programming through an antenna will need a converter box to continue to receive over-the-air TV. Watch your local stations to find out when they will turn off their analog signal and switch to digital-only broadcasting. Analog-only TVs should continue to work as before to receive low power, Class A or translator television stations and with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products.

(ii) Information about the DTV transition is available from your local television stations, *http://www.DTV.gov*, 1–888–CALL–FCC (TTY 1–888–TELL–FCC), or this MVPD at [telephone number and Web site if available], and from *http://www.dtv2009.gov* or 1–888–DTV–2009 (TTY 1–877–530–2634) for information about subsidized coupons for digital-to-analog converter boxes;

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 16. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), and 332(c)(7).

§ 90.528 [Amended]

■ 17. In § 90.528, paragraph (d), remove the date ''February 17'' and add in its place the date ''June 13''.

§ 90.1410 [Amended]

■ 18. In § 90.1410, paragraph (j), remove the date ''February 17'' and add in its place the date ''June 13''.

[FR Doc. E9–4256 Filed 2–25–09; 11:15 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 001005281–0369–02]

RIN 0648–XN45

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the commercial hook-and-line fishery for king mackerel in the southern Florida west coast subzone. This closure is necessary to protect the Gulf king mackerel resource.

DATES: This rule is effective 12:01 a.m., local time, February 28, 2009, through June 30, 2009.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone 727–824–5305, fax 727–824–5308, e-mail *susan.gerhart@noaa.gov*.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, and, in the Gulf of Mexico only, dolphin and bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On April 27, 2000, NMFS implemented the final rule (65 FR 16336, March 28, 2000) that divided the Florida west coast subzone of the eastern zone into northern and southern subzones, and established their separate quotas. The quota for the hook-and-line fishery in the southern Florida west coast subzone is 520,312 lb (236,010 kg)(50 CFR 622.42(c)(1)(i)(A)(*2*)(*i*)).

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the **Federal Register**. NMFS has determined the

commercial quota for Gulf group king mackerel in the southern Florida west coast subzone will be reached by February 28, 2009. Accordingly, the commercial fishery for Gulf group king mackerel in the southern subzone is closed effective 12:01 a.m., local time, February 28, 2009, through June 30, 2009, the end of the fishing year.

The Florida west coast subzone is that part of the eastern zone located south and west of 25°20.4′ N. lat. (a line directly east from the Miami-Dade County, FL boundary) along the west coast of Florida to 87°31′06′ W. long. (a line directly south from the Alabama/Florida boundary). The Florida west coast subzone is further divided into northern and southern subzones. From November 1 through March 31, the southern subzone is designated as the area extending south and west from 25°20.4′ N. lat. to 26°19.8′ N. lat. (a line directly west from the Lee/Collier County, Florida, boundary), i.e., the area off Collier and Monroe Counties. Beginning April 1, the southern subzone is reduced to the area off Collier County, Florida, between 25°48′ N. lat. and 26°19.8′ N. lat.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself has already been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action in order to protect the fishery because the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment will require time and would potentially result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: February 23, 2009.

Emily H. Menashes,

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

[FR Doc. E9–4273 Filed 2–24–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 09100091344–9056–02]

RIN 0648–XN19

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2009 total allowable catch (TAC) of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore component of the Western Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 25, 2009, until 1200 hrs, A.l.t., September 1, 2009.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson–Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allocation of the 2009 TAC of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore component of the Western Regulatory Area of the GOA is 8,735 metric tons (mt) as established by the final 2009 and 2010 harvest specifications for groundfish of the GOA (74 FR 7333, February 17, 2009).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allocation of the 2009 TAC of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore component of the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 8,235 mt, and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore component of the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 23, 2009.

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

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

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

Dated: February 24, 2009.

Emily H. Menashes,

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

[FR Doc. E9–4261 Filed 2–24–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0810141351–9087–02]

RIN 0648–XN52

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel for vessels participating in the Amendment 80 limited access A season fishery in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2009 Atka mackerel allowable catch (TAC) specified for vessels participating in the Amendment 80 limited access fishery in the Eastern Aleutian District and Bering Sea Subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 20, 2009, through 1200 hrs, A.l.t., September 1, 2009.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

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

The 2009 Atka mackerel A season TAC allocated to vessels participating in the Amendment 80 limited access fishery in the Eastern Aleutian District and Bering Sea Subarea of the BSAI is 6,164 metric tons as established by the 2009 and 2010 final harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2009 Atka mackerel A season TAC allocated to vessels participating in the Amendment 80 limited access fishery in the Eastern Aleutian District and Bering Sea Subarea of the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 6,154 mt and is setting aside the remaining 10 mt as incidental catch to support other groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel for vessels participating in the Amendment 80 limited access fishery in the Eastern Aleutian District and Bering Sea Subarea of the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Atka mackerel by vessels participating in the Amendment 80 limited access fishery in the Eastern Aleutian District and Bering Sea Subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 19, 2009.

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

This action is required by § 679.20 and § 679.91 and is exempt from review under Executive Order 12866.

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

Dated: February 23, 2009.

Emily H. Menashes,

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

[FR Doc. E9–4268 Filed 2–24–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0910091344–9056–02]

RIN 0648–XN49

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2009 total allowable catch (TAC) of Pacific cod apportioned to vessels catching Pacific cod for processing by the offshore component of the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 19, 2009, until 1200 hrs, A.l.t., September 1, 2009.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson–Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allocation of the 2009 TAC of Pacific cod apportioned to vessels catching Pacific cod for processing by the offshore component of the Central Regulatory Area of the GOA is 1,418 metric tons (mt) as established by the final 2009 and 2010 harvest

specifications for groundfish of the GOA (74 FR 7333, February 17, 2009).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allocation of the 2009 TAC of Pacific cod apportioned to vessels catching Pacific cod for processing by the offshore component of the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,350 mt, and is setting aside the remaining 68 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod apportioned to vessels catching Pacific cod for processing by the offshore component of the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 18, 2009.

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

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

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

Dated: February 23, 2009.

Emily H. Menashes,

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

[FR Doc. E9–4270 Filed 2–24–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 071106673–8011–02]

RIN 0648–XM68

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543; Correction

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

ACTION: Correction of fishery assignments.

SUMMARY: On January 14, 2009, NMFS published a rule (74 FR 1946) that notified owners and operators of registered vessels of their assignments for the 2009 A season Atka mackerel fishery in harvest limit area (HLA) 542 and/or 543 of the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). Subsequent to the issuance of that notice, NMFS learned that several applicants for federal fisheries permits inadvertently selected the endorsement for the directed Atka mackerel fisheries inside the HLA in the Aleutian Islands subarea. This resulted in NMFS assigning those vessels to the HLA directed fishery for Atka mackerel. NMFS is hereby correcting the previous notice to the owners and operators of registered vessels of their assignments for the 2009 A season Atka mackerel fishery in harvest limit area (HLA) 542 and/or 543 of the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the correct vessels to participate the harvest of the 2009 A season HLA limits established for area 542 and area 543 pursuant to the 2008 and 2009 harvest specifications for groundfish in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 24, 2009, until 1200 hrs, A.l.t., April 15, 2009.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

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

In accordance with § 679.20(a)(8)(iii)(A), owners and operators of vessels using trawl gear for directed fishing for Atka mackerel in the HLA are required to register with NMFS. Eight vessels have registered with NMFS to fish in the A season HLA fisheries in areas 542 and/or 543. In accordance with § 679.20(a)(8)(iii)(B), the Administrator, Alaska Region, NMFS, has randomly assigned each vessel to the HLA directed fishery for Atka mackerel for which they have registered and is now notifying each vessel of its assignment in accordance with § 679.20(a)(8)(iii).

Correction

The final rule, identified as FR Doc. E9–606 that published in the **Federal Register** on January 14, 2009 (74 FR 1946) is corrected by removing six of the fourteen vessels that registered with NMFS to fish in the A season HLA fisheries in areas 542 and/or 543 as follows.

1. On page 1946, in column 3, in the second paragraph on line 6, the number ''Fourteen'' is corrected to read ''Eight''.

2. On page 1947, in column 1, in the second paragraph on lines 6 through 9, the vessels ''Federal Fishery Permit number (FFP) 2134 Ocean Peace, FFP 2733 Seafreeze Alaska, FFP 3694 Arica, and FFP 3835 Seafisher'' are corrected to read ''Federal Fishery Permit number (FFP) 2134 Ocean Peace and FFP 2733 Seafreeze Alaska''.

3. On page 1947, in column 2, in the third paragraph on lines 4 through 6, the vessels ''FFP 480 Muir Milach and FFP 11770 Alaska Knight'' are corrected to read ''FFP 11770 Alaska Knight''.

4. On page 1947, in column 2, paragraph 4 is removed.

Fishery Assignments

For the Amendment 80 cooperative, the vessels authorized to participate in the first HLA directed fishery in area 542 and the second HLA directed fishery in area 543 are as follows: Federal Fishery Permit number (FFP) 2134 Ocean Peace and FFP 2733 Seafreeze Alaska.

For the Amendment 80 cooperative, the vessels authorized to participate in the first HLA directed fishery in area 543 and the second HLA directed fishery in area 542 are as follows: FFP 3835 Seafisher.

For the Amendment 80 limited access sector, vessels authorized to participate in the first HLA directed fishery in area 542 and in the second HLA directed fishery in area 543 are as follows: FFP 2443 Alaska Juris and FFP 3819 Alaska Spirit.

For the Amendment 80 limited access sector, the vessels authorized to participate in the first HLA directed fishery in area 543 and the second HLA directed fishery in area 542 are as follows: FFP 3423 Alaska Warrior and FFP 4093 Alaska Victory.

For the BSAI trawl limited access sector, the vessel authorized to participate in the first HLA directed fishery in area 542 is as follows: FFP 11770 Alaska Knight.

This action removes six vessels that registered with NMFS to fish in the A season HLA fisheries in areas 542 and/or 543 and does not otherwise change the requirements in the January 14, 2009 (74 FR 1946) temporary rule.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is unnecessary. This notice merely advises the owners of these vessels of the results of a random assignment required by regulation. The notice needs to occur immediately to notify the owner of each vessel of its assignment to allow these vessel owners to plan for participation in the A season HLA fisheries in area 542 and area 543.

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

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

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

Dated: February 23, 2009.

Emily H. Menashes,

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

[FR Doc. E9–4264 Filed 2–24–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0812011537–9145–01]

RIN 0648–AX45

Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to update regulations in 50 CFR part 679. The action would remove regulations that have lapsed and is intended to promote the goals and objectives of the Magnuson–Stevens Fishery Conservation and Management Act.

DATES: Effective February 27, 2009.

ADDRESSES: Copies of the Categorical Exclusion (CE) and Regulatory Impact Review (RIR) prepared for this action may be obtained from the NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, or by calling the Alaska Region, NMFS, at 907–586–7228, or from the NMFS Alaska Region website at *http://alaskafisheries.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION: The groundfish fisheries in the exclusive economic zone (EEZ) off Alaska are managed under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The North Pacific Fishery Management Council prepared the FMPs under the authority of the Magnuson–Stevens Fishery Conservation and Management Act (Magnuson–Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations implementing the FMPs appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

Need for Action

In 50 CFR part 679, text is amended to remove lapsed regulatory provisions from the Code of Federal Regulations (CFR). This final rule amends regulations by removing text as follows:

Location	Amendment
679.20(a)(5)(i)(D), (E), and (F)	Remove from CFR because (F) was applicable only through December 31, 2002, and (D) and (E) were previously removed and reserved.
679.20(a)(5)(iv)(C)	Remove from CFR because this paragraph was applicable only through December 31, 2002.
679.20(c)(2)	Remove from CFR and reserve because this paragraph was applicable only until April 1, 2005.
679.20(c)(5) and (c)(6)	Remove the phrase "(Effective April 1, 2005)" because related regulations are now effective.

Classification

Pursuant to section 305(d) of the Magnuson–Stevens Act, NMFS has determined that this final rule is consistent with the FMPs and other provisions of the Magnuson–Stevens Act.

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

This action will not increase recordkeeping and reporting costs.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator of Fisheries (AA) finds good cause to waive prior notice and opportunity for public comment. Prior notice and opportunity for public comment are unnecessary because these changes remove regulatory provisions that have lapsed. For the same reason, the AA finds good cause to waive the 30-day delay in the effective date under 5 U.S.C. 553(d)(3).

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* are inapplicable.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: February 23, 2009.

Samuel D. Rauch III

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

■ For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, 3631 *et seq.*; Pub. L. 108–447.

§ 679.20 [Amended]

■ 2. In § 679.20:

■ A. Remove paragraphs (a)(5)(i)(D), (E), and (F), and paragraph (a)(5)(iv)(C).

■ B. Remove and reserve paragraph (c)(2).

■ C. Remove the parenthetical phrase ''(Effective April 1, 2005)'' from paragraphs (c)(5) and (c)(6).

[FR Doc. E9–4281 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 74, No. 38
Friday, February 27, 2009

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0165; Directorate Identifier 2008–CE–055–AD]

RIN 2120–AA64

Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate Previously Held by Raytheon Aircraft Company) Models 1900, 1900C, and 1900D Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2006–24–11, which applies to certain Hawker Beechcraft Corporation (Hawker) (Type Certificate previously held by Raytheon Aircraft Company) Models 1900, 1900C, and 1900D airplanes. AD 2006–24–11 currently requires you to repetitively inspect the forward, vertical, and aft flanges of both the left and right wing rear spar lower caps for cracks, repair any cracks found, and report the inspection results to the manufacturer. Since we issued AD 2006–24–11, the manufacturer has developed a modification kit to install on the wing rear spar lower caps that would terminate the 200-hour repetitive inspection required in AD 2006–24–11. Consequently, this proposed AD would require installing the new modification kits on the wing rear spar lower caps and would terminate the repetitive inspections required in AD 2006–24–11 when the kits are installed. We are proposing this AD to prevent fatigue cracks in the wing rear spar lower caps, which could result in fatigue failure of the wing rear spar lower caps. A rear spar failure could result in complete wing failure and the wing separating from the airplane.

DATES: We must receive comments on this proposed AD by April 28, 2009.

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

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

For service information identified in this proposed AD, contact Hawker Beechcraft Corporation, Attn: Airline Technical Support, P.O. Box 85, Wichita, Kansas 67201; telephone: (800) 429–5372; fax: (316) 676–8745; Internet: *http://www.hawkerbeechcraft.com.*

FOR FURTHER INFORMATION CONTACT: Steve Potter, Aerospace Engineer, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Wichita, Kansas 67209, phone: (316) 946–4124, fax: (316) 946–4107.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, ''FAA–2009–0165; Directorate Identifier 2008–CE–055–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

Discussion

We issued Emergency AD 2006–18–51, Amendment 39–14757 on August 31, 2006 (71 FR 52983, September 8, 2006), due to significant cracks found in the wing rear spar lower caps of Hawker Beechcraft Model 1900D airplanes. AD 2006–18–51 applies to certain Hawker Beechcraft Models 1900, 1900C, and 1900D airplanes and currently requires a one-time visual inspection of both the left and right wing rear spar lower caps for cracking and other damage such as loose or missing fasteners; repairing any cracks or damage found; and reporting any cracks or damage found to the FAA and the manufacturer.

After complying with AD 2006–18–51, additional fatigue cracks found in the affected area of the wing rear spar lower caps on certain Hawker Beechcraft Models 1900, 1900C, and 1900D airplanes caused us to issue AD 2006–24–11, Amendment 39–14840 (71 FR 70297, December 4, 2006). AD 2006–24–11 does not supersede or revise Emergency AD 2006–18–51 because both ADs are necessary to address the unsafe condition. AD 2006–24–11 currently requires the following on certain Hawker Beechcraft Models 1900, 1900C, and 1900D airplanes:

- Repetitively inspecting the forward, vertical, and aft flanges of both the left and right wing rear spar lower caps for cracks;
- Repairing any cracks found; and
- Reporting the inspection results to manufacturer.

Since we issued AD 2006–24–11, the manufacturer has developed a modification kit to install on the wing rear spar lower caps that would terminate the 200-hour repetitive inspection required in AD 2006–24–11 when installed. The FAA's aging commuter aircraft policy briefly states that, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. This policy is based on the FAA's determination that reliance on critical repetitive inspections on airplanes utilized in commuter service carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) The safety consequences of the airplane if

the known problem is not detected by the inspection; (2) the reliability of the inspection such as the probability of not detecting the known problem; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

The alternative to modifying the wing rear spar lower caps with a modification kit that improves the fatigue life would be to repetitively inspect this area for the life of the airplane.

This condition, if not corrected, could result in fatigue failure of the wing rear spar lower caps. A rear spar failure could result in complete wing failure and the wing separating from the airplane.

Relevant Service Information

We have reviewed Hawker Beechcraft Mandatory Corporation Service Bulletin SB 57–3816, issued January 2008.

The service information describes procedures for installing wing rear spar lower cap modification kits.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would supersede AD 2006–24–11 with a new AD that would require you to install modification kits on the wing rear spar lower caps. This proposed AD would also retain the repetitive inspections currently required in AD 2006–24–11 until the modification kits are installed. This proposed AD would require you to use the service information described previously to perform these actions.

Costs of Compliance

We estimate that this proposed AD would affect 243 airplanes in the U.S. registry.

We estimate the following costs to do the proposed inspections:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
10 work-hours × $80 per hour = $800	$20	$820	$199,260

We estimate the following costs to do the proposed modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
250 work-hours × $80 per hour = $20,000	$2,200	$22,200	$5,394,600

We have determined that the average life to date of the affected airplanes is 16 years and the average usage rate annually is 1,571 hours time-in-service. The cost analysis shows that, based on the average age and usage, AD 2006–24–11 requires approximately 7.9 inspections per year with an approximate annual cost of $6,500.

Based on the cost analysis, we have determined that the proposed modification would start showing a cost savings over the repetitive inspection currently required in AD 2006–24–11 after 5 years. This determination is made based on the assumption that the life-span of the airplanes affected by this proposed AD is between 25 to 40 years.

Authority for This Rulemaking

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

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

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.

To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The FAA did make such a determination for this proposed AD. The basis for this determination is now discussed.

This proposed AD would supersede existing AD 2006–24–11. The cost analysis for the proposed AD shows that the proposed modification will have a cost savings from the accumulative repetitive inspection cost now required in AD 2006–24–11, reflecting cost savings for 241 of the 243 affected airplanes. For the two firms the analysis did not show a cost savings, we have identified one as a subsidiary of General Electric Capital Corporation and the other as the subsidiary of a firm that is probably large. General Electric Capital Corporation is not a small entity. We were unable to determine the size classification of the other firm. Even if the corporate parent of the unidentified firm is a small firm, this proposed rule would impact at most one firm, and one firm is not a substantial number.

Therefore, the Acting FAA Administrator certifies that this rule will not impose a significant economic impact on a substantial number of small entities.

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2006–24–11, Amendment 39–14840 (71 FR 70297, December 4, 2006), and adding the following new AD:

Hawker Beechcraft Corporation (Type Certificate previously held by Raytheon Aircraft Company): Docket No. FAA–2009–0165; Directorate Identifier 2008–CE–055–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by April 28, 2009.

Affected ADs

(b) This AD supersedes AD 2006–24–11, Amendment 39–14840. AD 2006–18–51 relates to the subject of this AD.

Applicability

(c) This AD applies to the following airplane models and serial numbers that are certificated in any category:

Group 1 model airplanes	Serial Nos.
(1) 1900	UA–3.
(2) 1900C (C–12J)	UB–1 through UB–74.
Group 2 model airplanes	**Serial Nos.**
(1) 1900C (C–12J)	UC–1 through UC–174, and UD–1 through UD–6.
(2) 1900D	UE–1 through UE–439.

Unsafe Condition

(d) This AD results from the manufacturer developing a modification kit to install on the wing rear spar lower caps that would terminate the 200-hour repetitive inspection required in AD 2006–24–11. We are issuing this AD to prevent fatigue cracks in the wing rear spar lower caps, which could result in fatigue failure of the wing rear spar lower caps. A rear spar failure could result in complete wing failure and the wing separating from the airplane.

Compliance

(e) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
(1) For Group 1 and Group 2 airplanes: Repetitively inspect both the left and right wing rear spar lower caps for cracks and other damage, such as loose or missing fasteners.	Repetitively inspect at intervals not to exceed 200 hours time-in-service (TIS) after the last inspection required by AD 2006–24–11.	Follow the procedures in Raytheon Mandatory Service Bulletin 57–3815, Issued: October, 2006.
(2) For Group 1 and Group 2 airplanes: If cracks are found, repair all cracks by obtaining and incorporating an FAA-approved repair scheme from the manufacturer.	Before further flight after any inspection required by paragraph (e)(1) of this AD where cracks are found.	For the repair scheme, contact Hawker Beechcraft Corporation at P.O. Box 85, Wichita, Kansas 67201–0085; phone: (800) 429–5372; fax: (316) 676–8745; e-mail: *tom_peay@rac.ray.com*.
(3) For Group 1 and Group 2 airplanes: Report the inspection results to Hawker Beechcraft Company (formerly Raytheon Aircraft Company) using the instructions and forms in the service bulletin. Complete all sections of the required forms. Reporting requirements have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 2120–0056.	Report the repetitive inspection results within 30 days after the inspection.	Follow the procedures in Raytheon Mandatory Service Bulletin 57–3815, Issued: October, 2006.
(4) For Group 1 airplanes: Install Modification Kit 114–4052–1 and Modification Kit 114–4067–0001.	Upon reaching 22,000 total hours TIS or within the next 3 years after the effective date of this AD, whichever occurs later. Installing the modification kits terminates the repetitive inspections required by paragraph (e)(1) of this AD.	Follow the procedures in Hawker Beechcraft Mandatory Service Bulletin 57–3816, Issued: January, 2008.

Actions	Compliance	Procedures
(5) For Group 2 airplanes: Install Modification Kit 118–4012–1 or 118–4012–3 and Modification Kit 118–4014–0003.	Upon reaching 22,000 total hours TIS or within the next 3 years after the effective date of this AD, whichever occurs later. Installing the modification kits terminates the repetitive inspections required by paragraph (e)(1) of this AD.	Follow the procedures in Hawker Beechcraft Mandatory Service Bulletin 57–3816, Issued: January, 2008.
(6) For all affected Group 1 and Group 2 airplanes: You may install the modification kits specified in paragraphs (e)(4) and (e)(5) of this AD at any time before the required compliance times specified in paragraphs (e)(4) and (e)(5) of this AD. Installing the modification kits terminates the repetitive inspections required by paragraph (e)(1) of this AD.	As of the effective date of this AD	Not applicable.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Wichita Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Steve Potter, Aerospace Engineer, ACE–118W, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Wichita, Kansas 67209, phone: (316) 946–4124, fax: (316) 946–4107. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(g) AMOCs approved for AD 2006–24–11 are not approved for this AD.

Related Information

(h) To get copies of the service information referenced in this AD, contact Hawker Beechcraft, Attn: Airline Technical Support, P.O. Box 85, Wichita, Kansas 67201; telephone: (800) 429–5372; fax: (316) 676–8745; Internet: *http://www.hawkerbeechcraft.com.* To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at *http://www.regulations.gov.*

Issued in Kansas City, Missouri, on February 19, 2009.

John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–4213 Filed 2–26–09; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2008–0485; A–1–FRL–8771–4]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; 2009 Motor Vehicle Emissions Budgets for the Boston-Manchester-Portsmouth (SE), New Hampshire, 8-Hour Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. This revision contains 8-hour ozone transportation conformity emission budgets for the Boston-Manchester-Portsmouth (SE), New Hampshire, 8-hour ozone nonattainment area. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before March 30, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2008–0485 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: arnold.anne@epa.gov.*
3. *Fax:* (617) 918–0047.
4. *Mail:* ''EPA–R01–OAR–2008–0485'', Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAQ), Boston, MA 02114–2023.
5. *Hand Delivery or Courier.* Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, (CAQ), Boston, MA 02114–2023. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

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

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, Air Quality Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAQ), Boston, MA 02114–2023, telephone number (617) 918–1668, fax number (617) 918–0668, e-mail *cooke.donald@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the Rules Section of this **Federal Register**.

Dated: January 27, 2009.

Ira W. Leighton,

Acting Regional Administrator, EPA New England.

[FR Doc. E9–4135 Filed 2–26–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 09–17; FCC 09–11]

Implementation of the DTV Delay Act

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document seeks comment on issues relating to further implementation of the DTV Delay Act. The Commission proposes and seeks comment on a procedure for early termination of analog broadcasting by full-power television broadcasters, and asks whether stations should be allowed to terminate service at different times of day. It also asks whether the DTV Consumer Education Initiative rules should be revised, particularly to require stations to provide viewers with detailed information about service loss due to the move from analog to digital broadcasting.

DATES: Comments for this proceeding are due on or before March 4, 2009.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. You may submit comments, identified by MB Docket No. 09–17, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: *http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to the Federal Communications Commission via e-mail to *PRA@fcc.gov* and to Nicholas A. Fraser, Office of Management and Budget, via e-mail to *Nicholas_A._Fraser@omb.eop.gov* or via fax at 202–395–5167.

FOR FURTHER INFORMATION CONTACT: For more information, please contact Nazifa Sawez, *Nazifa.Sawez@fcc.gov,* at 202–418–7059 or Shaun Maher, *Shaun.Maher@fcc.gov,* at 202–418–2324, of the Video Division, Media Bureau; or Evan Baranoff, *Evan.Baranoff@fcc.gov,* at 202–418–7142; Lyle Elder, *Lyle.Elder@fcc.gov,* at 202–418–2120; or Kim Matthews, *Kim.Matthews@fcc.gov,* at 202–418–2154, of the Policy Division, Media Bureau; or Eloise Gore, *Eloise.Gore@fcc.gov,* at 202–418–7200, of the Media Bureau. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams on (202) 418–2918, or via the Internet at *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (''NPRM'') in MB Docket No. 09–17, FCC 09–11, adopted and released February 20, 2009. (The companion Second Report and Order to this document is published elsewhere in this issue of the **Federal Register**.) The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY–A257, Washington, DC 20554. These documents will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Initial Paperwork Reduction Act of 1995 Analysis

This Notice of Proposed Rulemaking (NPRM) was analyzed with respect to the Paperwork Reduction Act of 1995, Public Law 104–13 (PRA) and contains modified information collection requirements. Specifically, this NPRM proposes to modify existing DTV transition-related information collection requirements to (1) expand viewer notification and other public interest obligations for early terminators of analog service; and (2) amend consumer education requirements to provide more detailed and accurate information to television viewers. The Commission is seeking OMB approval for these changes under OMB's emergency processing rules.

The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the PRA. Public and agency comments are due March 4, 2009. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden 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. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Summary of the Notice of Proposed Rulemaking:

I. Notice of Proposed Rulemaking

1. In this Notice of Proposed Rulemaking (NPRM), we seek comment on possible additional amendments to our rules that may be necessary or appropriate to carry out the purposes of the DTV Delay Act. In particular, we seek comment on revisions to the early analog termination procedures for stations that prefer to complete their transition before the new deadline of June 12, 2009. We also seek comment on whether to revise our consumer education rules, particularly by requiring broadcasters to provide service loss notices to viewers. We ask whether broadcasters should provide information on rescanning with digital equipment, and, where applicable, information regarding the need for different equipment due to changes from UHF to VHF service, or vice versa.

We also seek comment on amendments to the ''100-Day Countdown'' that is required in Option Two and the 30 minute informational video that is required in both Option Two and Option Three. Finally, we ask whether stations that participate in or support the post-transition analog nightlight program should be exempt from post-transition consumer education requirements.

A. Analog Service Terminations Prior to June 12, 2009

2. As discussed above, we find that revising the analog (and pre-transition digital) service termination procedures established in the *Third DTV Periodic Report and Order,* 72 FR 37310 (July 9, 2007), is necessary to implement and carry out the purposes of the DTV Delay Act. We seek to develop revised service termination procedures that will best enable us to evaluate and adjust deployment of our resources and to coordinate with other entities in order to prepare for stations' analog service terminations and protect the public interest. The Commission must make, adjust and prioritize arrangements for consumer outreach, call center staffing, converter installation assistance and coordinate with contractors, partners, volunteers, and organizations throughout the country to address areas where stations will terminate their analog signals throughout the transition period. We therefore propose to allow stations to proceed with their planned terminations, as described in their March 17 notification to the Commission, without the need for action by the Commission; provided, however, that if a major network (ABC/CBS/FOX/NBC) affiliate intends to terminate service early, it must certify that: (1) At least 90% of its analog viewers will receive some analog service (full service or enhanced nightlight) until June 12, 2009; and (2) it will comply with the other public interest conditions described below on or before the day it terminates analog service and through June 12, 2009. Any major network affiliate that does not certify to both requirements must continue providing full analog service until June 12, 2009 (except in the case of equipment failure, natural disaster, or other unforeseeable emergency).

3. In the companion Order published elsewhere in this issue of the **Federal Register**, we require all full-power television stations that have not terminated their analog service as of February 17, 2009, to decide on a firm date by which they intend to terminate their regular analog television service and to notify us of that date no later than Tuesday, March 17, 2009. We tentatively conclude that stations may terminate no earlier than April 16, 2009, to give all parties at least 30 days from the notification date to prepare and educate consumers. Our proposals here are influenced by our experience planning for the partial transition by one-third of the full power stations on or just before February 17, 2009. We have found that advance planning and station commitment to nightlight service and public interest outreach contribute to a smoother transition.

4. For the same reason, we also tentatively conclude that stations will not be permitted to change their date for analog service termination without a strong justification and express Commission approval. We propose that, except in the case of equipment failure, natural disaster, or other unforeseeable emergency, stations would only be permitted to terminate analog service on the date they elect. In addition, we propose that the timing and advance notice for analog terminations to be adopted in this proceeding will supersede the provisions of Section 73.1615. Stations would be able to rely on the flexibility of Section 73.1615 for brief terminations or reductions of service for technical reasons, as originally contemplated by that section. They would not, however, be permitted to rely on this provision to terminate analog service altogether, even in the days immediately prior to June 12, 2009. A station's analog service termination would only be permissible on the date permitted for it by the Commission. We seek comment on our tentative conclusion and proposals.

5. The *Third DTV Periodic Report and Order* required stations to notify their viewers about a planned analog service termination at least 30 days prior to the termination. These ''viewer notifications'' are required to describe how viewers can continue to receive service from the station, and continue to apply to any station terminating prior to June 12. They are not limited to major network affiliates. We do not propose to modify the 30-day on-air viewer notification requirement for early service terminations, although we do encourage early transitioning stations to start viewer notifications as soon as their plans are set. We seek comment on whether to require a longer viewer notification period for early transitioning stations, up to 60 days when possible, or if we should require that notifications commence uniformly on a date certain or, instead, as soon as the station's intended termination date is finalized. Under no circumstances will a station be permitted to air notifications for fewer than 30 days. Each station's on-air viewer notifications must include the specifics of the station's firm termination date. We also seek comment on whether to require all stations that are terminating prior to June 12, 2009, to air a crawl for the seven days prior to their termination, as was required for stations terminating on February 17, 2009.

6. The *Third DTV Periodic Report and Order* required stations to make a showing with their notification that the analog service termination ''is necessary for purposes of the transition.'' Consistent with this requirement, we propose to require stations to provide us with sufficient information to enable us to determine whether an early analog termination is necessary and in the public interest. As described in the companion Order published elsewhere in this issue of the **Federal Register**, no service termination notifications may be filed prior to the release of the new procedures and form to be adopted in response to this NPRM. We propose to allow stations that notify us by March 17, 2009 to proceed with their planned terminations without specific individual approval, with limited exceptions. Under this proposal, we would review the termination notifications of major network affiliates. We propose that, in order to terminate analog service on their proposed early date, these stations will be required to certify both that there will be continuing analog service to a substantial portion of their analog audience until June 12, and that they will comply with the other public interest conditions proposed below.

7. We propose that these stations must certify that at least 90 percent of the population within their Grade B analog contour will continue to receive analog service through June 12, 2009. Analog service, for this purpose, may be full service analog programming from a major network affiliate or enhanced analog nightlight service, because either of these will include local news, public affairs and emergency information, as well as DTV educational information. Any major network affiliate that is certifying in order to terminate analog service early must include with its filing a list of the stations that will continue to provide such analog service to at least 90 percent of its analog viewers through June 12, 2009. Stations may cooperate to share responsibility for providing this analog service, but each station is individually responsible for its own analog viewers.

8. We further propose that these stations must also certify that they will comply with the other public interest conditions detailed below. The ''On-Air

Crawl Prior to Termination'' requirement goes into effect, by its own terms, prior to the termination of the station's analog service. The ''DTV Educational Information'' and ''Market Outreach'' obligations must be undertaken so that they are in place no later than the day on which the station terminates full service analog programming. The ''Market Outreach'' requirements contemplate collective effort, in a market where more than one broadcaster has certified compliance with these conditions, but we remind major network affiliates who terminate early of their joint and several responsibility for compliance with these requirements. Due to different analog termination dates, each broadcaster in an area may become subject to these conditions at different times. Therefore, we will hold a broadcaster responsible for compliance with these requirements only during the period after the termination of its analog service. We emphasize that broadcasters that continue providing analog service through June 12, 2009, are not responsible for compliance with any of the requirements associated with early termination, or for any shared efforts or expenses incurred by early termination stations as a result of these requirements.

9. We propose to require certification to the following conditions, which generally track the conditions that we applied to the network affiliates that sought to terminate on February 17, 2009:

Enhanced Analog Nightlight

• Ensure that at least one station that is currently providing analog service to an area within the DMA that will no longer receive analog service after the early termination date will continue broadcasting an analog signal providing, at a minimum, DTV transition and emergency information, as well as local news and public affairs programming (''enhanced nightlight'' service) for 60 days following the early termination date, but not beyond June 12, 2009; for the purposes of these early terminations, therefore, the enhanced nightlight must begin as soon as there is no network affiliate serving the area, and be provided only through June 12, 2009. The local news, public affairs, or other programming may include commercial advertising.

• Ensure that enhanced nightlight service concerning the DTV transition will be provided in Spanish and English and that both DTV transition and emergency information is accessible to the disability community (*e.g.*, silent scrolls or slates do not provide information to the visually impaired, and therefore, broadcast notices must have an aural component, as well as being closed or open captioned).

Other Public Interest Conditions

DTV Educational Information

• Ensure that on-air educational information (prior to the early termination date and thereafter as part of ''enhanced nightlight'' service) will include demonstrations of converter box installations, antenna setups, and other helpful information, including the location of walk-in centers in the market and the phone number for the local or toll-free telephone assistance provided to the market, discussed in this section. The Commission will continue to publicize the location of local walk-in centers via our Web site at *https://dtvsupport.fcc.gov/dtvtools.*

• Ensure that the DTV educational information, both on-air and through other means, will provide information describing areas that may be losing over-the-air signal coverage temporarily or permanently as the station transitions to digital-only broadcasting. Such information may include detailed maps, listings of affected communities, and instructions on how to assess what type of antenna may be necessary to retain or regain the station's digital signal, as well as identifying specific locations that will not be able to receive a digital signal regardless of antenna. If educational information is prepared jointly, it must still specify the signal loss or change as relevant to each station.

Market Outreach

• Each station individually or collectively in the market commits to assisting viewers by providing local or toll-free telephone assistance, including engineering support. Such assistance may be provided jointly with other stations, organizations, and businesses in the area, but the certification must specify which station or stations are responsible. If no station is specified, the station making the certification is presumed responsible.

• Each station alone or together with other stations or local businesses and organizations in the market will provide a location and staff for a consumer ''walk-in'' center to assist consumers with applying for coupons and obtaining converter boxes, to demonstrate how to install converter boxes, to provide maps and lists of communities that may be affected by coverage issues, and to serve as a redistribution point for consumers who are willing to donate coupons, converter boxes, televisions and for those in need of these items. The certification must specify which station or stations are responsible for operating the walk-in center. If no station is specified, the station making the certification is presumed responsible.

• Each station will consider and is encouraged to coordinate with and use community resources to provide consumer outreach and support, including in-home assistance.

On-Air Crawl Prior to Termination

• Each station, individually, will broadcast a crawl on their analog channel regarding the station's termination of analog service, for the seven day period just prior to the date of early termination. For the first five days, the crawl must be aired for 5 minutes of every hour of the station's analog broadcast day, including during primetime. For the final two days, the crawl must be aired for 10 minutes of every hour of the station's analog broadcast day, including during primetime. Each station will include in the crawl the FCC toll-free number (1–888–CALLFCC, 1–888–225–5322). Stations that cannot broadcast a crawl because it is technically unfeasible may provide substitute information on an hourly basis, which should be indicated in their certification.

10. We recognize that major network affiliates subject to the certification requirement may not be able to certify that they and the other stations in their market will provide continuing analog service and compliance with the other necessary public interest obligations discussed above. In such cases, these licensees may make an alternative showing to the Commission that extraordinary, exigent circumstances, such as the unavoidable loss of their analog site or extreme economic hardship, require that they terminate their analog service on their proposed date. This showing must also include information regarding analog service that will be available for the station's viewers. For example, a network affiliate might partner with another station serving the same area to ensure that its viewers may view local news, public affairs and emergency information. Some network affiliates transitioning on February 17 partnered with local PBS stations to provide local news programs, which the PBS station aired without commercials. The showing should not exceed five (5) pages, not including attachments. Stations attempting to make this showing bear a heavy burden of proof. Any station electing to make this showing must await a determination by

the Commission that its showing is sufficient before terminating analog service. The Commission will endeavor to resolve all of these cases prior to the stations' proposed termination date.

11. Under our proposed approach, we would also retain the right to prevent any station from going forward with early termination if we find it in the public interest to do so. As the Commission did in the case of stations seeking to terminate on February 17, we would expeditiously provide notice to stations via public notice if major network affiliates subject to the certification requirement decline to certify, or if any other station will not be permitted to transition on its proposed date. After broadcasters have had an opportunity to review the Commission's decisions regarding the early termination of stations in their market and surrounding markets, they would have an opportunity to revoke their early termination decision and continue to broadcast analog service through June 12. Notice of this decision would have to be provided to the Commission and viewers, however, not later than 5 days prior to the station's scheduled termination date.

12. We believe that our proposals are consistent with the DTV Delay Act. They retain stations' flexibility to choose a transition date prior to June 12 that works for them, while also taking into consideration the needs and readiness of viewers in their markets. These proposals afford flexibility for stations consistent with consumer readiness and assistance. We require that stations decide and select a final transition date that will enable other interested parties to make their plans and preparations for the station's transition. We expect that network affiliates and other stations serving the same viewing area will closely coordinate if they intend to terminate analog service before June 12, 2009. We seek comment specifically on the benefits and hazards of allowing all or virtually all stations in a market to transition prior to June 12. We are concerned that doing so would deprive unprepared consumers of access to vital local news, public affairs and emergency information. We also seek comment from affected industry groups and, particularly, from consumers on the relative benefits and harms of our proposal.

13. We also seek comment on whether stations should be allowed to terminate analog service at any time on June 12, 2009, or be required to continue broadcasting an analog signal until 11:59:59 p.m. local time. As noted in the *First Report and Order*, 74 FR 7654 (Feb. 19, 2009), implementing the DTV Delay Act, full power stations' analog licenses expire at 11:59:59 p.m. on June 12, 2009. As explained above, stations may continue analog broadcasting after 11:59:59 p.m. only to the extent that they are participating in the Analog Nightlight program. However, the DTV Delay Act and the other relevant statutory provisions are silent as to the time of day on June 12, 2009 on which analog termination may occur. We do not believe it is necessary to treat analog termination on June 12 but prior to 11:59:59 p.m. as an ''early'' termination and propose to leave it to stations to determine what time of day is most appropriate for their viewers. However, we propose to require that stations inform the Commission of the time of day they plan to terminate when they file the required notification on March 17, 2009 and notify viewers through their required PSAs, crawls and other consumer education broadcasts if they are planning to end analog service before 11:59:59 p.m.

B. Consumer Education Initiative Rules

1. 100 Day Countdown

14. We also seek comment on whether we should revise the ''100 day countdown'' requirement that applies to Option Two broadcasters. As originally conceived, and as revised in this 2nd Report and Order, each Option Two broadcaster must air a daily reminder of the number of days until the conclusion of the DTV transition, beginning 100 days prior to the transition. A simultaneous nationwide countdown was appropriate when we expected that the vast majority of stations were planning to continue analog programming until the conclusion of the transition. Now that the transition has been delayed, however, many of the roughly 64% of stations that did not transition on or before February 17 may transition prior to or on June 12. Under the circumstances, we recognize that requiring an identical and simultaneous countdown to June 12 by all Option Two stations, including those that have already transitioned, may create more confusion than it would alleviate. We therefore seek comment on whether and how to revise this requirement.

15. Should a station that will be transitioning before June 12 be required to count down to the date on which that station will terminate analog service? Should it provide a second countdown (simultaneous with the first?) that demonstrates the distinction between the station's and the nation's transitions? Should the requirement vary depending on whether a station's entire market is transitioning? If so, how should we define ''entire market'' for the purposes of these rules? Once a station has transitioned early, should it be required to run a countdown of any kind? We note that the educational obligation placed on pre-transition television stations arose not merely from their position as television stations watched by analog-only viewers, but also from their important position as an authoritative source of information for the affected community. Even when one station has completed its move to digital, it can still provide valuable information and education to its viewers regarding the transition by other stations.

2. 30 Minute Informational Videos

16. Under the rules as revised in the companion Report and Order, Option Two and Three broadcasters must, on at least one day prior to June 12, 2009, air ''an informational program on the digital television transition.'' Many, if not most, of the affected broadcasters complied with this requirement when the transition was to take place on February 17, and their informational programs necessarily reflected that date. For stations that have already transitioned, we find that such a program would have met the needs of their viewers. We seek comment, however, concerning whether such a pre-DTV Delay Act program should be considered sufficiently accurate and helpful to viewers of stations that have not yet transitioned, or if these stations should be required to air an up-to-date 30 minute informational program before they cease analog programming.

17. We also seek comment on what specific information would need to be included in such a program for it to serve the consumer educational purposes of the DTV Delay Act. Specifically, we seek comment on whether this up-to-date 30-minute informational video should explain: (1) The change in the transition date; (2) when that particular station is transitioning; (3) when other stations in the market are transitioning; and/or (4) any change in the coverage area of the station.

3. Service Loss Notices

18. The Commission's experience with stations that have already terminated analog service, particularly in those areas where an entire market has transitioned, is that loss of a station due to a change in the digital coverage area creates the greatest consumer confusion and distress. This will be true for stations that transition at any time, up to and including June 12. Indeed, it

is true even before stations terminate their analog service as more and more viewers come to rely on digital service. Therefore, we seek comment on whether every station should be required to provide specific notice to analog viewers who are likely to lose over-the-air service from the station due to changes in the stations' coverage area.

19. Broadcasters electing Option One are already required to provide information to their viewers, at least once per week, about any ''[c]hanges in the geographic area or population served by the station during or after the transition.'' They must do so via their regularly-aired PSAs. We propose to require broadcasters who have elected Options Two or Three to provide similar information to their viewers via PSAs, if 2 percent or more of their analog viewers are predicted to lose service as a result of a change in their geographic coverage area (even if the station gains viewers elsewhere). The Commission has created a tentative list of stations anticipated to lose 2 percent or more of their analog viewers, which can be found on the FCC Web site at *http://www.fcc.gov/dtv/markets/report2.html*. For purposes of the notice requirement, we would not include those stations where the losses are due solely to propagation effects such as a change from a VHF to UHF channel. Stations would be required to provide geographically specific information detailing areas that are covered by the Grade B analog contour but are not predicted to receive digital service. We would also require stations to provide educational information describing areas where analog signal strength is generally sufficient for viewers to rely on an indoor antenna but where it is likely that they will need an outdoor antenna to receive the digital signal.

20. We seek comment on how the information should be presented in a manner that is both accurate and understandable to viewers. Should we permit stations to convey the geographic specificity in different ways? For example, would PSAs referencing particular communities, ZIP codes, or neighborhoods be sufficient, or should stations be required to show maps demonstrating their changed service area? Should service area information be provided to viewers more frequently than once per week? Alternatively, should broadcasters be required or permitted to provide information directly to populations expected to lose service, via, for instance: direct mail to addresses in the affected area? We note that radio broadcasts and local newspapers are another means of targeting viewers who are likely to experience loss. Stations may also point out to their viewers any areas in which their over-the-air service will improve or expand. There may well be viewers who currently rely on subscription service who may be able to rely, instead, on free over-the-air broadcasting and thus realize one of the benefits of the DTV transition, particularly where the station offers multicast channels.

21. We also propose to require all stations to provide information to consumers about the need to periodically ''rescan'' when using over-the-air digital reception equipment, particularly through the end of the transition. We propose to further require stations that are changing their broadcast frequency from VHF to UHF (or vice versa) to include as part of their required consumer education activities notice about the need for additional or different equipment to avoid loss of service. The implementation of Major Channel Numbers as part of the Program System Information Protocol (PSIP) makes it more difficult for consumers to determine this information on their own, because a station's ''channel'' no longer necessarily reflects its over the air frequency.

4. Waiver of Post-Transition Consumer Education Requirements

22. We propose to waive the post-transition consumer education requirements for stations that participate in the statutory nightlight program. The broadcasters in Wilmington, North Carolina, who volunteered to transition their market on September 8, 2008, ceased analog broadcasting on that date but voluntarily participated in a ''nightlight''-type program for roughly one month afterward, displaying a ''slate'' describing the transition and explaining how people could obtain additional information about it. In consideration of the fact that the entire market was transitioning at once, and upon the request of the broadcasters, the Commission found that the nightlight fulfilled the Wilmington stations' consumer education obligations, and waived the remainder of those obligations for both the analog and digital signals.

23. As discussed above, after the conclusion of the nationwide transition many stations will have the option to participate in the statutory nightlight program created by Congress and implemented in our *Analog Nightlight Order*. Should we, as we did in Wilmington, consider participation in this program, or support of another station's participation, sufficient to meet a station's consumer education obligations, to the extent that they apply after June 12, 2009? We seek comment on this proposal.

C. Other Issues

24. Finally, we welcome comment on any actions ''necessary or appropriate to implement the provisions, and carry out the purposes'' of the DTV Delay Act that have not been resolved by or addressed above.

II. Procedural Matters

A. Statutory Authority and Good Cause Findings

25. For the reasons below, pursuant to section 4(c) of the DTV Delay Act, we conclude that the rule changes and other actions herein are not subject to the rulemaking requirements of the Administrative Procedure Act, Congressional Review Act, Regulatory Flexibility Act, or any other provision of law that otherwise would apply and would impede implementation of the statutory directives. In any event, we also conclude that there is good cause for departure from such requirements here. Nevertheless, we are providing notice and an abbreviated opportunity for public comment regarding the issues addressed in Section IV above to allow interested parties to contribute to our consideration of these issues to the extent possible in the limited time that Congress has provided.

26. Section 4 of the DTV Delay Act provides that, ''[n]otwithstanding any other provision of law,'' the Commission must ''adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act'' within 30 days of the date of its enactment. The ''notwithstanding'' clause plainly excuses compliance with otherwise applicable legal requirements that would impede FCC actions to implement the DTV Delay Act by the statutory deadline. In other contexts, the DC Circuit has interpreted similar ''notwithstanding'' language ''to supersede all other laws, stating that 'a clearer statement is difficult to imagine.' '' The plain meaning of the DTV Delay Act's language is reinforced by the circumstances surrounding its passage. Congress extended the imminent DTV transition deadline to enhance national preparedness for the DTV transition, and examination of the legislative history reflects its recognition that accomplishing this goal would require extraordinary and immediate action by the Commission and others. Thus, the Act requires the FCC to act

not later than 30 days after the date of enactment, and grants it broad discretion within that brief period to take such actions ''as may be necessary or appropriate'' to accomplish the Act's goals. For the reasons explained elsewhere in this Order, we find that the rule making and other actions herein are necessary and appropriate to implement the DTV Delay Act and carry out its purposes. As discussed below, compliance with the APA and other procedural administrative law requirements would frustrate or impede the FCC's ability to meet the statutory deadline. Therefore, section 4(c) of the Act supersedes such legal requirements.

27. Even if the statutory language were ambiguous, we would interpret it to exempt the Commission from APA and other procedural administrative law requirements that cannot be reconciled with the statutory mandate. As stated above, the Act requires the FCC to implement its provisions and purposes within 30 days. The fact that many Commission rules, regulations and orders are tied to the original statutory deadline of February 17, 2009, combined with the Act's enactment only a few business days before February 17, reduced the time frame for many of the necessary actions from one month to a matter of days. Moreover, given the number and complexity of rule making and other actions required to implement the DTV Delay Act and accomplish its purposes, combined with the fact that the Act itself postpones the nationwide DTV transition for a limited period, the FCC cannot fulfill the statutory mandate and comply with otherwise applicable rule making and other legal requirements. There is insufficient time to publish a Notice of Proposed Rulemaking in the **Federal Register**, allow time for meaningful comment and consider those comments before taking all of the necessary legal actions. The APA also requires **Federal Register** publication at least 30 days before a rule's effective date. Here, a standard comment period after **Federal Register** publication and a 30-day waiting period before rules become effective would exceed the 30-day period after enactment during which agency implementation is required. Other legal requirements cited above likewise require more time than circumstances allow. Therefore, even if the statute were ambiguous, we would interpret it to supersede requirements that cannot be harmonized with the statutory mandate, including the APA, CRA, and RFA.

28. We also find that there is good cause for departure from the APA requirements of notice and comment, the requirements of the CRA, and a 30-day delay before rules become effective under the circumstances here. As discussed above, the extraordinary circumstances surrounding the DTV Delay Act create an urgent need for rapid action. The statutory deadline for Commission action is no more than 30 days from enactment. The DC Circuit has held that ''the extremely limited time given by Congress'' to an agency for adoption of regulations ''is a crucial factor in establishing 'good cause' '' under the APA. We note that many of our actions are of an interim nature, in that they will no longer be in force after June 13, 2009. Moreover, some of our actions, such as extending the terms of the licenses for the recovered spectrum (including the license period and construction requirements associated with those licenses) for 116-day period, are non-discretionary or ministerial in nature. Accordingly, even if our actions were subject to the APA (and, as explained above, they are not), we find that there is good cause for departure from APA requirements because the circumstances make compliance impracticable or unnecessary. Nevertheless, as indicated above, we are providing notice and an abbreviated opportunity for public comment regarding the issues addressed in Section IV above to allow interested parties to contribute to our consideration of these issues to the extent possible in the limited time that we have. We find that the five-day comment period provided herein is the maximum possible opportunity for public comment that we can provide and still fulfill our statutory mandate to take such actions as are necessary or appropriate to implement the DTV Delay Act and accomplish its purposes within 30 days of the Act's enactment, or no later than March 13, 2009.

B. Initial Paperwork Reduction Act of 1995 Analysis

29. This NPRM was analyzed with respect to the Paperwork Reduction Act of 1995 (PRA) and contains modified information collection requirements. Specifically, this NPRM proposes to modify existing DTV transition-related information collection requirements to (1) expand viewer notification and other public interest obligations for early terminators of analog service; and (2) amend consumer education requirements to provide more detailed and accurate information to television viewers. The Commission is seeking OMB approval for these changes under OMB's emergency processing rules.

30. Written comments by the public on the new and/or modified information collections are due on or before 5 days after the date of publication in the **Federal Register**. In addition to filing comments with the Office of the Secretary, a copy of any comments on the proposed information collection requirements contained herein should be submitted to Cathy Williams, Federal Communications Commission, 445 12th St., SW., Room 1–C823, Washington, DC 20554, or via the Internet to *Cathy.Williams@fcc.gov*.

31. *Further Information*. For additional information concerning the PRA proposed information collection requirements contained in this NPRM, contact Cathy Williams at 202–418–2918, or via the Internet to *Cathy.Williams@fcc.gov*.

C. Filing Requirements

32. *Ex Parte Rules*. This proceeding will be treated as a ''permit-but-disclose'' proceeding subject to the ''permit-but-disclose'' requirements under Section 1.1206(b) of the Commission's rules. *Ex parte* presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, *ex parte* or otherwise, are generally prohibited. Persons making oral *ex parte* presentations are reminded that a memorandum summarizing a presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented is generally required. Additional rules pertaining to oral and written presentations are set forth in Section 1.1206(b).

33. *Comments*. Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before the date indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (''ECFS'') or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998). To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY). We find that the five-day comment period provided herein is the maximum possible opportunity for public comment that we can provide and still fulfill our statutory mandate to take such actions as are necessary or appropriate to implement the DTV

Delay Act and accomplish its purposes within 30 days of the Act's enactment; therefore, we find good cause to waive the requirement for Reply Comments established in our rules.

34. Comments filed through ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html*. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov*, and should include the following words in the body of the message: ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

35. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail, should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary: Office of the Secretary, Federal Communications Commission.

36. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY–A257, Washington, DC 20554. Persons with disabilities who need assistance in the FCC Reference Center may contact Bill Cline at (202) 418–0267 (voice), (202) 418–7365 (TTY), or *bill.cline@fcc.gov*. These documents also will be available from the Commission's Electronic Comment Filing System. Documents are available electronically in ASCII, Word 97, and Adobe Acrobat. Copies of filings in this proceeding may be obtained from Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554; they can also be reached by telephone, at (202) 488–5300 or (800) 378–3160; by e-mail at *fcc@bcpiweb.com*; or via their Web site at *http://www.bcpiweb.com*. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. E9–4257 Filed 2–25–09; 11:15 am]

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Notices

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

DEPARTMENT OF AGRICULTURE

Forest Service

Eldorado National Forest, CA; Kirkwood Meadows Power Line Reliability Project EIS/EIR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a joint environmental impact statement/report.

SUMMARY: Notice is hereby given that the USDA Forest Service, Eldorado National Forest (Forest Service), together with the Kirkwood Meadows Public Utility District (KMPUD), will prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to disclose the impacts associated with authorizing a 50-year term Special Use Permit for the construction, use and maintenance of a Kirkwood Meadows Public Utility District power line connecting the electrical grid near Salt Springs with the community of Kirkwood Meadows, located in Amador, Alpine and El Dorado Counties, California.

The new power line would potentially be located along Highway 88 and within the Eldorado National Forest. The power line would connect with an existing 115 kV transmission line near the PG&E hydroelectric facility at Salt Springs Reservoir. The proposed project also includes two substations to be built, one near the Salt Springs hydroelectric facility and the other on KMPUD property within the Kirkwood Meadows valley, as well as ancillary improvements on National Forest System lands needed to maintain this system (e.g., poles, roads, communication equipment).

DATES: The comment period on the proposed action will extend 45 days from the date this Notice of Intent is published in the **Federal Register**. Completion of the draft EIS/EIR is expected in March 2010 and the final EIS/EIR is expected in October 2010.

ADDRESSES: Send written comments to 100 Forth Road, Placerville, CA 95667. Comments may also be sent via e-mail to *comments-pacificsouthwest-eldorado@fs.fed.us*, or via facsimile to (530) 621–5297.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed action and other information concerning this proposed action may be found on the project Web site at *http://www.fs.fed.us/r5/eldorado/projects/*. Copies of the proposed action or requests for further information may be addressed to Sue Rodman, 100 Forth Road, Placerville CA 95667. Project information can also be requested by leaving a voice message at (530) 621–5298.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose of the proposed project is to replace the use of diesel-fired generators within Kirkwood Meadows as the primary supply of power for current and future needs within the KMPUD service area. Additionally, the proposed project would increase the reliability of the power supply for the KMPUD service area; remove a source of particulates, noise and emissions from the Kirkwood Meadows valley, provide access to cost effective renewable sources of power for the Kirkwood Meadows valley, and help stabilize rates within the KMPUD service area. The following needs for this proposed action have been identified as follows:

Due to its remote location, high altitude, and challenging load pattern (peak loads may occur during periods of heavy snowfall), providing electrical power using diesel fired generation is challenging. The quality and reliability of the power supply is low as compared to typical grid-supplied electricity elsewhere in California due to a combination of factors. An interconnection between the KMPIJD service area and the California electrical grid would provide a more robust and reliable source of supply. The proposed project would also be able to accommodate buildout currently approved for Kirkwood Meadows as described in the Kirkwood Meadows Specific Plan and the on mountain improvements described in the Kirkwood Mountain Resort Mountain Master Development Plan.

The existing diesel generation system within Kirkwood Meadows is subject to the air quality permitting authority of the Great Basin Unified Air Pollution Control District (GBUAPCD), and meets the criteria set forth in the permits issued by the GBUAPCD. Nonetheless, the proposed project would reduce the emissions of diesel particulates in Kirkwood Meadows valley, as the existing diesel generation system would retire from primary generation to backup generation only as a result of the proposed project.

Since the existing generation system is relatively small and relies on diesel fuel, the price of electrical power within the KMPUID service area is heavily dependent on the price of diesel. The recent fluctuations in the price of diesel caused power prices within the KMPUD service area to spike dramatically. The proposed project would allow KMPUD to access the California electrical grid, and enter into long term, stable contracts for power supply.

The 2001 National Energy Policy goals are to increase domestic energy supplies, modernize and improve our nation's energy infrastructure, and improve the reliability of the delivery of energy from its sources to points of use. Executive Order 13212 encourages increased production and transmission of energy in a safe and environmentally sound manner. According to Executive Order 13212, for energy related projects, agencies shall expedite their review of permits or take other actions as necessary to accelerate the completion of such projects. The agencies shall take such actions to the extent permitted by law and regulations, and where appropriate.

Proposed Action

The proposed project would involve authorizing a 50-year term Special Use Permit for the construction, use and maintenance of a Kirkwood Meadows Public Utility District power line connecting Kirkwood Meadows (in Alpine, Amador and El Dorado Counties) to an existing 115 kV transmission line owned by Pacific Gas & Electric Company (PG&E) near the PG&E hydroelectric facility at Salt

Springs Reservoir, in Amador County. The proposed project also includes two substations to be built, one within the KMPUD service area and the other near the PG&E Salt Springs hydroelectric facility, as well as ancillary improvements on National Forest System lands needed to maintain this system (*e.g.*, poles, roads, communication equipment).

The proposed project would involve lands managed by the Eldorado National Forest in portions of Sections within Township 8 North, Range 15 East; Township 8 North, Range 16 East; Township 9 North, Range 16 East; Township 9 North, Range 17 East; and Township 10 North, Range 17 East, Mt. Diablo Base and Meridian.

The proposed project alignment is referred to as the Carson Spur Alignment. The proposed project alignment commences near PG&E's Salt Springs powerhouse, crosses the ridge to Bear River Reservoir, travels up to the State Highway 88 and Old Alpine Highway route and generally follows those alignments to Kirkwood Meadows. The proposed project will be constructed in the various alignment segments described below, utilizing underground or above ground installation methods, as required.

Segments PGE 1: Salt Springs substation along Salt Springs penstock—1.2 miles utilizing an overbuild of the existing PG&E 12 kV pole line.

Segment PGE 2: Cole Creek to Bear River Reservoir via PG&E 12 kV distribution line—1.9 Miles utilizing an overbuild of the existing PG&E 12 kV pole line.

Segment BRR 1: Bear River Reservoir to Hwy 88—3.6 miles (from the south side of Bear River Reservoir, across the Bear River Reservoir dam to Highway 88).

Segment OAH 1: 13.1 miles generally parallel to Hwy 88 on the Old Alpine Highway alignment where possible.

Segment OAH 2: 2.1 miles generally parallel to Highway 88 from Tragedy Springs past Silver Lake.

Segment CS 1: Oyster Springs to top of Carson Spur, generally parallel to Hwy 88 on Old Alpine Hwy—2.8 miles.

Segment CS 2: Carson Spur in Hwy 88—0.9 Miles.

Segment CS 3: Departs Hwy 88 East of the Carson Spur to KMPUD facilities 0.9 miles.

A map of the proposed project alignment is available at *http://www.fs.fed.us/r5/eldorado/projects/*, will be available for view at the Scoping Meetings listed below (see Scoping Process), or may be requested from the Forest Service at the addresses listed above (see **FOR FURTHER CONTACT INFORMATION**).

Background

The Kirkwood Meadows power system currently uses a set of diesel generators with a maximum permitted capacity of 5.34 MW and a peak load of approximately 4 MW to power the ski resort, residences, and other businesses of Kirkwood Meadows. Since the approval of the first Kirkwood Master Plan in 1974, the ski resort has grown and now has power demands approaching the capacity of the existing diesel power plant. The Kirkwood Specific Plan completed in 2003 and the Mountain Master Plan completed in 2007 approved continued expansion of the resort and related recreational opportunities which will in turn require more electrical capacity.

Electrical energy can be unreliable in the Kirkwood Meadows service area, due to a combination of challenges related to generation and delivery of energy at high altitude and difficult winter conditions. Weather and equipment-related outages and low power quality occur in the Kirkwood Meadows area despite high rates and continuous investment in the system. One method of achieving a more reliable, higher capacity electricity source is to connect the Kirkwood community to the public electrical grid.

Several discussions regarding line extensions and interconnection have occurred with both PG&E (in California) and Sierra Pacific Power (SPP, in Nevada and California) since 1996 and a resolution was not reached. Energy demand is expected to exceed capacity within the next few years, therefore, KMIPTJD has taken on responsibility for pursuing a connection to the grid. The new power line is expected to meet the following needs: increase the reliability of the power supply for the KMPUD service area, reduce particulates, noise and emissions from the diesel generation in Kirkwood Meadows valley, provide access to cost effective renewable sources of energy from the California electrical grid, and stabilize rates within the KMPUD service area.

The Forest Service is the lead Federal agency for the preparation of a joint EIS/EIR in compliance with the National Environmental Policy Act (NEPA) and all other applicable laws, executive orders, regulations, and direction. KMPUD is the lead State of California agency for the preparation of a joint EIS/EIR in compliance with the California Environmental Quality Act (CEQA), California Public Resource Code Division 13, and all other applicable laws and regulations. Both agencies have determined a joint EIS/EIR is needed to efficiently analyze the proposed action and evaluate its impacts. Pursuant to CEQA, a Notice of Preparation of Joint EIS/EIR has also been prepared.

Possible Alternatives

The Forest Service will identify alternatives to the proposed action that address significant issues brought forward by the public during the scoping process. Possible alternatives could include: alternate alignments for the proposed power line, as well as construction alternatives to locate all or portions of the proposed power line underground, or an alternative for the types and number of poles and voltage that would be used.

In addition, KMPUD has identified two preliminary alternatives for analysis: the Silver Lake alignment and the Long Valley alignment.

The Silver Lake Alignment follows much of the Carson Spur Alignment until it reaches the north end of Silver Lake. The Silver Lake Alignment would depart from the proposed action alignment from Hwy 88 just north of Silver Lake, travel northeast of the lake to the top of Chair 6 at Kirkwood Meadows, and follow the Chair 6 alignment into Kirkwood Meadows Valley. The Silver Lake Alignment includes Segments PGE 1, PGE 2, BRR 1, OAR 1, OAH 2, NR 1, NR 2, NR 3.

Segments PGE 1, PGE 2, OAH 1, OAR 2—These segments are described in the Carson Spur Alignment above.

Segment NR 1 & NR 2: Around northeast end of Silver Lake, and from Silver Lake to top of Chair 6—2.9 miles.

Segment NR 3: Top of Chair 6 down a ski slope to KMPT.JD system—1.3 miles.

The Long Valley Alignment would be an overhead alignment along Long Valley, at 115 kV. The Long Valley Alignment commences near PG&E's Salt Springs powerhouse, follows the PG&E penstock north, then swings northeast and generally parallels Cole Creek Road. The alignment then heads generally northeast through Long Valley to just south of Kirkwood Meadows, then swings north to Kirkwood Meadows valley. The Long Valley Alignment would be considered a corridor; and a precise alignment location would be surveyed in the future. The Long Valley Alignment includes Segments PGE 1 and LV 1, LV 2, LV 3.

Segment PGE 1: Salt Springs substation along Salt Springs penstock—1.2 miles. Segment LV 1, LV 2, LV 3: LV 1 is top of Salt Springs penstock to Squaw Ridge, LV 2 is

Squaw Ridge to Allen Ranch, and LV 3 is Allen Ranch to Kirkwood.

In addition to the alignment alternatives, various construction technologies will be evaluated for applicability on all alignments. Construction technologies include:

○ *Underground Construction:* Underground construction would utilize direct burial or a conduit and vault system. Underground construction would require a nominal trench excavation of 18″ W x 66″ D, constructed within a cleared construction corridor of 30 to 40 feet in width. For direct burial, the power cables must be bedded in select backfill material 6 inches below and 12 inches above the cable. Trench sections of up to 3000 feet in length will be opened for installation of the cable. Power line sections crossing under roads, narrow waterways and other special crossings will be installed using directional boring techniques in rigid conduit on an as needed basis. An above ground switching cabinet will be required approximately every mile along the underground power line route. The cabinet and supporting concrete pad will be approximately 8 feet square and about 4 feet high. For a conduit and vault system, the trench requirements will be the same as the direct burial sections except that the trench can be backfilled immediately after installing the conduit and the cable installed at a later date. The cable is then pulled in the conduit from one vault to the next. Depending on the terrain profile and lateral changes in direction, pull and splice vaults are generally spaced about 500–800 feet apart.

○ *Overhead Lines:* Overhead lines would be constructed in cleared corridors of 40 to 80 feet, depending on line voltage, terrain, snow depth and configuration of the pole structures. Weathering brown metal poles and low reflectivity conductors will be utilized wherever possible to better fit in with the surrounding forest.

Construction and maintenance may utilize helicopter techniques.

Lead and Cooperating Agencies

The Forest Service and the KMPUD will be joint lead agencies in accordance with 40 CFR 1501.5(b), and are responsible for the preparation of the EIS/EIR. The Forest Service will serve as the lead agency under NEPA. The KMPUD will serve as the lead agency under CEQA. Scoping will determine if additional cooperating agencies are needed.

Responsible Official

The Forest Service responsible official for the preparation of the EIS/EIR is the Forest Supervisor of the Eldorado National Forest, Ramiro Villalvazo.

Nature of Decision To Be Made

The Forest Supervisor of the Eldorado National Forest will decide whether or not to authorize a 50-year term Special Use Permit for the construction, use and maintenance of a Kirkwood Meadows Public Utility District power line along the proposed alignment, to make such authorization based upon an alternative alignment, or decide to take no action, based upon the findings of the Final EIS/EIR. The Forest Supervisor of the Eldorado National Forest will only make a decision regarding impacts on National Forest System lands. Once the decision is made, a record of decision/notice of decision to disclose the rationale for the decision will be published.

Permits or Licenses Required

Depending on the final alignment and configuration of the project, other necessary permits for the project may include, but are not limited to, an encroachment permit from Caltrans in order to construct the line within the right-of-way of State Highway 88 and Overload Permits; encroachment permits from Amador, Alpine and El Dorado Counties required to cross county rights-of-way; other local agency permits as may be required; air pollution permits from Amador County Air Pollution Control District (ACAPCD), El Dorado Air Quality Management District (EDAQMD), and Great Basin Unified Air Pollution Control District (GBUAPCD); National Pollution Discharge Elimination System (NPDES), General Construction permit issued by California's Regional Water Quality Control Board; Section 404 permit from the U.S. Army Corps of Engineers in the event of construction within jurisdictional waters (e.g., navigable waters or wetlands); Section 1601 Streambed Alteration permit from the California Department of Fish and Game for construction within the bed or banks of any streams or creeks; California Department of Toxic Substance Control, EPA Hazardous Waste Generator Identification; State Historical Perservation Officer (SHPO) Section 106 Compliance.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the EIS/EIR. The Forest Service is seeking public and agency comment on the proposed project to identify major issues to be analyzed in depth and assistance in identifying potential alternatives to be evaluated. It is important that interested parties provide their comments at such times and in such manner that they are useful to the lead agencies' preparation of the EIS/EIR. Therefore, comments should be provided prior to the close of the scoping period and should clearly articulate the interested party's concerns and contentions to the Addresses stated above. Interested parties are also given the opportunity to provide comments at the Scoping Meetings on the dates/times/locations scheduled below. This input will be used in preparation of the draft EIS/EIR.

Information about the environmental review process will be posted on the Internet at: *http://www.fs.fed.us/r5/eldorado/projects/*. This site will be used to post all public documents during the environmental review process and to announce upcoming public meetings.

The Forest Service and KMPUD will hold two scoping meetings to provide information about the proposed action to the public, and to allow people to comment on the proposed action and possible alternatives. The scoping meetings will be held on the following dates, locations and times:

1. April 7, 2009, 6 p.m. to 8 p.m., Jackson Civic Center, 33 Broadway, Jackson, CA 95642.
2. April 8, 2009, 10 a.m. to 12 p.m., KMPUD office, 33540 Loop Road, Kirkwood, CA 95646.

The scoping period on the proposed action and possible alternatives will extend from 45 days from the date that this NOT is published in the **Federal Register**.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

The draft EIS/EIR is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review in March 2010. The EPA will publish a notice of availability of the draft EIS/EIR in the **Federal Register**. The comment period on the draft EIS/EIR will extend 45 days from the date the EPA notice appears in the **Federal Register**. At that time, copies of the draft EIS/EIR will be distributed to interested and affected agencies, organizations, and members of the public for their review and comment. It is very important that those interested participate at that time. The final EIS/EIR is expected to be completed by October 2010. In the final EIS/EIR, the Forest Service and KMPUD are required to respond to comments received during

the comment period that pertain to the environmental consequences discussed in the draft EIS/EIR and applicable laws, regulations, and policies considered in making the decision.

It is important that reviewers provide their comments at such times and in such a way that they are useful to the Agency's preparation of the ETS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative review or judicial review.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review.

Dated: February 20, 2009.

Ramiro Villalvazo,

Forest Supervisor.

[FR Doc. E9–4119 Filed 2–26–09; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Allegheny National Forest, PA; Reserved and Outstanding Oil and Gas Design Criteria

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: The Allegheny National Forest proposes to apply design criteria included in the Allegheny National Forest Land and Resource Management Plan (Forest Plan), issued in March 2007 to reserved and outstanding oil and gas development on the Forest. The 2007 Forest Plan proposed design criteria are identified on pages 53 through 168. This proposal responds to instructions in the February 15, 2008 decision by the Chief of the Forest Service on appeals of the Allegheny National Forest Revised Land and Resource Management Plan. A Supplement to the Forest Plan Environmental Impact Statement (SEIS) will be prepared for this proposal.

DATES: Comments concerning the proposed action must be received by March 26, 2009. The draft SEIS is expected in May 2009 and the final SEIS is expected in September 2009.

ADDRESSES: Send written comments to Lois DeMarco, Allegheny National Forest, 4 Farm Colony Dr., Warren, PA 16365. Comments may also be sent via e-mail to *comments-eastern-allegheny@fs.fed.us,* or via facsimile to 814–726–1465. Comments sent via e-mail should use the subject line ''Reserved and Outstanding Oil and Gas Design Criteria SEIS.''

Comments received in response to this solicitation, including names and addresses of those who comment, will become part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments may limit the respondent's ability to participate in subsequent administrative review or judicial review.

FOR FURTHER INFORMATION CONTACT: Lois DeMarco, Allegheny National Forest, 4 Farm Colony Dr., Warren, PA 16365; 814–728–6179 or *ldemarco@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Allegheny National Forest consists largely of land acquired from the private sector via purchase or donation. At the time of acquisition, ownership of oil and gas resources had often been conveyed to other private parties (''outstanding rights''), or reserved by the private seller or donor (''reserved rights''). As a result, ninety-three percent of the Forest is subject to outstanding or reserved oil and gas rights.

When the Forest Plan was revised in 2007, concerns about the environmental effects of reserved and outstanding oil and gas development resulted in revision of the design criteria (also called standards and guidelines) applied to such oil and gas development. The draft Forest Plan included specific design criteria applicable to reserved and outstanding oil and gas development. The final Forest Plan substantially modified these design criteria, and for the first time, explicitly applied all design criteria to reserved and outstanding oil and gas development.

The 2007 Forest Plan was administratively appealed, with the result that the Chief of the Forest Service directed the Regional Forester for the Forest Service Eastern Region to provide for public notice and comment on the application of design criteria to reserved and outstanding oil and gas development, and changes in Section 2800 of the 2007 Forest Plan. In the interim, standards and guidelines from the previous Forest Plan (1986) are applied to reserved and outstanding oil and gas development.

In the appeal decision, the Chief also instructed the Regional Forester to clarify the Allegheny National Forest's authority to manage oil and gas activities, and to more fully document the cumulative effects of oil and gas development on air quality.

The Forest Service continues to believe that the final 2007 Forest Plan better protects, enhances and restores ecosystems than the 1986 Forest Plan, and proposes to apply the design criteria described on pages 53 through 168 of the 2007 Forest Plan.

Purpose and Need for Action

The Chief's decision on appeals of the 2007 Forest Plan creates the following needs to take action at this time:

1. There is a need to provide public notice and an opportunity for comment on application of the design criteria defined on pages 53 through 168 of the 2007 Forest Plan to reserved and outstanding oil and gas development.

2. There is a need to better describe the Allegheny National Forest's legal authority to determine the reasonable use of surface resources when reserved and outstanding oil and gas rights are exercised, and to incorporate clear language that defines the roles and responsibilities of the Forest Service, Commonwealth of Pennsylvania and private mineral owners in the SEIS, 2007 Forest Plan and Record of Decision. There is also a need to distinguish between reserved an outstanding rights and how the management of these distinct mineral estates may vary depending upon language in individual deeds or the Secretary of Agriculture's rules and regulations.

3. There is a need to evaluate and disclose potential cumulative effects from emissions of methane, hydrogen sulfide, and emissions from vehicles and equipment used in oil and gas development on Allegheny National Forest and regional air quality.

Proposed Action

In response to the Chief's three instructions, the Regional Forester for the Forest Service Eastern Region proposes to:

1. Apply the design criteria found on pages 53 through 168 of the 2007 Forest Plan to reserved and outstanding oil and gas development;

2. Clarify the roles and responsibilies held by the Forest Service, the Commonwealth of Pennsylvania, and private mineral owners in regard to the protection of surface resources during the development of reserved and outstanding oil and gas, by replacing applicable sections in the Record of Decision, the 2007 Forest Plan, the Final Environmental Impact Statement, and Appendix F; and

3. Supplement the Air Resources—Section 3.2.4 in the Final Environmental Impact Statement (pp. 3–52 to 3–63) to fully evaluate the potential cumulative effects from emissions of methane, hydrogen sulfide, and emissions from vehicles and equipment used in oil and gas development on air quality in the Allegheny National Forest and surrounding region.

Possible Alternatives

No specific alternatives have been identified; however, alternative design criteria may be appropriate. Continued application of the 1986 Forest Plan standards and guidelines for reserved and outstanding oil and gas development will serve as the no action alternative. The alternative of denying reasonable and necessary access to reserved and outstanding minerals will not be considered in detail, as the Forest Service lacks the legal authority to do so without engaging in a taking of private property.

Lead and Cooperating Agencies

The lead agency for this proposal is the USDA-Forest Service. The U.S. Fish and Wildlife Service and Bureau of Land Management will be invited to become cooperating agencies for this proposal.

Responsible Official

The official responsible for the decision is the Regional Forester for the Eastern Region of the Forest Service.

Nature of Decision To Be Made

The decision to be made by the Regional Forester concerns the application of design criteria to the exercise of reserved and outstanding minerals rights, to ensure reasonable and necessary access while adequately protecting, enhancing and restoring ecosystems.

Preliminary Issues

Issues are expected to include concerns related to the ability of various design criteria to protect surface resources including water, air, and wildlife.

Permits or Licenses Required

The Forest Service is not required to obtain any permits or licenses in order to implement this proposal.

Scoping Process

This Notice of Intent initiates the scoping process, which guides the development of the SEIS. Other information used in determining the scope of actions, alternatives and effects to be analyzed includes the public involvement process for the 2007 Forest Plan, appeal resolution processes related to the 2007 Forest Plan, and the decision of the Chief of the Forest Service on the appeals of the 2007 Forest Plan.

Comments received on this notice will be used to identify design criteria for surface management that are effective and appropriate. Comments that point to disagreements over the environmental effects of the proposed action will be used to further develop issues that will be analyzed in the SEIS.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the SEIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments may affect a reviewer's ability to participate in subsequent administrative review or judicial review.

Dated: February 17, 2009.

Leanne M. Marten,

Forest Supervisor.

[FR Doc. E9–3862 Filed 2–23–09; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Shasta County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Shasta County Resource Advisory Committee (RAC) will meet at the USDA Service Center in Redding, California, on March 12, 2009 from 8:30 a.m. to 12 noon; April 9, 2009 from 8:30 a.m. to 12 noon; May 27 and 28, 2009 from 8:30 a.m. to 4:30 p.m. The purpose of these meetings is to discuss proposed projects under Title II of the Secure Rural Schools and Community Self-Determination Act of 2008.

DATES: Thursday, March 12, 2009; Thursday, April 9, 2009; Wednesday and Thursday, May 27 and 28, 2009.

ADDRESSES: The meeting will be held at the USDA Service Center, 3644 Avtech Parkway, Redding, California 96002.

FOR FURTHER INFORMATION CONTACT: Resource Advisory Committee Coordinator John Heibel at (530) 226–2524 or *jheibel@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Public input sessions will be provided and individuals will have the opportunity to address the Shasta County Resource Advisory Committee.

Dated: February 17, 2009.

J. Sharon Heywood,

Forest Supervisor, Shasta-Trinity National Forest.

[FR Doc. E9–4117 Filed 2–26–09; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Siskiyou Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Siskiyou Resource Advisory Committee will meet on Thursday, March 5, 2009 to recommend Title II projects for fiscal year 2009 under the Secure Rural Schools and Community Self Determination Act of 2000. The meeting will be held at the Grants Pass Interagency Office, 2164 NE. Spalding Avenue, Grants Pass, Oregon, It begins at 9:30 a.m., ends at 4:30 p.m.; the open public comments begin at 11 a.m. and ends at 11:30 a.m. Written comments may be submitted prior to the meeting and delivered to Designated Federal Official, Scott Conroy at the Rogue River-Siskiyou National Forest, 3040 Biddle Road, Medford, Oregon 97504.

FOR FURTHER INFORMATION CONTACT: Rogue River-Siskiyou National Forest Public Affairs Officer Patty Burel at telephone: (541) 618–2113, or cell phone (541) 941–4268, e-mail: *pburel@fs.fed.us,* or USDA Forest Service, 3040 Biddle Road, Medford, OR, 97504.

Dated: February 19, 2009.

Scott Conroy,

Forest Supervisor, Rogue River-Siskiyou National Forest.

[FR Doc. E9–4013 Filed 2–26–09; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Clarification of Scope of Procurement List Additions; 2009 Commodities Procurement List; Quarterly Update of the A-List and Movement of Products Between the A-List, B-List and C-List

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Publication of the quarterly update of the A-list and movement of products between the A-list, B-list and C-list as of April 1, 2009.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled, in accordance with the procedures published on December 1, 2006 (71 FR 69535–69538), has updated the scope of the Program's procurement preference requirements for the products listed below between and among the Committee's A-list, B-list and C-list. A-list products are suitable for the Total Government Requirement as aggregated by the General Services Administration, the B-list are those products suitable for the Broad Government Requirement as aggregated by the General Services Administration, and C-list products are suitable for the requirements of one or more specified agency(ies). The lists below track changes to A-, B-, C-designations that occurred between November 20, 2008 and February 10, 2009.

DATES: The effective date for the quarterly update of the A-list and movement of products between and among the A-list, B-list and C-list is April 1, 2009.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *cmtefedreg@jwod.gov*.

Products Moved from B-List to A-List:

Air Freshener Deodorant, General Purpose, 6840–00–721–6055.

Box, Storage, File, 8115–01–455–4036.

Inkjet Cartridge in Epson Printers 740/740i/760/860/1160/SCAN 2, 7510–01–544–0826.

Dining Set, 3 pc, 7360–01–564–3560.

Products Moved from C-List to A-List: None.

Products Moved from A-List to B-List: None.

Products Moved from A-List to C-List: None.

Products Moved from B-List to C-List: None.

Products Moved from C-List to B-List: None.

The complete A-list is available at *http://www.jwod.gov/jwod/p_and_s/alist2007.htm*.

Barry S. Lineback,

Director, Program Operations.

[FR Doc. E9–4240 Filed 2–26–09; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List products previously furnished by such agencies.

Effective Date: March 30, 2009.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION:

Additions

On 12/19/2008 and 1/05/2009, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (FR Vol. 73, No. 245 and FR Vol. 74 No. 2) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and/or service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) and/or service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Grounds Maintenance, MCLB, Albany, GA, Marine Corps Logistics Base, Albany, GA.
NPA: Power Works Industries, Inc., Columbus, GA.
Contracting Activity: DEPT OF THE NAVY, COMMANDER, Albany, GA.

Service Type/Location: Operation of Postal Service Center, Fort Riley, 802 Marshall Loop, Fort Riley, KS.
NPA: Skookum Educational Programs, Bremerton, WA.
Contracting Activity: DEPT OF THE ARMY, XR W6BA ACA FT RILEY.

Deletions

On 11/21/2008 and 12/19/2008, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (FR Vol. 73, No. 226 and FR Vol. 73, No. 245) of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products deleted from the Procurement List.

End of Certification

Products:

NSN: 6840–00–935–9813—Disinfectant-Detergent, General Purpose.
NSN: 6840–00–926–1686—Disinfectant-Detergent, General Purpose.
NPA: Lighthouse for the Blind, St. Louis, MO.
Contracting Activity: GSA/FAS SOUTHWEST SUPPLY CENTER (QSDAC), FORT WORTH, TX.
NSN: 7510–01–510–4867—Binder, Loose-leaf, (Pressboard).
NSN: 7510–01–510–4862—Binder, Loose-leaf, (Pressboard).
NSN: 7510–01–510–4863—Binder, Loose-leaf, (Pressboard).
NSN: 7510–01–510–4861—Binder, Loose-leaf, (Pressboard).
NSN: 7510–01–510–4872—Binder, Loose-leaf, (Pressboard).
NSN: 7510–01–510–4864—Binder, Loose-leaf, (Pressboard).
NSN: 7510–01–510–4868—Binder, Loose-leaf, (Pressboard).
NSN: 7510–01–510–4870—Binder, Loose-leaf, (Pressboard).
NPA: Georgia Industries for the Blind, Bainbridge, GA.
Contracting Activity: GSA/FSS OFC SUP CTR—PAPER PRODUCTS, NEW YORK, NY.
NSN: 7520–01–507–6974—Markers, Lumocolor, Permanent.
NSN: 7520–01–392–5296—Markers, Lumocolor, Permanent.
NSN: 7520–01–507–6972—Markers, Lumocolor, Permanent.
NSN: 7520–01–392–5295—Markers, Lumocolor, Permanent.
NSN: 7520–01–507–6965—Markers, Lumocolor, Non-Permanent.
NSN: 7520–00–422–5769—Markers, Lumocolor, Non-Permanent.
NSN: 7520–01–507–6963—Markers, Lumocolor, Non-Permanent.
NSN: 7520–01–507–6958—Markers, Lumocolor, Non-Permanent.
NPA: Winston-Salem Industries for the Blind, Winston-Salem, NC.
Contracting Activity: GSA/FSS OFC SUP CTR—PAPER PRODUCTS, NEW YORK, NY.
NSN: 7045–01–372–8269—Tape, Electronic Data Processing.
NPA: North Central Sight Services, Inc., Williamsport, PA.
Contracting Activity: DEFENSE SUPPLY CENTER COLUMBUS, COLUMBUS, OH.

Barry S. Lineback,

Director, Program Operations.

[FR Doc. E9–4242 Filed 2–26–09; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions From Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List products to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities and to delete products and service previously furnished by such agencies.

Comments Must be Received on or Before: 3/30/2009.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

For Further Information or to Submit Comments Contact: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each product will be required to procure the products listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

Polyester Black Fleece Liner

NSN: 8415–01–539–3971—XSMALL-XShort
NSN: 8415–01–539–3988—SMALL-XShort
NSN: 8415–01–539–3990—MEDIUM-XShort
NSN: 8415–01–539–3997—LARGE-XShort
NSN: 8415–01–539–4001—XSMALL-Short
NSN: 8415–01–539–4011—SMALL-Short
NSN: 8415–01–539–4028—MEDIUM-Short
NSN: 8415–01–539–4031—LARGE-Short
NSN: 8415–01–539–4041—XLARGE-Short
NSN: 8415–01–539–4045—XSMALL-Reg
NSN: 8415–01–539–4049—SMALL-Reg
NSN: 8415–01–539–4056—MEDIUM-Reg
NSN: 8415–01–539–4058—LARGE-Reg
NSN: 8415–01–539–4109—XLARGE-Reg
NSN: 8415–01–539–4114—2XLARGE-Reg
NSN: 8415–01–539–4119—XSMALL-LONG
NSN: 8415–01–539–4609—SMALL-LONG
NSN: 8415–01–539–4619—MEDIUM-LONG
NSN: 8415–01–539–4625—LARGE-LONG
NSN: 8415–01–539–4631—XLARGE-LONG
NSN: 8415–01–539–4635—2XLARGE-LONG
NSN: 8415–01–539–4658—SMALL-Xlong
NSN: 8415–01–539–4664—MEDIUM-Xlong
NSN: 8415–01–539–4667—LARGE-Xlong
NSN: 8415–01–539–4671—XLARGE-Xlong
NSN: 8415–01–539–4677—2XLarge-Xlong
NPA: Bestwork Industries for the Blind, Inc., Runnemede, NJ.
Contracting Activity: Defense Logistics Agency, Defense Supply Center Philadelphia.

Deletions

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and service proposed for deletion from the Procurement List.

End of Certification

The following products and service are proposed for deletion from the Procurement List:

Products

NSN: 7920–00–292–2368—Broom, Upright
NPA: Blind and Vision Rehabilitation Services of Pittsburgh, Pittsburgh, PA.
Contracting Activity: GSA/FAS Southwest Supply Center (QSDAC), Fort Worth, TX.
NSN: 7520–01–484–5269—Pen, Retractable, Biodegradable
NSN: 7520–01–484–5265—Pen, Retractable, Biodegradable
NSN: 7520–01–484–5264—Pen, Retractable, Biodegradable
NSN: 7520–01–484–5260—Pen, Retractable, Biodegradable
NPA: Industries of the Blind, Inc., Greensboro, NC.
Contracting Activity: GSA/FSS OFC SUP CTR—Paper Products, New York, NY.

Services

Service Type/Location: Litter Pickup, Tinker Air Force Base, 7615 5th Street, Tinker AFB, OK.
NPA: Mid-Del Group Home, Inc., Midwest City, OK.
Contracting Activity: Dept of the Air Force.

Barry S. Lineback,

Director, Program Operations.

[FR Doc. E9–4243 Filed 2–26–09; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Correction: Proposed Addition

The Committee's Notice publication on January 16, 2009 at 74 FR 2993–2994 (FR Doc. E9–898 Filed 1–15–09) proposing to add services for a Base Information Transfer Center to the Procurement List included an incorrect State for one location. The location listed as Whiteman AFB, NM should have been Whiteman AFB, MO.

This Notice corrects that Notice of Proposed Addition to the Procurement List to read as follows:

Service Type/Location: Base Information Transfer Center, BITC, Multiple Locations, AF Air Combat Command, 740 Arnold Ave, 1C, Whiteman AFB, MO.
Contracting Activity: Dept. of the Air Force, FA4890 ACC CONS LGC.
NPA: The Arc of the Virginia Peninsula, Inc., Hampton, VA.

Barry S. Lineback,

Director, Program Operations.

[FR Doc. E9–4241 Filed 2–26–09; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Alabama Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Alabama Advisory Committee to the Commission will convene on Wednesday, April 29, 2009 at 9 a.m. and adjourn at approximately 5 p.m. at Troy University Montgomery Whitley Conference Hall. The purpose of the meeting is to conduct a community forum on the ''Civil Rights Implications of Alabama's Eminent Domain Policies and Practices.''

Members of the public are entitled to submit written comments. The address is U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. Persons wishing to e-mail their comments, or to present their comments at the meeting, or who desire additional information should contact Farella E. Robinson, Regional Director, Central Regional Office, at (913) 551–1400 or by e-mail to *frobinson@usccr.gov*.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Central Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov*, or to contact the Central Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, February 24, 2009.

Christopher Byrnes,

Chief, Regional Programs Coordination Unit.

[FR Doc. E9–4258 Filed 2–26–09; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Order No. 1605

Expansion of Foreign–Trade Zone 272, Lehigh and Northampton Counties, Pennsylvania

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Lehigh Valley Economic Development Corporation, grantee of Foreign–Trade Zone 272, submitted an application to the Board for authority to expand its zone to include an additional site (Site 8 163 acres) at the ProLogis Park 33, which would include Temporary Site T–1 on a permanent basis, in Northampton County, Pennsylvania, adjacent to the Lehigh Valley Customs and Border Protection port of entry (FTZ Docket 42–2008, filed 8/1/08);

Whereas, notice inviting public comment was given in the **Federal Register** (73 FR 46246, 8/8/08), and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 272 is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28, and subject to the Board's standard 2,000–acre activation limit for the overall general–purpose zone project.

Signed at Washington, DC, this 13th day of February 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commercefor Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. E9–4236 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 7–2009]

Foreign–Trade Zone 57 - Mecklenburg County, NC, Application for Subzone Status, FMS Enterprises USA, Inc. (Para–Aramid UD Shield)

An application has been submitted to the Foreign–Trade Zones Board (the Board) by the North Carolina Department of Commerce, grantee of FTZ 57, requesting special–purpose subzone status for the para–aramid UD shield manufacturing plant of FMS Enterprises USA, Inc. (FMS), located in Lincolnton, North Carolina. The application was submitted pursuant to the provisions of the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 20, 2009.

The FMS facility (40 employees/23 acres/57,600 sq.ft.) is located at 2001 Kawai Road in Lincolnton, North Carolina. The plant is used to produce para–aramid UD shield tape (up to 3 million pounds per year) for export and the domestic market. The manufacturing process involves layering and bonding of para–aramid fibers under heat and pressure to create finished composite shield tape. Foreign–origin para–aramid fiber (HTSUS 5402.11, duty rate: 8.8%) is used as the primary production input, which represents up to 75 percent of finished product value.

FTZ procedures would exempt FMS from customs duty payments on the foreign para–aramid fiber used in export production (about 25% of annual shipments). On domestic shipments, the company could be able to elect the duty rate that applies to finished para–aramidUD shield tape (duty free) for the foreign material input noted above. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness.In accordance with the Board's regulations, Pierre Duy of the FTZ Staff is designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the following address: Office of the Executive Secretary, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230–0002. The closing period for receipt of comments is April 28, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 13, 2009.

A copy of the application will be available for public inspection at the Office of the Foreign–Trade Zones Board's Executive Secretary at the address listed above and in the ''Reading Room'' section of the Board's website, which is accessible via www.trade.gov/ftz. For further information, contact Pierre Duy at: pierre__duy@ita.doc.gov, or (202) 482–1378.

Dated: February 20, 2009.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E9–4237 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–549–807

Certain Carbon Steel Butt–Weld Pipe Fittings From Thailand: Final Results of Changed–Circumstances Antidumping Duty Review

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

SUMMARY: The Department of Commerce (the Department) has determined, pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), that Awaji Materia (Thailand) Co., Ltd. is the successor–in-interest to Awaji Sangyo (Thailand) Co., Ltd. (AST) and, as a result, should be accorded the same treatment previously accorded to AST with respect to the antidumping duty order on certain carbon steel butt–weld pipe fittings from Thailand.

EFFECTIVE DATE: February 27, 2009.

FOR FURTHER INFORMATION CONTACT: Kristin Case 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) 482–3174 and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 6, 1992, the Department published an antidumping duty order on pipe fittings from Thailand in which it stated that AST was excluded from the order due to its de minimis margin in the less–than-fair–value investigation. See *Antidumping Duty Order; Certain Carbon Steel Butt–Weld Pipe Fittings From Thailand*, 57 FR 29702 (July 6, 1992); see also *Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt–Weld Pipe Fittings from Thailand*, 57 FR 21065 (May 18, 1992).[1] On November 18, 2008, the Department received a request for a changed–circumstances review of this order from AMT to determine if, for purposes of the antidumping law, AMT is the successor–in-interest to AST. On January 14, 2009, the Department published the notice of initiation for this changed–circumstances review and preliminarily found that AMT is the successor–in-interest to AST and should be treated as such for antidumping purposes. See *Notice of Initiation and Preliminary Results of Changed–Circumstances Antidumping Duty Review: Certain Carbon Steel Butt–Weld Pipe Fittings From Thailand*, 74 FR 2048 (January 14, 2009) (*Preliminary Results*). We invited interested parties to comment on the preliminary results. We received comments from AMT and Silbo Industries, Inc.[2]

Scope of the Order

The scope of the order covers certain pipe fittings from Thailand. They are defined as carbon steel butt–weld pipe fittings, having an inside diameter of less than 14 inches, imported in either finished or unfinished form. These formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (e.g., threaded, grooved, or bolted fittings). These imports are currently classifiable under subheading 7307.93.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description remains dispositive as to the scope of the order.

Analysis of Comment Received

The issue raised in the case briefs by parties in this review are addressed in the Issues and Decision Memorandum from John M. Andersen, Acting Deputy

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[1] As observed in the November 18, 2008, request from AMT, exports of subject merchandise of AST were also the subject of a subsequent investigation in which the International Trade Commission concluded that the exports did not result in the material injury or threat of material injury to the U.S. industry or in material retardation of the establishment of an industry in the United States. See Certain Carbon Steel Butt–Weld Pipe Fittings From France, India, Israel, Malaysia, The Republic of Korea, Thailand, The United Kingdom, and Venezuela, 60 FR 18611 (April 12, 1995).

[2] Silbo Industries Inc. is an importer of certain carbon steel butt–weld pipe fittings produced by AMT.

Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration, dated February 20, 2009 (Decision Memo), which is hereby adopted by this notice. The Decision Memo, which is a public document, is on file in the Central Records Unit, main Department of Commerce building, Room 1117, and is accessible on the Web at http://ia.ita.doc.gov/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Changed–Circumstances Review

For the reasons stated in the Preliminary Results, we continue to find that AMT is the successor–in-interest to AST. We will apply this determination retroactively and will instruct U.S. Customs and Border Protection (CBP) to liquidate, without regard to antidumping duties, all unliquidated entries entered, or withdrawn from warehouse, for consumption on or after August 1, 2006, the date of AST's name change to AMT. See *Stainless Steel Wire Rod from Italy: Notice of Final Results of Changed Circumstances Antidumping Duty Review*, 71 FR 24643, 24644 (April 26, 2006); see also *Certain Hot–Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom: Final Results of Changed–Circumstances Antidumping and Countervailing Duty Administrative Review*, 64 FR 66880, 66881 (Nov. 30, 1999).

Notification

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216 and 351.221.

Dated: February 20, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

Appendix

1. Application of the Final Results Retroactively

[FR Doc. E9–4239 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 08–00009]

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Export Trade Certificate of Review to Golden Tree Trading Company Application (Application No. 08–00009).

SUMMARY: On February 18, 2009, the U.S. Department of Commerce issued an Export Trade Certificate of Review to Golden Tree Trading Company (''GTTC''). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or e-mail at *oetca@ita.doc.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2006).

Export Trading Company Affairs (''ETCA'') is issuing this notice pursuant to 15 CFR section 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

GTTC is certified to engage in the Export Trade Activities and Methods of Operation described below in the following Export Trade and Export Markets.

I. Export Trade

1. Products

All Products.

2. Services

All Services.

3. Technology Rights

Technology rights that relate to Products and Services, including, but not limited to, patents, trademarks, copyrights, and trade secrets.

4. Export Trade Facilitation Services (as They Relate to the Export of Products, Services, and Technology Rights)

Export Trade Facilitation Services, including, but not limited to, professional services in the areas of government relations and assistance with state and federal programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping; export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation services; and facilitating the formation of shippers' associations.

II. Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

III. Export Trade Activities and Methods of Operation

1. With respect to the export of Products and Services, licensing of Technology Rights and provision of Export Trade Facilitation Services, GTTC, subject to the terms and conditions listed below, may:

a. Provide and/or arrange for the provisions of Export Trade Facilitation Services and engage in promotional and marketing activities;

b. Collect information on trade opportunities in the Export Markets and distribute such information to clients;

c. Enter into exclusive and/or non-exclusive licensing and/or sales agreements with Suppliers for the export of Products, Services, and/or Technology Rights to Export Markets;

d. Enter into exclusive and/or non-exclusive agreements with distributors and/or sales representatives in Export Markets;

e. Allocate export sales or divide Export Markets among Suppliers for the

sale and/or licensing of Products, Services, and/or Technology Rights;

f. Allocate export orders among Suppliers;

g. Establish the price of Products, Services, and/or Technology Rights for sales and/or licensing in Export Markets;

h. Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights;

i. Enter into contracts for shipping to Export Markets; and

j. Refuse to provide Export Trade Facilitation Services to customers in any Export Market or Markets.

2. GTTC may exchange information with individual Suppliers on a one-to-one basis regarding that Supplier's inventories and near-term production schedules in order that the availability of Products for export can be determined and effectively coordinated by GTTC with its distributors in Export Markets.

IV. Terms and Conditions

1. In engaging in Export Trade Activities and Methods of Operation, GTTC will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. GTTC will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

V. Definitions

''Supplier'' means a person who produces, provides, or sells Products, Services and/or Technology Rights.

VI. Protection Provided by Certificate

This Certificate protects GTTC and its directors, officers, and employees acting on its behalf, from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

VII. Effective Period of Certificate

This Certificate continues in effect from the date indicated below until it is relinquished, modified, or revoked as provided in the Act and the Regulations.

VIII. Other Conduct

Nothing in this Certificate prohibits GTTC from engaging in conduct not specified in this Certificate, but such conduct is subject to the normal application of the antitrust laws.

IX. Disclaimers

1. The issuance of this Certificate of Review to GTTC by the Secretary of Commerce with the concurrence of the Attorney General under the provisions of the Act does not constitute, explicitly or implicitly, an endorsement or opinion of the Secretary of Commerce or the Attorney General concerning either (a) the viability or quality of the business plans of GTTC or (b) the legality of such business plans of GTTC under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country.

2. The application of this Certificate to conduct in Export Trade where the U.S. Government is the buyer or where the U.S. Government bears more than half the cost of the transaction is subject to the limitations set forth in Section V.(D.) of the ''Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition),'' 50 FR 1786 (January 11, 1985).

A copy of the Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4100, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: February 24, 2009.

Jeffrey Anspacher,

Director, Export Trading Company Affairs.

[FR Doc. E9–4225 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–890

Wooden Bedroom Furniture from the People's Republic of China: Extension of Time for the Preliminary Results of the New Shipper Review

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

EFFECTIVE DATE: February 27, 2009.

FOR FURTHER INFORMATION CONTACT: Paul Stolz, 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) 482–4474.

SUPPLEMENTARY INFORMATION:

Background

On September 9, 2008, the Department of Commerce (''the Department'') published in the **Federal Register** a notice of initiation of a new shipper review for shipments of wooden bedroom furniture from the People's Republic of China (''PRC'') produced and exported by Shanghai Fangjia Industry Co., Ltd. (''Shanghai Fangjia''). *See Wooden Bedroom Furniture From the People's Republic of China: Initiation of New Shipper Review*, 73 FR 52296 (September 9, 2008). The preliminary results of review are currently due no later than February 23, 2009.

Statutory Time Limits

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (''the Act''), provides that the Department will issue the preliminary results of a new shipper review of an antidumping duty order within 180 days after the day on which the review was initiated. *See also* 19 CFR 351.214(i)(1). The Act further provides that the Department may extend that 180-day period to 300 days if it determines that the case is extraordinarily complicated. *See* section 751(a)(2)(B)(iv) and 19 CFR 351.214 (i)(2).

Extension of Time Limit for Preliminary Results

The Department determines that this new shipper review involves extraordinarily complicated methodological issues, pertaining to the calculation of factors of production and the evaluation of the *bona fide* nature of Shanghai Fangjia's sales. Therefore, in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2), the Department is extending the time limit for these preliminary results by 120 days, until no later than June 22, 2009. The final results continue to be due 90 days after the publication of the preliminary results.

We are issuing and publishing this notice in accordance with sections 751(a)(2)(B)(iv) and 777(i) of the Act.

Dated: February 20, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E9–4244 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

(A–570–932)

Certain Steel Threaded Rod from the People's Republic of China: Final Determination of Sales at Less Than Fair Value

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

EFFECTIVE DATE: February 27, 2009.

SUMMARY: The Department of Commerce (''Department'') has determined that certain steel threaded rod (''STR'') from the People's Republic of China (''PRC'') is being, or is likely to be, sold in the United States at less than fair value (''LTFV'') as provided in section 735 of the Tariff Act of 1930, as amended (''Act''). The final dumping margins for this investigation are listed in the ''Final Determination Margins'' section below.

FOR FURTHER INFORMATION CONTACT: Bobby Wong or Toni Dach, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0409 or (202) 482–1655, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On October 8, 2008, the Department published in the **Federal Register** its preliminary determination. *See Certain Steel Threaded Rod from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value*, 73 FR 58931 (October 8, 2008) (''*Preliminary Determination*''). On October 27, 2008, the Department published in the **Federal Register** its amended preliminary determination that STR from the PRC are being, or are likely to be, sold in the United States at LTFV. *See Certain Steel Threaded Rod from the People's Republic of China: Amended Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 73 FR 63693 (October 27, 2008) (''*Amended Preliminary Determination*'').[1] As provided in section 782(i) of the Act, we verified the information submitted by: 1) RMB Fasteners Ltd. and IFI & Morgan Ltd.[2] (the ''RMB/IFI Group'') from November 3–4, 2008, and Jiaxing Brother Standard Part Co.[3] (''Jiaxing Brother''), its affiliated producer from November 6–7, 2008; 2) Ningbo Yinzhou Foreign Trade Co., Ltd.[4] (''Ningbo Yinzhou'') from November 13–14, 2008, and Haiyan Zhonghuan Fastener Factory (''Zhonghuan''), one of Ningbo Yingzhou's manufacturers, and Zhejiang Guorui Industry Co., Ltd.[5] (''Guorui''), one of Ningbo Yinzhou's suppliers from November 10–12, 2008; and 3) Shanghai Prime Machinery Co., Ltd.[6] (''Shanghai Prime''), a separate rate respondent, on November 17, 2008. On December 12, 2008, Vulcan Threaded Products (''Petitioner'') and the RMB/IFI Group placed new factual information on the record regarding surrogate valuation, and submitted rebuttal comments on December 22, 2008. In accordance with 19 CFR 351.309(c)(i), we invited parties to comment on our *Preliminary Determination*. On January 16, 2009, the Department received case briefs from the RMB/IFI Group, Ningbo Yinzhou, and Petitioner. On January 23, 2009, we received rebuttal briefs from Petitioner and the RMB/IFI Group. On November 6 and 7, 2008, Petitioner and the RMB/IFI Group submitted requests for a hearing, respectively. On January 22, 2009, Petitioner and the RMB/IFI Group withdrew their requests for a hearing.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by the parties to this investigation are addressed in the ''Certain Steel Threaded Rod from the People's Republic of China: Issues and Decision Memorandum for the Final Determination of Sales at Less than Fair Value,'' dated concurrently with this notice, which is hereby adopted by this notice in its entirety (''Issues and Decision Memorandum''). A list of the issues which parties raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit in the main Commerce building, Room 1117, and is accessible on the Web at http://www.trade.gov/ia. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Period of Investigation

The period of investigation (''POI'') is July 1, 2007, through December 31, 2007.

Scope of Investigation

The merchandise covered by this investigation is steel threaded rod. Steel threaded rod is certain threaded rod, bar, or studs, of carbon quality steel, having a solid, circular cross section, of any diameter, in any straight length, that have been forged, turned, cold drawn, cold rolled, machine straightened, or otherwise cold finished, and into which threaded grooves have been applied. In addition, the steel threaded rod, bar, or studs subject to this investigation are non headed and threaded along greater than 25 percent of their total length. A variety of finishes or coatings, such as plain oil finish as a temporary rust protectant, zinc coating (*i.e.*, galvanized, whether by electroplating or hot–dipping), paint, and other similar finishes and coatings, may be applied to the merchandise.

Included in the scope of this investigation are steel threaded rod, bar, or studs, in which: (1) iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements

[1] In the *Amended Preliminary Determination*, the Department amended the *Preliminary Determination* to correct certain ministerial errors with respect to the antidumping duty margin calculation for RMB Fasteners Ltd. and IFI and Morgan Ltd.

[2] *See* Memorandum to the File from Scot T. Fullerton, Program Manager, and Toni Dach, International Trade Compliance Analyst, regarding: ''Verification of the Sales Response of RMB Fasteners Ltd. and IFI & Morgan Ltd. in the Antidumping Duty Investigation of Certain Steel Threaded Rod from the People's Republic of China,'' dated January 6, 2009 (''RMB & IFI Verification Report'').

[3] *See* Memorandum to the File from Scot T. Fullerton, Program Manager, and Toni Dach, International Trade Compliance Analyst, regarding: ''Verification of the Factors of Production Response of Jiaxing Brother Standard Part Co. in the Antidumping Duty Investigation of Certain Steel Threaded Rod from the People's Republic of China,'' dated January 6, 2009 (''Brother Fastener Verification Report'').

[4] *See* Memorandum to the File from Scot T. Fullerton, Program Manager, and Toni Dach, International Trade Compliance Analyst, regarding: ''Verification of the Sales Response of Ningbo Yinzhou Foreign Trade Co., Ltd. in the Antidumping Duty Investigation of Certain Steel Threaded Rod from the People's Republic of China,'' dated January 6, 2009 (''Ningbo Yinzhou Verification Report'').

[5] *See* Memorandum to the File from Scot T. Fullerton, Program Manager, and Toni Dach, International Trade Compliance Analyst, regarding: ''Verification of the Factors of Production Response of Haiyan Zhonguan Fastener Factory and Zhejiang Guorui Industry Co., Ltd. in the Antidumping Duty Investigation of Certain Steel Threaded Rod from the People's Republic of China,'' dated January 6, 2009 (''Zhonghuan & Guorui Verification Report'').

[6] *See* Memorandum to the File from Scot T. Fullerton, Program Manager, and Toni Dach, International Trade Compliance Analyst, regarding: ''Verification of the Separate Rate Response of Shanghai Prime Machinery Co., Ltd. in the Antidumping Duty Investigation of Certain Steel Threaded Rod from the People's Republic of China,'' dated January 6, 2009 (''Shanghai Prime Separate Rate Verification Report'').

listed below exceeds the quantity, by weight, respectively indicated:
• 1.80 percent of manganese, or
• 1.50 percent of silicon, or
• 1.00 percent of copper, or
• 0.50 percent of aluminum, or
• 1.25 percent of chromium, or
• 0.30 percent of cobalt, or
• 0.40 percent of lead, or
• 1.25 percent of nickel, or
• 0.30 percent of tungsten, or
• 0.012 percent of boron, or
• 0.10 percent of molybdenum, or
• 0.10 percent of niobium, or
• 0.41 percent of titanium, or
• 0.15 percent of vanadium, or
• 0.15 percent of zirconium.

Steel threaded rod is currently classifiable under subheading 7318.15.5050 and 7318.15.5090 of the HTSUS. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Excluded from the scope of the investigation are: (a) threaded rod, bar, or studs which are threaded only on one or both ends and the threading covers 25 percent or less of the total length; and (b) threaded rod, bar, or studs made to American Society for Testing and Materials (''ASTM'') A193 Grade B7, ASTM A193 Grade B7M, ASTM A193 Grade B16, or ASTM A320 Grade L7.

Scope–HTSUS Modification

On September 22, 2008, U.S. Customs and Border Protection (''CBP'') informed the Department that on July 1, 2008, it amended the United States Harmonized Tariff Schedule (''HTSUS'') category 7318.15.5060, and replaced the category with two new HTSUS categories: 7318.15.5050 and 7318.15.5090. Therefore, the Department has modified the scope to reflect the new HTSUS categories.

Changes Since the Preliminary Determination

Based on our findings at verification, and additional information placed on the record of this investigation, we have made changes since the *Amended Preliminary Determination*. As discussed further below, we have applied total adverse facts available (''AFA'') to Ningbo Yinzhou for purposes of this final determination. *See* Issues and Decision Memorandum at Comment 5.

Based on our analysis of information on the record of this investigation, and comments received from the interested parties, we have made changes to the margin calculations for the RMB/IFI Group. We have revalued certain surrogate values used in the *Amended Preliminary Determination*. The values that were modified for this final determination are those for surrogate financial ratios, packing strips, buckles, and coal. For further details see I&D Memo at Comment 6, and Memorandum to the File from Bobby Wong, through Scot T. Fullerton, Program Manager, AD/CVD Operations, Office 9, and James C. Doyle, Director, AD/CVD Operations, Office 9; Certain Steel Threaded Rod from the People's Republic of China: Surrogate Values for the Final Determination, dated February 20, 2009 (''Final Surrogate Value Memo'').

In addition, we have made certain company–specific changes since the *Amended Preliminary Determination*. Specifically, we have incorporated, where applicable, post–preliminary clarifications based on a post–preliminary supplemental questionnaire and verification for the RMB/IFI Group. For further details on these company–specific changes, *see* Memorandum to the File, through Scot T. Fullerton, Program Manager, AD/CVD Operations, Office 9, from Bobby Wong, Senior International Trade Analyst, AD/CVD Operations, Office 9, regarding ''Program Analysis for the Final Determination of Antidumping Duty Investigation of Certain Steel Threaded Rod from the People's Republic of China,'' dated February 20, 2009 (''The RMB/IFI Group Analysis Memorandum'').

Adverse Facts Available

Section 776(a)(2) of the Act provides that the Department shall apply ''facts otherwise available'' if, *inter alia*, an interested party or any other person (A) withholds information that has been requested, (B) fails to provide information within the deadlines established, or in the form or manner requested by the Department, subject to subsections (c)(1) and (e) of section 782 of the Act, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified as provided by section 782(i) of the Act. Section 776(b) of the Act provides further that the Department may use an adverse inference when a party has failed to cooperate by not acting to the best of its ability to comply with a request for information.

Pursuant to sections 776(a)(2)(A), (B), (C), and (D) of the Act, we are applying facts otherwise available to Ningbo Yinzhou because it withheld certain information that had been requested by the Department which significantly impeded the Department's investigation. Ningbo Yinzhou failed to provide information regarding certain factors of production (''FOP'') in the form and manner requested by the Department. Ningbo Yinzhou withheld certain information that was specifically requested by the Department and significantly impeded the proceeding by not providing accurate or complete responses to the Department's questions regarding certain FOPs and the sales reconciliation. *See* Verification of the Sales Response of Ningbo Yinzhou Foreign Trade Co., Ltd. in the Antidumping Duty Investigation of Certain Steel Threaded Rod from the People's Republic of China, dated January 6, 2009 at 2, 6–8, and 10–11; and Ningbo Yinzhou's response to the Department's First Supplemental Sections C and D Questionnaire, dated September 8, 2008, at 19. Additionally, information discovered at verification directly contradicted information contained in Ningbo Yinzhou's questionnaire responses.[7] Significant delays were experienced by the Department in completing verification procedures, which prevented the completion of some verification procedures. Due to the insufficiency of the respondent's record keeping, numerous verification procedures could not be completed. For these reasons, the Department was unable to verify certain statements in Ningbo Yinzhou's questionnaire responses for which the Department sought verification. *See* Ningbo Yinzhou Verification Report and Zhonghuan/Guorui Verification Report.

Furthermore, based on the record evidence and pursuant to section 776(b) of the Act, the Department has determined that Ningbo Yinzhou did not cooperate to the best of its ability to comply with the Department's requests for information. In particular, the Department gave specific instructions in our questionnaires and the verification outline as to the purpose of and directions for submission and

[7] For example, the Department specifically asked Ningbo Yinzhou in its August 21, 2008, supplemental questionnaire whether any FOPs other than those reported were consumed by Zhonghuan in production of the subject merchandise. Ningbo Yinzhou reported in its September 8, 2008, response that all factors consumed by Zhonghuan in the production of the subject merchandise were reported. We discovered at verification that this statement was not correct, and unreported factors were consumed in the production of the subject merchandise. Additionally, Ningbo Yinzhou provided a sales reconciliation to the Department on August 8, 2008, that they claimed reconciled its U.S. sales database to its financial statements. At verification, we discovered that the sales reconciliation did not tie the U.S. sales database to Ningbo Yinzhou's financial statements. For additional information and examples of situations where verification findings contradicted Ningbo Yinzhou's questionnaire responses, *see* Issues and Decision Memorandum at Comment 5.

verification of the reconciliation of Ningbo Yinzhou's U.S. sales database to Ningbo Yinzhou's accounting records, and proper reporting of all FOPs for all models. Despite these extensive instructions, provided numerous times over the course of the investigation, Ningbo Yinzhou failed to provide the Department with adequate information and supporting documentation to fully verify its responses to the Department's questionnaires. In addition, despite multiple opportunities presented by the Department, Ningbo Yinzhou failed to report certain FOPs and failed to report FOPs for each model in the U.S. sales database. For a detailed description of each of the deficiencies, see Issues and Decision Memorandum at Comment 5.

Surrogate Country

In the *Preliminary Determination* and unchanged in the *Amended Preliminary Determination*, we stated that we had selected India as the appropriate surrogate country to use in this investigation for the following reasons: (1) it is a significant producer of comparable merchandise; (2) it is at a level of economic development comparable to that of the PRC; and (3) we have reliable data from India that we can use to value FOPs. *See Preliminary Determination*. We received no comments on our surrogate country selection. Accordingly, for the final determination, we made no changes to our finding with respect to the selection of India as a surrogate country.

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 investigation in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. *See Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588, 20589 (May 6, 1991), as amplified by *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR at 22585, 22587 (May 2, 1994), and 19 CFR 351.107(d).

In the *Preliminary Determination* and unchanged in the *Amended Preliminary Determination*, we found that Shanghai Recky, Suntec Industries, Hangzhou Grand, Shanghai Prime, Jianxing Xinyue, CPII, Jiashan Zhongsheng, Haiyan Dayu, and New Oriental (hereinafter referred to as ''Separate Rate Companies''), and Ningbo Yinzhou, a mandatory respondent, have provided company–specific information to demonstrate that they operate independently of *de jure* and *de facto* government control, and therefore satisfy the standards for the assignment of a separate rate.

No party has commented on the eligibility of these companies for separate rate status. For the final determination, we continue to find that the evidence placed on the record of this investigation by these companies demonstrates both a *de jure* and *de facto* absence of government control with respect to their exports of the merchandise under investigation. Thus, we continue to find that they are eligible for separate rate status. Normally, the separate rate is determined based on the estimated weighted–average dumping margins established for exporters and producers individually investigated, excluding *de minimis* margins or margins based entirely on AFA. *See* section 735(c)(5)(A) of the Act.

In the *Preliminary Determination* and unchanged in the *Amended Preliminary Determination*, the Department stated that it could not deny the RMB/IFI Group separate rate status because the Department did not ask specifically for information relating to the RMB/IFI Group's separate rate eligibility. However, subsequent to the *Preliminary Determination*, on October 22, 2008, in response to the Department's inquiry, the RMB/IFI Group reported that it is a wholly foreign–owned company, and at verification the Department found no discrepancies in the RMB/IFI Group's responses to the Department's separate rate questions. As the RMB/IFI Group is wholly foreign–owned, a separate rate analysis is not necessary to determine whether it is independent from government control. *See Notice of Final Determination of Sales at Less Than Fair Value: Creatine Monohydrate From the People's Republic of China*, 64 FR 71104, 71105 (December 20, 1999) (the respondent was wholly foreign–owned, and thus, qualified for a separate rate). Consequently, for the final determination we find that the evidence placed on the record of this investigation by the RMB/IFI Group demonstrates that it is eligible for a separate rate.

In the *Preliminary Determination* and unchanged in the *Amended Preliminary Determination*, the Department assigned to nine exporter/producer combinations that qualified for a separate rate a weighted–average margin based on the experience of the mandatory respondents, excluding any *de minimis* or zero rates or rates based on total AFA. *See Preliminary Determination*. For the final determination, because the Department based the rate for Ningbo Yinzhou on total AFA, the Department has applied the RMB/IFI Group's calculated rate for purposes of establishing a separate rate. *See* section 735(c)(5)(A) of the Act. Therefore, the Department will assign the RMB/IFI Group's calculated rate as the separate rate for the nine exporter/producer combinations. This rate is corroborated, to the extent practicable, for the reasons stated below. *See* ''Corroboration'' section below.

The PRC–Wide Rate

In the *Preliminary Determination* and unchanged in the *Amended Preliminary Determination*, the Department found that certain companies did not respond to our requests for information. *See Preliminary Determination*, 73 FR at 58936. In the *Preliminary Determination* we treated these PRC producers/exporters as part of the PRC–wide entity because they did not demonstrate that they operate free of government control over their export activities. Because these producers/exporters did not provide information regarding their export activities, the Department has determined that application of facts available (''FA'') is warranted. No additional information was placed on the record with respect to these companies after the *Preliminary Determination*. Therefore, pursuant to section 776(a)(2)(A) of the Act, the Department continues to find that the use of FA is appropriate to determine the PRC–wide rate.

Section 776(b) of the Act provides that, in selecting from among the facts otherwise available, the Department may employ an adverse inference if an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold–Rolled Flat–Rolled Carbon–Quality Steel Products From the Russian Federation*, 65 FR 5510, 5518 (February 4, 2000). *See also* Statement of Administrative Action accompanying the URAA, H.R. Rep. No. 103–316, vol. 1, at 870 (1994) (''SAA''). We determined that, because the PRC–wide entity did not respond to our request for information, it has failed to cooperate to the best of its ability. Therefore, the Department finds that, in selecting from among the facts otherwise available, an adverse inference is appropriate for the PRC–wide entity.

Because we begin with the presumption that all companies within an NME country are subject to government control and because only the companies listed under the ''Final Determination Margins'' section below have overcome that presumption, we are applying a single antidumping rate (*i.e.*, the PRC–wide entity rate) to all other exporters of subject merchandise from the PRC. Such companies did not demonstrate entitlement to a separate rate. *See*, *e.g.*, *Synthetic Indigo From the People's Republic of China; Notice of Final Determination of Sales at Less Than Fair Value*, 65 FR 25706 (May 3, 2000). The PRC–wide entity rate applies to all entries of subject merchandise except for entries from the respondents which are listed in the ''Final Determination Margins'' section below.

In the *Preliminary Determination* and unchanged in the *Amended Preliminary Determination*, we assigned to the PRC–wide entity the highest rate calculated from the petition, 206.00 percent. *See Preliminary Determination*, 73 FR at 58936. We received no comments on this rate. Therefore, for the final determination, we have continued to assign to the PRC–wide entity the rate of 206.00 percent.

Corroboration

Section 776(c) of the Act provides that, when the Department relies on secondary information in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. We have interpreted ''corroborate'' to mean that we will, to the extent practicable, examine the reliability and relevance of the information submitted. *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 61 FR 57391, 57392 (November 6, 1996), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold–Rolled Flat–Rolled Carbon–Quality Steel Products From Brazil*, 65 FR 5554, 5568 (February 4, 2000); *see*, *e.g.*, *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Final Results of Antidumping Duty Administrative Reviews and Termination in Part*, 62 FR 11825 (March 13, 1997).

To corroborate the AFA margin we have selected, we compared that margin to the margins calculated for the RMB/IFI Group. We found that the margin of 206.00 percent has probative value because it is in the range of margins calculated for the RMB/IFI Group. *See* October 1, 2008, Memorandum to the File, From Bobby Wong, Through Scot T. Fullerton, regarding: Antidumping Duty Investigation of Certain Steel Threaded Rod from the People's Republic of China: RMB/IFI Program Analysis for the Preliminary Determination, at 1. Accordingly, we find that the rate of 206.00 percent is corroborated within the meaning of section 776(c) of the Act.

Combination Rates

In the *Preliminary Determination*, the Department stated that it would calculate combination rates for the respondents that are eligible for a separate rate in this investigation. *See Preliminary Determination*, 73 FR at 58931. This change in practice is described in Policy Bulletin 05.1, available at http://ia.ita.doc.gov/. Policy Bulletin 05.1, states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non–investigated firms receiving the weighted–average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash–deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.

See Policy Bulletin 05.1, ''Separate Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non–Market Economy Countries.''

Final Determination Margins

We determine that the following percentage weighted–average margins exist for the POI:

CERTAIN STEEL THREADED ROD FROM THE PRC

Exporter	Producer	Weighted–Average Margin
RMB Fasteners Ltd., and IFI & Morgan Ltd. (''RMB/IFI Group'')	Jiaxing Brother Fastener Co., Ltd. (aka Jiaxing Brother Standard Parts Co., Ltd.)	55.16
Ningbo Yinzhou Foreign Trade Co. Ltd.	Zhejiang Guorui Industry Co., Ltd.; or Ningbo Daxie Chuofeng Industrial Development Co. Ltd.	206.00%

Separate Rates Entities: Exporter	Producer	Margin
Shanghai Recky International Trading Co., Ltd.	Shanghai Xiangrong International Trading Co., Ltd.; Shanghai Xianglong International Trading Co., Ltd.; Pighu City Zhapu Screw Cap Factory; or Jiaxing Xinyue Standard Part Co., Ltd.	55.16
Suntec Industries Co., Ltd.	Jiaxing Xinyue Standard Part Co., Ltd.; or Haiyan County No. 1 Fasteners Factory	55.16
Hangzhou Grand Imp. & Exp. Co., Ltd.	Zhapu Creative Standard Parts Material Co., Ltd.	55.16
Shanghai Prime Machinery Co. Ltd.	Haiyan Yida Fasteners Co., Ltd.; or Jiaxing Xinyue Standard Part Co., Ltd.	55.16
Jiaxing Xinyue Standard Part Co., Ltd.	Jiaxing Xinyue Standard Part Co., Ltd.	55.16

Separate Rates Entities: Exporter	Producer	Margin
Certified Products International Inc.	Jiashan Zhongsheng Metal Products Co., Ltd.; or Jiaxing Xinyue Standard Part Co., Ltd.	55.16
Zhejiang New Oriental Fastener Co., Ltd.	Zhejiang New Oriental Fastener Co., Ltd.	55.16
Jiashan Zhongsheng Metal Products Co., Ltd.	Jiashan Zhongsheng Metal Products Co., Ltd.	55.16
Haiyan Dayu Fasteners Co., Ltd.	Haiyan Dayu Fasteners Co., Ltd.	55.16
PRC–wide Entity		206.00%

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

We will instruct U.S. Customs and Border Protection (''CBP'') to continue the suspension of liquidation required by section 735(c)(1)(B) of the Act, of all entries of subject merchandise from the RMB/IFI Group, Ningbo Yinzhou, the Separate Rate Companies, and the PRC–wide entity entered, or withdrawn from warehouse, for consumption on or after October 8, 2008, the date of publication of the *Preliminary Determination*. CBP shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the NV exceeds the U.S. price as shown above. *See* section 735(c)(1)(B)(ii) of the Act. The suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (''ITC'') of our final determination of sales at LTFV. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, within 45 days the ITC will determine whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to the parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: February 20, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

Appendix

I. General Issues:

Comment 1: Surrogate Financial Ratios

Comment 2: Treatment of Drawing Power as a Direct Material Input

Comment 3: Wire Rod & Round Bar

Comment 4: Hydrochloric Acid and Trisodium Phosphate

II. Ningbo Yinzhou Issues

Comment 5: Application of Facts Available for Ningbo Yinzhou

Comment 6: Ningbo Yinzhou and Zhonghuan/Guorui Verification Report

Comment 7: Surrogate Value Selection Galvanizing Surrogate Value

III. RMB/IFI Issues

Comment 8: Surrogate Values Packing Strips, Buckles, and Coal

Comment 9: Limits to By–Product Offset

Comment 10: Minor Corrections for the RMB/IFI Group

[FR Doc. E9–4248 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Advisory Committee on Earthquake Hazards Reduction Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee), will hold a meeting on Wednesday, March 25, 2009 from 2 p.m. to 4 p.m. Eastern Standard Time (EST). The primary purpose of this meeting is to review and finalize the Committee's draft reauthorization letter to the Interagency Coordinating Committee (ICC). The draft letter will be posted on the NEHRP Web site at *http://nehrp.gov/*. Interested members of the public will be able to participate in the meeting from remote locations by calling into a central phone number.

DATES: The ACEHR will hold a meeting on Wednesday, March 25, 2009, from 2 p.m. until 4 p.m. Eastern Standard Time (EST). The meeting will be open to the public. Interested parties may participate in the meeting from their remote location.

ADDRESSES: Questions regarding the meeting should be sent to National Earthquake Hazards Reduction Program Director, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8630, Gaithersburg, Maryland 20899–8630. For instructions on how to participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Dr. Jack Hayes, National Earthquake Hazards Reduction Program Director, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8630, Gaithersburg, Maryland 20899–8630. Dr. Hayes' e-mail address is *jack.hayes@nist.gov* and his phone number is (301) 975–5640.

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L.

108–360). The Committee is composed of 15 members appointed by the Director of NIST, who were selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues affecting the National Earthquake Hazards Reduction Program. In addition, the Chairperson of the U.S. Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC) serves in an ex-officio capacity on the Committee. The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- The effectiveness of NEHRP in performing its statutory activities (improved design and construction methods and practices; land use controls and redevelopment; prediction techniques and early-warning systems; coordinated emergency preparedness plans; and public education and involvement programs);
- Any need to revise NEHRP; and
- The management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at *http://nehrp.gov/.*

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Advisory Committee on Earthquake Hazards Reduction (ACEHR) will hold a meeting on Wednesday, March 25, 2009 from 2 p.m. to 4 p.m. Eastern Daylight Time (EST). There will be no central meeting location. The public is invited to participate in the meeting by calling in from remote locations. The primary purpose of this meeting is to review and finalize the Committee's draft reauthorization letter to the Interagency Coordinating Committee (ICC). The draft letter will be posted on the NEHRP Web site at *http://nehrp.gov/.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request detailed instructions on how to dial in from a remote location to participate in the meeting. Approximately fifteen minutes will be reserved from 3:45 p.m.–4 p.m. Eastern Standard Time (EST) for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated, and those who were unable to participate are invited to submit written statements to the ACEHR, National Institute of Standards and Technology, 100 Bureau Drive, MS 8630, Gaithersburg, Maryland 20899–8630, via fax at (301) 975–5433, or electronically by e-mail to *info@nehrp.gov.*

All participants of the meeting are required to pre-register to be admitted. Anyone wishing to participate must register by close of business Monday, March 23, 2009, in order to be admitted. Please submit your name, time of participation, e-mail address, and phone number to Tina Faecke. At the time of registration, participants will be provided with detailed instructions on how to dial in from a remote location in order to participate. Non-U.S. citizens must also submit their country of citizenship, title, employer/sponsor, and address with their registration. Ms. Faecke's e-mail address is *cookie@nist.gov,* and her phone number is (301) 975–5911.

Dated: February 23, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9–4233 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XN57

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scientific and Statistical Committee, on March 17–18, 2009, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, March 17, 2009 at 10 a.m. and Wednesday, March 18, 2009 at 9 a.m.

ADDRESSES: The meeting will be held at the Courtyard by Marriott Hotel, 225 McClellan Highway, Boston, MA 02128; telephone: (617) 569–5250; fax: (617) 561–0971.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Tuesday, March 17, 2009

The Scientific and Statistical Committee (SSC) will conduct a review of proposed methods for analyzing the economic and social impacts of measures to be included in the Draft Environmental Impact Statement associated with Amendment 15 to the Sea Scallop Fishery Management Plan; proposed methods for determining monkfish acceptable biological catch and accountability measures; and discuss further planning for a proposed Ecosystem-based Fishery Management Workshop and any other outstanding committee business related to SSC meeting schedules, priorities and attendance.

Wednesday, March 18, 2009

The SSC will review the Habitat Plan Development Team's methods and analyses of gear effects, vulnerability assessment and adverse impacts evaluations associated with Draft Habitat Omnibus #2, an action that will update all New England Council fishery management plan essential fish habitat (EFH) designations and include measures to reduce adverse impacts on EFH.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: February 24, 2009.

Tracey L. Thompson,

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

[FR Doc. E9–4186 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XN27

Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

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

ACTION: Notice of public workshops.

SUMMARY: NMFS announces free Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops to be held in April, May, and June of 2009. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Protected Species Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and have also been issued shark or swordfish limited access permits. Additional free workshops will be held in 2009 and announced in the **Federal Register**.

DATES: The Atlantic Shark Identification Workshops will be held April 22, May 7, and June 4, 2009.

The Protected Species Safe Handling, Release, and Identification Workshops will be held April 22, April 29, May 6, May 20, June 17, and June 24, 2009.

See **SUPPLEMENTARY INFORMATION** for further details.

ADDRESSES: The Atlantic Shark Identification Workshops will be held in South Boston, MA; Vero Beach, FL; and Old Jefferson (New Orleans), LA.

The Protected Species Safe Handling, Release, and Identification Workshops will be held in Manahawkin, NJ; Panama City, FL; Kitty Hawk, NC; Ocean City, MD; Key Largo, FL; and Houston, TX.

See **SUPPLEMENTARY INFORMATION** for further details on workshop locations.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson by phone: (727) 824–5399, or by fax: (727) 824–5398.

SUPPLEMENTARY INFORMATION: The workshop schedules, registration information, and a list of frequently asked questions regarding these workshops are posted on the Internet at: *http://www.nmfs.noaa.gov/sfa/hms/workshops/*.

Atlantic Shark Identification Workshops

Since December 31, 2007, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit which first receives Atlantic sharks (71 FR 58057; October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for three years.

Currently permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit which first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who: is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location which first receives Atlantic sharks has been submitted with the permit renewal application. The certificate(s) are valid for three years. Additionally, trucks or other conveyances which are extensions of a dealer's place of business must possess a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate. Approximately 30 free Atlantic Shark Identification Workshops have been conducted since January 2007.

Workshop Dates, Times, and Locations

1. April 22, 2009, from 1 p.m.–5 p.m., South Boston Public Library, 646 East Broadway, South Boston, MA 02127.

2. May 7, 2009, from 9 a.m.–2 p.m., Leisure Square—TUFF Room, 3705 16th Street, Vero Beach, FL 32960.

3. June 4, 2009, from 10 a.m.–2 p.m., Jefferson Parrish Library—Rosedale Branch, 4036 Jefferson Highway, Old Jefferson, LA 70121.

Registration

To register for a scheduled Atlantic Shark Identification Workshop, please contact Eric Sander by e-mail at *esander@peoplepc.com* or by phone at (386) 852–8588.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following items to the workshop:

Atlantic shark dealer permit holders must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.

Atlantic shark dealer proxies must bring documentation from the shark dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate permit, and proof of identification.

Workshop Objectives

The shark identification workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

Protected Species Safe Handling, Release, and Identification Workshops

Since January 1, 2007, shark limited access and swordfish limited access permit holders who fish with longline or gillnet gear, have been required to submit a copy of their Protected Species Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057; October 2, 2006). These certificate(s) are valid for three years. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or if their certificate(s) are due to expire in 2009, must attend one of the workshops offered in 2009 to fish with or renew either permit. Additionally, new shark and swordfish limited access permit applicants who intend to fish with

longline or gillnet gear must attend a Protected Species Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued.

In addition to certifying permit holders, all longline and gillnet vessel operators fishing on a vessel issued a limited access swordfish or limited access shark permit are required to attend a Protected Species Safe Handling, Release, and Identification Workshop and receive a certificate. The certificate(s) are valid for three years. Vessels that have been issued a limited access swordfish or limited access shark permit may not fish unless both the vessel owner and operator have valid workshop certificates onboard at all times. Approximately 60 free Protected Species Safe Handling, Release, and Identification Workshops have been conducted since 2006.

Workshop Dates, Times, and Locations

1. April 22, 2009, from 9 a.m.–5 p.m., Holiday Inn, 151 Route 72 East, Manahawkin, NJ 08050.
2. April 29, 2009, from 9 a.m.–5 p.m., Hilton Garden Inn, 1101 North Highway 231, Panama City, FL 32405.
3. May 6, 2009, from 9 a.m.–5 p.m., Hilton Garden Inn, 5353 North Virginia Dare Trail, Kitty Hawk, NC 27949.
4. May 20, 2009, from 9 a.m.–5 p.m., Princess Bayside Hotel, 4801 Coastal Highway, Ocean City, MD 21842.
5. June 17, 2009, from 9 a.m.–5 p.m., Holiday Inn, 99701 Overseas Highway, Key Largo, FL 33037.
6. June 24, 2009, from 9 a.m.–5 p.m., Holiday Inn, 8611 Airport Boulevard, Houston, TX 77061.

Registration

To register for a scheduled Protected Species Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at (877) 411–4272, 1640 Mason Avenue, Daytona Beach, FL 32117.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following items with them to the workshop:

Individual vessel owners must bring a copy of the appropriate permit(s), a copy of the vessel registration or documentation, and proof of identification.

Representatives of a business owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable permit(s), and proof of identification.

Vessel operators must bring proof of identification.

Workshop Objectives

The protected species safe handling, release, and identification workshops are designed to teach longline and gillnet fishermen the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish. The proper identification of protected species will also be taught at these workshops in an effort to improve reporting. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species, which may prevent additional regulations on these fisheries in the future.

Grandfathered Permit Holders

Participants in the industry-sponsored workshops on safe handling and release of sea turtles that were held in Orlando, FL (April 8, 2005) and in New Orleans, LA (June 27, 2005) were issued a NOAA workshop certificate in December 2006 that is valid for three years. These workshop certificates may be expiring in 2009. Vessel owners and operators whose certificates expire prior to permit renewal in 2009 must attend a workshop, successfully complete the course, and obtain a new certificate in order to renew their limited access shark and limited access swordfish permits. Failure to provide a valid NOAA workshop certificate could result in a permit denial.

Dated: February 24, 2009.

Emily H. Menashes,

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

[FR Doc. E9–4283 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

DEPARTMENT OF AGRICULTURE

FEDERAL COMMUNICATIONS COMMISSION

Notice: American Recovery and Reinvestment Act of 2009 Broadband Initiatives

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce; Rural Development, U.S. Department of Agriculture; Federal Communications Commission

ACTION: Joint Notice of Public Meeting

SUMMARY: The National Telecommunications and Information Administration (NTIA), U.S. Department of Agriculture's Office of Rural Development, and Federal Communications Commission (FCC) will host a public meeting on March 10, 2009, in connection with the Broadband Initiatives funded by the American Recovery and Reinvestment Act of 2009, Public Law No. 111-5.

DATES: The meeting will be held on March 10, 2009, from 10:00 a.m. to 11:30 a.m., Eastern Standard Time.

ADDRESSES: The meeting will be held at the U.S. Department of Commerce, National Telecommunications and Information Administration, 1401 Constitution Avenue, N.W., Auditorium, Washington, D.C. (Please enter at 14th Street.) The disability accessible entrance is located at the 14th Street Aquarium Entrance. The meeting location is subject to change. Any change in the location will be posted on NTIA's website (www.ntia.doc.gov) prior to the meeting.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meeting, contact Barbara Brown, NTIA, at (202) 482–4374 or bbrown@ntia.doc.gov or Mary Campanola, Rural Development, at (202)-720-8822 or mary.campanola@usda.gov or Christi Shewman, FCC, at (202) 418-1686 or christi.shewman@fcc.gov.

SUPPLEMENTARY INFORMATION: The American Recovery and Reinvestment Act of 2009 was signed into law on February 17, 2009. The Broadband Initiatives funded in the Act are intended to accelerate broadband deployment in unserved, underserved, and rural areas and to strategic institutions that are likely to create jobs

or provide significant public benefits. NTIA, Rural Development, and the Federal Communications Commission will host a public meeting to discuss the broadband initiatives funded by the Act, including the new Broadband Technology Opportunities Program, the new Rural Development Broadband Program, and the development of a National Broadband Plan. The public meeting agenda and information about the new program will be available at NTIA's website at http://www.ntia.doc.gov/broadbandgrants, Rural Development's website at http://www.usda.gov/rurdev, and the FCC's website at http://www.fcc.gov. This will be the first of several Public Meetings.

Public attendance at the meeting is limited to space available. The meeting will be physically accessible to people with disabilities. Individuals requesting accommodations, such as sign language interpretation or other ancillary aids, are asked to indicate this to Barbara Brown at least two (2) days prior to the meeting. Members of the public will have an opportunity to ask questions at the meeting. The meeting will be streamed on the Web with captions and the archive will be made available on NTIA's website at http://www.ntia.doc.gov/broadbandgrants and Rural Development's website at http://www.usda/rurdev.

Dated: February 23, 2009.

Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

Dated: February 23, 2009.

David P. Grahn,

Associate General Counsel, Rural Development.

Dated: February 23, 2009.

P. Michele Ellison,

Acting General Counsel, Federal Communications Commission.

[FR Doc. E9–4194 Filed 2–26–09; 8:45 am]

BILLING CODE 3510–60–S

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of the Record of Decision for the Final Environmental Impact Statement for the Brazos River Harbor Navigation District's (Port Freeport) Proposed Widening of the Freeport Harbor Ship Channel

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers, Galveston District announces the availability of the Record of Decision (ROD), for the Final Environmental Impact Statement (FEIS) for the Port Freeport's proposal to widen the Freeport Harbor Ship Channel. The FEIS was made available for public review and comment on January 11, 2008. Comments received during the FEIS comment period are addressed in the ROD. The ROD discloses the decision to issue a Department of the Army permit for the proposed project.

DATES: The waiting period for the FEIS ended February 11, 2008. The ROD was signed on February 3, 2009.

ADDRESSES: Questions about this action may be addressed to the USACE, Galveston District, Attn: Sam J. Watson, P.O. Box 1229, Galveston, TX 77553–1229; or by calling 409–766–3946.

SUPPLEMENTARY INFORMATION:

Authority: This Federal Action is in consideration of a Department of the Army Permit application for work under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 103 of the Marine Protection and Sanctuaries Act (MPRSA) (33 U.S.C. 1413).

Background: In April 2005, Port of Freeport submitted a Department of Army Permit Application to widen portions of the Freeport Harbor Jetty Channel and all of the Freeport Harbor Entrance Channel from 400 feet (ft) to 600 ft. It was determined that an Environmental Impact Statement would be required for the proposed project. Since the November 29, 2005 Scoping Meeting, the consulting firm of PBS&J, under the direction of the Galveston District, U.S. Army Corps of Engineers (USACE), prepared an Environmental Impact Statement for the proposed project. The ROD is now available to the public.

Availability of the ROD: The ROD for the proposed Freeport Channel Widening project is being made available to Federal, State, and local agencies and all interested parties. The ROD can be viewed or downloaded at: *http://www.swg.usace.army.mil/reg/.*

Location: The project is located in the Freeport Harbor Channel, Brazoria County, TX. Specifically, the project site is located along the northern edge of the Freeport Harbor Jetty and Entrance Channels, between the towns of Surfside and Quintana, TX. The project can be located on the U.S. Geological Survey quadrangle map entitled Freeport, TX. Approximate UTM Coordinates: NAD 83, UTM 14N, 861095.730029, 3206475.762543.

Project Description: The project includes widening the Freeport Harbor Jetty Channel beginning at Channel Station 63+35 with a gradual widening, at the authorized depth, up to an additional 150 feet (ft) for about 1,835 ft to Channel Station 45+00. From that point to Channel Station 40+00 the widening would be less gradual from the additional 150 ft to an additional 200 ft. Through the rest of the Jetty Channel and to the end of the Freeport Harbor Entrance Channel (Channel Station −260+00), the channel would be widened an additional 200 ft. The length of channel proposed for widening is about 6.1 miles, of which 5.7 miles would be widened by 200 ft. The project depth will remain at the authorized depth of 45 ft in the Jetty Channel and 47 ft in the Entrance Channel. The widening would generate approximately 3.2 million cubic yards (mcy) of new work dredged material. Approximately 2.9 mcy of the new work material would consist of clay material and about 300,000 cubic yards (cy) would consist of silty/sand material. The ocean dredged material disposal sites (ODMDS) previously designated for the existing Freeport Harbor Ship Channel, would be used for placement of the 2.9 mcy of clay/silt material and maintenance material. The 300,000 cy of silty/sand material would be used beneficially and placed on Quintana Beach in front of the Seaway upland confined placement area.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–4197 Filed 2–26–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Final Supplement to the Environmental Impact Statement To Evaluate Construction of Authorized Improvements to the Gulfport Harbor Federal Navigation Project in Harrison County, MS

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: This notice of availability announces the public release of the Final Supplement to the Environmental Impact Statement (SEIS) to evaluate construction of authorized improvements to the Gulfport Harbor Federal navigation project in Harrison County, MS. The Mobile District, U.S. Army Corps of Engineers (Corps)

published in the **Federal Register**, March 31, 2006, (71 FR 16294) a Notice of Intent to Prepare a Draft SEIS to address the potential impacts associated with construction of authorized improvements to the Federal Gulfport Harbor navigation project in Harrison County, MS. The Corps published in the **Federal Register**, February 9, 2007, (72 FR 6224) a Notice of Availability of the Draft SEIS. Comments were received and incorporated into the Final SEIS. The Final SEIS will be used as a basis for ensuring compliance with the National Environmental Policy Act (NEPA). The Corps' proposed action in the Final SEIS includes widening the Federally authorized Mississippi Sound channel to 300 feet and the Bar channel to 400 feet. In addition, disposal of the associated dredged material would be placed beneficially in water depths of 25 feet or greater east of the Chandeleur Islands and material dredged from within the Ship Island Pass (littoral zone) would be placed in the existing littoral zone disposal area in water depths between 14 feet and 18 feet. Future maintenance material dredged from the navigation channel would be placed in open-water sites within Mississippi Sound utilizing thin-layer disposal methods, the existing littoral zone disposal area, and within the existing Ocean Dredged Material Disposal Sites.

ADDRESSES: To receive an electronic copy of the Final SEIS or to submit comments, contact U.S. Army Corps of Engineers, Mobile District, Planning Division, P.O. Box 2288, Mobile, AL 36628–0001. A copy of the full document may also be viewed at the Public Library in Gulfport, Mississippi.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and the Final SEIS should be addressed to Ms. Jennifer L. Jacobson, Chief, Coastal Environment Team, phone (251) 690–2724, Mobile District, U.S. Army Corps of Engineers, P.O. Box 2288, Mobile, AL 36628 or e-mail address: *jennifer.l.jacobson@usace.army.mil*.

SUPPLEMENTARY INFORMATION:

1. Gulfport Harbor is located in Harrison County, MS on Mississippi Sound about equidistant (80 miles) from New Orleans, LA, and Mobile, AL. The existing project was adopted by the River and Harbor Act approved July 3, 1930 (House Document number 692, 69th Congress, 2nd Session) and the River and Harbor Act approved June 30, 1948 (House Document Number 112, 81st Congress, 1st Session). Construction of the existing Federal project commenced in 1932, and was completed in 1950. The River and Harbor Act approved July 3, 1958 (Senate Document Number 123, 84th Congress, 2nd Session) adopted the small boat harbor as part of the existing Federal project. Deepening improvements to the existing Federal project at Gulfport Harbor was authorized in the Supplemental Appropriations Act of 1985 (Pub. L. 99–88), which was approved on August 15, 1985. The project was also authorized in the Water Resources Development Act (WRDA) of 1986 (Pub. L. 99–662), which was approved November 17, 1986, and provided for development to deepen and widen the existing ship channel 36 feet by 300 feet in Mississippi Sound, and 38 feet by 400 feet across the bar, with changes in the channel alignment and entrance to the anchorage basin for safe and unrestricted navigation.

The 1976 Feasibility Report considered a number of improvement plans, such as widening the Mississippi Sound channel to 300 feet at the existing 30-foot depth and deepening the channel in 2-foot increments to a maximum depth of 36 feet. In addition, widening the channel across the bar into the Gulf of Mexico to 400 feet at the existing 32-foot depth and deepening the channel in 2-foot increments to a maximum depth of 38 feet were also evaluated. The Corps analyzed realignment of the Ship Island channel, adjustment of the turning basin's width, and enlargement of the channel entrance into the turning basin. A number of disposal options were considered including: open-water alongside of the channels, island creation within Mississippi Sound, and use of specially designed equipment to transport the dredged material to sites within the Gulf of Mexico. The 1976 Feasibility Report recommended enlarging the Bar channel to 38 feet by 400 feet from the 38-foot depth contour in the Gulf of Mexico for a distance of about 9.1 miles to a point in Mississippi Sound near the western end of Ship Island; and enlarging the Mississippi Sound channel to 36 feet by 300 feet for a distance of about 11.8 miles between the inner end of the Gulf Entrance channel and the turning basin at Gulfport; realigning the Bar channel through Ship Island Pass to a location generally parallel to and about 1,000 feet west of that presently authorized, with a deposition basin for littoral drift 38 feet deep, 300 feet wide and 2,000 feet long adjacent to the east side of the channel at the west end of Ship Island; and enlarging and adjusting the dimensions of the turning basin and channel entrance by extending the southern limits of the basin seaward about 1,180 feet along the west pier and 2,300 feet along the west side of the Ship channel, decreasing the width of the turning basin from 1,320 feet, as presently authorized, to 1,120 feet, and deepening the basin and adjusted channel approach to 36 feet. Improvements of the Gulfport Harbor navigation project was initially authorized by the Fiscal Year 1985 Supplemental Appropriations Act (Pub. L. 99–88) in accordance with the 1976 Feasibility Report. As a result of this authorization, studies were initiated relative to the island construction within the Sound and the impacts of thin-layer disposal of new work material. This initial authorization was subsequently modified by the WRDA of 1986. A revised Draft Environmental Impact Statement (EIS), circulated in 1988, considered widening and deepening the existing Gulfport Harbor navigation channel to the authorized dimensions. In addition, five alignments for the channel segment through Ship Island Pass were also considered. Material from the construction and maintenance of the project were to be disposed of in the ocean sites. The WRDA of 1988 further modified the authorized project to include disposing of construction material via thin-layer disposal in Mississippi Sound under a demonstration program. The maintenance material would be disposed of in Mississippi Sound under a plan developed by the Secretary approved by the Administrator of the Environmental Protection Agency. The Corps published an EIS in June 1989 evaluating deepening and widening Gulfport Harbor with subsequent placement via thin-layer and ocean disposal. The Final SEIS uses the 1989 EIS as a reference during its evaluation of constructing Gulfport Harbor to the authorized project dimension. The Final SEIS evaluates any new conditions that were not previously addressed in the 1989 EIS.

2. Alternative scenarios considered include the ''No action'' alternative and widening to the Federally authorized dimension of 300 feet in the Mississippi Sound channel and 400 feet in the Bar channel. In addition, an array of disposal options were evaluated for placement of dredged material associated with construction of the project to its authorized dimension including future maintenance material. As a comment to the Draft SEIS, the Corps received requests from Louisiana Department of Natural Resources (DNR), dated June 19, 2007, Mississippi Department of Marine Resources, dated

June 29, 2007, and St. Bernard Parish, dated April 2, 2007, to consider beneficial use of dredged material associated with Gulfport Harbor construction within the vicinity of Chandeleur and Cat Islands. Based on these discussions, a new alternative has been evaluated in the Final SEIS. This alternative considers beneficial placement of material dredged during construction of Gulfport Harbor to its authorized dimension in water depths of 25 feet or greater east of the Chandeleur Islands. Future maintenance material dredged from the navigation channel would be placed in open-water sites within Mississippi Sound utilizing thin-layer disposal methods, the existing littoral zone disposal area, and within the existing Ocean Dredged Material Disposal Sites.

3. Public comments can be submitted through a variety of methods. Written comments may be submitted to the Corps by mail, facsimile, or electronic methods. The public comment period for the Final SEIS will extend through March 29, 2009.

Dated: February 18, 2009.

Curtis M. Flakes,

Chief, Planning and Environmental Division.

[FR Doc. E9–4203 Filed 2–26–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Proposed Hawthorne Mill Project, Fairfield, Solano County, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), San Francisco District, has received applications for Department of the Army authorizations from Edenbridge, Incorporated (EI) to construct two projects in the City of Fairfield, Solano County, CA. One project, Hawthorne Mill East, is a mixed-residential development project and the second, Hawthorne Mill West, is a residential development project. Development of Hawthorne Mill East will require permanent placement of fill in 37.8 acres of waters of the U.S. Hawthorne Mill West would result in permanent impacts to 0.5 acres of waters of the U.S. In accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the USACE has determined that the proposed actions may have a significant impact on the quality of the human environment and therefore requires the preparation of an Environmental Impact Statement (EIS). Although the two projects are separate projects with independent utility, the USACE and the City have elected to consider these two related projects in a single document to allow for concurrent processing of requested entitlements. A combined Environmental Impact Report (EIR)/EIS will be prepared with the USACE as the Federal lead agency and the City of Fairfield (City) as the local lead agency (under the California Environmental Quality Act, or CEQA).

The Hawthorne Mill East project is intended to become an integral part of the City's proposed train station by contributing to the creation of a populated, mixed-use transit hub and complementing the urban development principles as contemplated by the City. The proposed action is intended to: (1) Maximize long-term land use opportunities presented by the rail station by including a mix of land uses within walking distance of the station; (2) maximize pedestrian and bicycle access between residential and commercial development and the train station; (3) meet the City's regional housing needs requirements in a manner that minimizes pressure on regional highway facilities; (4) contribute to the clear identity of the train station as a comfortable, attractive, and vibrant public realm; and (5) provide appropriate protection of sensitive natural resources. The purpose of the Hawthorne Mill West project is to provide residential housing to fulfill the unmet needs of the City of Fairfield and to contribute to regional growth management by locating residential development on an infill site that is contiguous with existing development.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Matsumoto, 415–503–6786, or electronic mail: *bryan.t.matsumoto@usace.army.mil*; or Mr. David Feinstein, 707–428–7448, or electronic mail: *dfeinstein@ci.fairfield.ca.us*.

SUPPLEMENTARY INFORMATION:

1. *Description of Proposed actions:* The Hawthorne Mill project sites are located within the City of Fairfield, CA, north of Airbase Parkway, south of Cement Hill Road, and west of Peabody Road. The project sites are comprised of eleven Fairfield Assessor's parcels, which encompass 453.8 acres located at the southwest corner of Cement Hill Road and Peabody Road, on the north side of the adjacent Union Pacific Railroad right-of-way. The following specific project components are being proposed:

a. *Hawthorne Mill East:* This portion of the project site will have two components: A transit oriented mixed-use development and a conservation area. The development area includes approximately 110 acres. The majority of the development would occur on the north side of McCoy Creek. As proposed, 59.3 acres will be devoted to development of approximately 501 residential units, while 6.5 acres will be devoted to high density residential units. Commercial uses, including two restaurants, are planned on 1.6 acres at the Peabody-Cement Hill Road intersection. Mixed use retail is planned for 2.4 acres along Cement Hill Road. Other land uses include: Parks and open space encompassing 5.3 acres; rights of way encompassing 26.9 acres; storm water and water quality features on 5.2 acres; and a community recreation center with clubhouse and pool on 1.7 acres. Access to the project site will be from three locations along Cement Hill Road. A single, clear span bridge over McCoy Creek will be provided between the high density and retail uses in the northwestern corner of the project site. The internal road system will be designed to promote pedestrian and bicycle traffic and direct connections provided to the planned train station. The conservation area includes approximately 273 acres which support 63.04 acres of wetlands, 2.155 acres of McCoy Creek, as well as 4.657 acres of aquatic areas associated with the McCoy Basin. The conservation area also supports a large population of the federally listed Contra Costa goldfields (*Lasthenia conjugens*). The conservation area would be preserved in perpetuity and would be managed for the benefit of the natural resources located on the site.

b. *Hawthorne Mill West:* This portion of the project site encompasses approximately 30 acres and will include 172 residential units occupying 18.3 acres. The development will also include 9.3 acres of rights of way, 0.5 acres of park/open space, and 1.4 acres for storm water and water quality features. Site access will be provided by an extended Portland Drive and will connect directly to adjacent residential developments to the west.

2. *Reasonable Alternatives:* In accordance with the requirements of Section 15124 of the State CEQA Guidelines and 40 CFR 1502.14, reasonable alternatives to the proposed action will be evaluated in the Draft EIR/EIS. The following alternatives have been preliminarily identified for consideration in the Draft EIR/EIS: (1)

No Federal Action Alternative; (2) Proposed Projects; (3) Reduced Aquatic Impacts Alternative; (4) Previously Proposed Project; and (5) No Build Alternative. The Draft EIR/EIS will also consider any other reasonable alternative(s) identified during the scoping or the preparation of the document.

3. *Scoping Process:* Pursuant to CEQA and NEPA, the City and USACE must include a ''scoping'' process for the Draft EIR/EIS. Scoping primarily involves determining the scope of issues to be addressed in the Draft EIR/EIS and identifying the anticipated significant issues for in-depth analysis. The scoping process includes public participation to integrate public needs and concerns regarding the proposed action into the process.

a. *Public Involvement Program:* Vehicles for public comment on the proposed action will include: a public hearing to be conducted jointly by the City and USACE, the preparation of the Draft EIR/EIS, and receipt of public comment in response to the Draft EIR/EIS. In addition, affected Federal, state and local agencies, affected Native American tribes, and other interested private organizations and parties are encouraged to participate in the program.

b. *Significant Issues to be Analyzed in Depth in the Draft EIR/EIS:* The following significant environmental issues have already been identified and will be analyzed in depth in the Draft EIR/EIS: (1) Aesthetics; (2) Agriculture; (3) Air Quality; (4) Biological Resources; (5) Cultural Resources; (6) Geology/Soils; (7) Hazards/Hazardous Materials; (8) Hydrology/Water Quality; (9) Land Use/Planning; (10) Noise; (11) Population and Housing; (12) Public Services; (13) Recreation; (14) Traffic and Circulation; and (15) Utilities/Service Systems.

c. *Environmental Review/Consultation Requirements:*

- National Environmental Policy Act.
- Section 404 of the Clean Water Act.
- Endangered Species Act.
- Clean Air Act.
- National Historic Preservation Act.
- California Environmental Quality Act.
- Section 401 of the Clean Water Act.

4. *Scoping Meeting:* The City and the USACE will hold a scoping meeting at the Fairfield City Council Chambers, 1000 Webster Street, Fairfield, CA 94533–4883, to provide information on the project and receive oral comments on the scope of the document on March 16, 2009, at 7 p.m. Mail comments within 30 days of publication to: Mr. Bryan Matsumoto, U.S. Army Corps of Engineers, 1455 Market Street, CESPN–R–N, San Francisco, CA 94103–1398, or; Mr. David Feinstein, Senior Planner, Department of Community Development, City of Fairfield, 1000 Webster Street, Fairfield, California 94533–4883.

5. *Availability of Draft EIR/EIS:* The Draft EIR/EIS is expected to be available for public review August 2009.

(Authority: 40 CFR part 1501.7)

Dated: February 13, 2009.

Laurence M. Farrell,

Lieutenant Colonel, U.S. Army, Commanding.

[FR Doc. E9–4201 Filed 2–26–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Little Colorado River at Winslow, a Feasibility Study of a Portion of the Little Colorado River From Chevelon Canyon to the North End of the Winslow Levee, in and Near Winslow, Navajo County, AZ

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: Analyses of foreseeable environmental impacts from potential actions along the Little Colorado River in the vicinity of the City of Winslow, Navajo County, AZ, will commence. No explicit plans have been advanced as yet, so contents of the Draft Environmental Impact Statement (DEIS) remain to be determined during the public scoping process. The Little Colorado River at Winslow Study area encompasses the floodplain of the Little Colorado River (LCR) from Chevelon Canyon downstream (northwest) to the north end of the existing Winslow Levee, a distance of about 18 river miles. The study area includes the majority of the City of Winslow, including the Ruby Wash Diversion Levee and the Ruby Wash Levee.

The purposes of this Feasibility Study are to develop and evaluate potential non-structural and engineered solutions to address flooding issues within the City of Winslow, and to investigate potential opportunities for ecosystem restoration along the LCR and its tributaries in the vicinity of Winslow. There is also an opportunity to provide much-needed recreational opportunities concurrent with flood risk management and ecosystem restoration. If there are measures and alternatives or plans that could be implemented within the U.S. Army Corps of Engineers, (USACE) missions, Navajo County has indicated their interest to support and provide necessary cost-sharing and other requirements for the project. Navajo County has identified within this length of the river needs associated with loss of native riparian habitat and the presence of significant cultural resources. Those needs will guide the formulation of plans for this segment of the Little Colorado River. The USACE and Navajo County, AZ, will cooperate in conducting this Feasibility Study.

ADDRESSES: District Engineer, U.S. Army Corps of Engineers, Los Angeles District, ATTN: CESPL–PD–RP, P.O. Box 532711, Los Angeles, CA 90053–2325.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Fink, Environmental Manager, telephone (602) 640–2001, ext. 232, or Mr. Mike Ternak, Project Manager, telephone (602) 640–2004, ext. 272. The cooperating entity, Navajo County, requests inquiries be directed to Mr. Homero Vela, telephone (928) 524–4000, for any additional information.

SUPPLEMENTARY INFORMATION:

1. *Authorization.* This study has been conducted under the authority provided by the Flood Control Act of 1937. This authority amends the Flood Control Act of 1936 to permit the Secretary of the Army, through the Chief of Engineers, to conduct preliminary examinations and surveys for flood control at the Little Colorado River upstream from the boundary of the Navajo Indian Reservation. Further authority is provided under House Committee on Public Works Resolution (Docket 2425) May 17, 1994 which states:

> * * * The Secretary of Army is hereby requested to review reports of the Chief of Engineers on the State of Arizona * * * in the interest of flood damage reduction, environmental protection and restoration, and related purposes.

2. *Background.* The Little Colorado River (LCR) Watershed encompasses an area of approximately 27,051 square miles in northeastern Arizona and northwestern New Mexico. The drainage basin of the LCR is about 245 miles long and 158 miles wide at the widest point. The mainstem of the LCR is entirely in Arizona, has a channel length of 356 miles, and total elevation drop of about 6,300 feet from its headwaters in the White Mountains to its confluence with the Colorado River. The LCR flows in generally a northwest direction and receives runoff from 18 sub-watershed basins and contributing drainage areas with hundreds of miles of small tributary streams. The

tributaries of Ruby Wash, Clear Creek, Cottonwood Wash and Salt Creek join the LCR within the study area. The LCR joins the Colorado River in the Grand Canyon on the northwest edge of the basin. The City of Winslow is located in the west-central part of the LCR Watershed in western Navajo County, AZ.

The LCR was once a broad and flat bottomland environment, conveying shallow perennial flows along a braided, meandering channel. As a result, numerous backwater sloughs and marshes offered appropriate biotic conditions and habitat for a diversity of riparian species. Today the LCR is a deep, narrow, incised channel which experiences only intermittent to ephemeral flows. This entrenchment has disconnected large parts of the floodplain from the river. During flooding, channel migration results from sedimentation deposition and scour. This erosion has contributed to habitat degradation and threatened cultural resources throughout the Watershed. Riparian vegetation has been largely replaced by the non-native salt cedar, which forms almost pure in-channel stands. Changes in vegetation types, channel morphology and sediment transport are believed to be contributing to the flooding problems being experienced by the Winslow community.

In response to recurrent flooding problems along the LCR, Navajo County requested assistance from the Arizona Department of Water Resources (ADWR) to build the Winslow Levee in 1979. The 7.2 mile Winslow Levee was constructed along the west side of the LCR between 1986 and 1989 for the purpose of providing 100-year flood protection to the city. This levee has failed twice in recent years. The levee was overtopped in 1993, resulting in washout of a 400-foot levee section, and damage to an additional 3,000 feet of levee. The resulting flooding inundated 204 parcels and 140 structures. Permanent levee repairs were completed in 1994. However, problems with the levee continue as evidenced by a second levee failure in 2003. This was a piping failure, believed to have been caused by desiccation cracks, root channels, rodent burrows, a structural flaw, and other factors.

Recent studies indicate that the levee now only provides a 55-year level of protection. The Federal Emergency Management Agency (FEMA) has completed decertification of the levee for 100-year protection, returning approximately 2,700 individual parcels and 1,500 structures to the regulated floodplain. Owners of developed properties in this area will now be required to obtain flood insurance from the National Flood Insurance Program. The Navajo County Public Works Department is attempting to rehabilitate the levee along the 7.2 mile reach east of Winslow. Navajo County is seeking assistance from the USACE to resolve recurrent flooding problems in the Winslow community.

The potential environmental impacts to be evaluated by this DEIS will include: (1) Non-structural solutions to address flooding issues; (2) engineered solutions to address flooding issues; (3) opportunities for ecosystem restoration, especially as necessary to support the primary purpose of flood risk management; (4) mitigation of impacts to cultural resources, and; (5) designs for recreational features which would be most compatible with the natural resources of the region.

Prehistoric and historic cultural resources are abundant along the 18 mile reach of the Little Colorado River Feasibility Study area. Sensitive natural habitats for federally listed species in the general vicinity of the confluence of Chevelon Creek with the Little Colorado River have previously been identified by the U.S. Fish and Wildlife Service (USFWS), and the Arizona Game and Fish Department (AZGFD).

3. *Proposed Action*. No plan of action has yet been identified.

4. *Alternatives*. a—No Action: No plans would be implemented to reduce flood risk to the Winslow area.

b—Proposed Alternative Plans: None have been formulated to date.

5. *Public Involvement*. Public involvement, an essential part of the EIS process, is integral to assessing the environmental consequences of the proposed action and improving the quality of the environmental decision making. The public includes affected and interested Federal, State, and local agencies, Indian tribes, concerned citizens, stakeholders, and other interested parties. Public participation in the EIS process will be strongly encouraged, both formally and informally, to enhance the probability of a more technically accurate, economically feasible, and socially and politically acceptable EIS. Public involvement will include but is not limited to: Information dissemination; identification of problems, needs and opportunities; idea generation; public education; problem solving; providing feedback on proposals; evaluation of alternatives; conflict resolution by consensus; public and scoping notices and meetings; public, stakeholder and advisory groups consultation and meetings; and making the EIS and supporting information readily available in conveniently located places, such as libraries and on the Internet.

Participation of all interested Federal, State, and County resource agencies, as well as Native American peoples, groups with environmental interests, and all interested individuals is encouraged. Public involvement will be most beneficial and worthwhile in identifying pertinent environmental issues, offering useful information such as published or unpublished data, direct personal experience or knowledge which inform decision making, assistance in defining the scope of plans which ought to be considered, and recommending suitable mitigation measures warranted by such plans. Those wishing to contribute information, ideas, alternatives for actions, and so forth can furnish these contributions in writing to the points of contacts indicated above, or by attending public scoping meetings. Notice of public scoping meetings will be published in the local and regional newspapers.

When plans have been devised and alternatives formulated to embody those plans, potential environmental and social impacts will be evaluated in the DEIS. These analyses will emphasize at least fifteen categories of resources: Land use, impromptu historic landfills created by dumping trash over the banks, hazardous wastes, physical environment, hydrology, groundwater, biological, archaeological, historical, geological, air quality, noise, transportation, socioeconomics, and safety.

6. *Scoping Process*. Scoping, an early and open process for identifying the scope of significant issues related to the proposed action to be addressed in the EIS, will be used to: (a) Identify the affected public and agency concerns; (b) facilitate an efficient EIS preparation process; (c) define the issues and alternatives that will be examined in detail in the EIS; and (d) save time in the overall process by helping to ensure that the Draft EIS adequately addresses relevant issues. An initial public scoping meeting will be held on Tuesday, March 24, 2009, in Winslow, AZ. Announcements through local and regional media, as well as a scoping meeting public notice announcing the location, date and time of the scoping meeting will be mailed to all interested parties during February 2009. Interested parties are encouraged to express their views throughout the entire study process. Comments will be welcomed at the public scoping meeting. In addition, written comments will also be accepted during the scoping comment period

which will extend 30 days from the date of the scoping meeting public notice.

7. *Interagency Coordination and Cooperation*. The USACE and the USFWS have formally committed to work together to conserve, protect, and restore fish and wildlife resources while ensuring environmental sustainability of our Nation's water resources under the January 22, 2003, Partnership Agreement for Water Resources and Fish and Wildlife. The USFWS will provide a Fish and Wildlife Coordination Act Report. Coordination will be maintained with the USFWS regarding threatened and endangered species under their jurisdictional responsibilities. The Arizona Game and Fish Department (AZGFD) will be consulted concerning potential impacts to sensitive species and habitats. Coordination will be maintained with the Advisory Counsel on Historic Preservation and the State Historic Preservation Officer (SHPO). Coordination will be maintained with the U.S. Environmental Protection Agency (USEPA) concerning compliance with Executive Order 12898, ''Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations.''

8. *Availability of the EIS*. It is anticipated that the DEIS will be available for public review during the spring of 2011. The DEIS or a Notice of Availability (NOA) will be provided during the 45-day review period to affected Federal, State and local agencies, Indian Tribes, and other interested parties.

Dated: February 25, 2009.

Thomas H. Magness,

Colonel, U.S. Army, District Engineer.

[FR Doc. E9–4200 Filed 2–26–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Southwest Coastal Louisiana Feasibility Study

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Corps of Engineers (Corps) intends to prepare an Environmental Impact Statement (EIS) for the Southwest Coastal Louisiana Feasibility Study for Calcasieu, Cameron and Vermilion Parishes, Louisiana. The Corps will evaluate a full suite of structural, nonstructural and coastal restoration measures to achieve hurricane protection and storm damage risk reduction within Calcasieu, Cameron and Vermilion Parishes in Louisiana. Southwestern Louisiana has been affected by several named storms in the past 50 years. The study area, which is characterized by low, flat terrain, is highly susceptible to flooding from tidal surges associated with hurricanes and tropical storms due to its close proximity to the Gulf of Mexico. Hurricanes that caused damage include Audrey (1957), Arlene (1959), Debra (1978), Chris (1982), Danny (1985), Juan (1985), Bonnie (1986), Allison (1989), Chantal (1989), Francis (1998), Hermine (1998), Allison (2001), Bertha (2002), Lili (2002), Rita (2005), Gustav (2008) and Ike (2008). As the ground elevation subsides relative to the levels of the Gulf of Mexico, the depth of potential flooding in the future will increase along with an increase in damages to the human and natural environments. Wetlands in the study area are affected by relative sea level rise, subsidence, tides and storm surge created by tropical storms and hurricanes, saltwater intrusion and ponding and reduced organic production. These conditions would continue at an increased rate as the mass of coastal land decreases.

DATES: See **SUPPLEMENTARY INFORMATION** section for scoping meeting dates.

FOR FURTHER INFORMATION CONTACT: Questions concerning the Draft Environmental Impact Statement (DEIS) should be addressed to Ms. Sandra Stiles at U.S. Army Corps of Engineers, CEMVNPM–RS, P.O. Box 60267, New Orleans, LA 70160–0267, phone (504) 862–1583, fax number (504) 862–2088 or by e-mail at *sandra.e.stiles@usace.army.mil*.

SUPPLEMENTARY INFORMATION:

1. *Authority:* Committee on Transportation and Infrastructure, U.S. House of Representatives, Resolution Docket 2747, Southwest Coastal Louisiana, LA authorized the Secretary of the Army in accordance with section 110 of the River and Harbor Act of 1962, to survey the coast of Louisiana in Cameron, Calcasieu and Vermilion Parishes with particular reference to the advisability of providing hurricane protection and storm damage reduction and related purposes to include the feasibility of constructing an armored 12 foot levee along the Gulf Intracoastal Waterway.

2. *Proposed Action*. The Corps will develop hurricane protection, storm damage risk reduction and coastal restoration measures for Calcasieu, Cameron and Vermilion Parishes to include: (1) Levee alignments to provide hurricane protection and reduce damages from storm surge; (2) restoring natural ecosystem features, such as Cheniers, to reduce damages from storm surge; (3) measures protecting, restoring or increasing wetlands to prevent saltwater intrusion or reduce storm surge; (4) measures reducing risk of storm damage to communities by preventing or reducing wetland losses in areas affected by navigation, oil and gas and other manmade channels; (5) creation of barrier islands to serve as the first line of defense against storms and reduce storm surge; (6) nonstructural measures such as raising structures in-place, relocating structures, buyouts, flood proofing and policy development.

3. *Alternatives*. Hurricane protection and surge reduction measures being considered include multi-parish levee alignments, ring levees, ridges, and breakwaters to provide multiple lines of defense. Coastal restoration measures being considered include restoration of Cheniers, creation of barrier islands, large-scale marsh creation and restoration, salinity control, hydrologic restoration, and restoration of natural features to prevent/reduce storm surge. Non-structural measures include raising structures in-place, property buyouts, relocations of residents and communities, flood-proofing and hardening of infrastructure. Once hurricane protection, storm surge risk reduction and coastal restoration measures are identified, alternative plans will be developed through various combinations of measures that best meet the study goals and objectives and are determined to be cost-effective, environmentally acceptable and technically feasible.

3. *Public Involvement*. Stakeholder and public involvement for this proposed action is integral to the project. Interested parties, concerned citizens, and other State and Federal agencies, private and not for profit or non-governmental organizations are strongly encouraged to participate in the development of the proposed action. Stakeholder and public meetings would be held throughout project development. Meeting announcements would be made as information becomes available.

4. *Public Scoping Meeting*. Scoping is the process utilized for determining the range of alternatives and significant issues to be addressed in the EIS. For this study, a letter will be mailed to all parties believed to have an interest in the analysis. The letter will notify interested parties of public scoping meetings that will be held in the local

area and request their input on alternatives and issues to be evaluated. Notices will also be mailed to local news media. All interested parties are invited to comment at this time, and anyone interested in this study should request inclusion in the study mailing list. A public scoping meeting will be held March 24, 2009 from 6–9 p.m. in Cameron, Louisiana, March 25, 2009 from 6–9 p.m. in Lake Charles, Louisiana and March 26, 2009 from 6–9 p.m. in Abbeville, LA. The exact location and address for the meetings will be announced through local media channels. Additional meetings could be held, depending upon public interest and if it is determined that further public coordination is warranted.

5. *Significant Issues*. Tentatively, the important resources and issues that would be evaluated in the EIS include but are not limited to tidal wetlands (marshes and swamps), aquatic resources, commercial and recreational fisheries, wildlife resources, essential fish habitat, water quality, air quality, threatened and endangered species and critical habitat, recreation resources, and cultural resources. Socioeconomic items to be evaluated in the EIS include navigation; flood protection; business and industrial activity; oil and gas pipelines; employment; land use; property values; public/community facilities and services; tax revenues; population, community and regional growth; transportation; housing; community cohesion; environmental justice, aesthetics and noise.

6. *Environmental Consultation and Review*. The U.S. Fish and Wildlife Service (USFWS) will assist in documenting existing conditions and assessing effects of project alternatives through the Fish and Wildlife Coordination Act consultation procedures. The USFWS will provide a Fish and Wildlife Coordination Act report. Consultation will be accomplished with the USFWS and the National Marine Fisheries Service (NMFS) concerning threatened and endangered species and their critical habitat. The NMFS will be consulted regarding the effects of this proposed action on Essential Fish Habitat. The draft EIS or a notice of its availability will be distributed to all interested agencies, organizations, and individuals.

7. *Estimated Date of Availability*. The earliest that the DEIS is expected to be available is March of 2010.

Dated: February 18, 2009.

Alvin B. Lee,

Colonel, U.S. Army, District Engineer.

[FR Doc. E9–4202 Filed 2–26–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Integrated Feasibility Report and Draft Environmental Impact Statement for the Southwest Florida Feasibility Study/Watershed Plan, Lee, Collier, Charlotte, Hendry, Glades, and Monroe Counties, FL

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps), Jacksonville District, intends to prepare an integrated Feasibility Report/Draft Environmental Impact Statement (FR/DEIS) for the Southwest Florida Feasibility Study/Watershed Plan. The study is a cooperative effort between the Corps and the South Florida Water Management District (SFWMD), which is also a cooperating agency for this DEIS. The goal of the Southwest Florida Feasibility Study is to produce a regional restoration plan that addresses water resources issues within all watersheds in southwest Florida. It is intended that this plan will meet many of the ecological and hydrological restoration needs of southwest Florida. The problems which will be addressed in this study include loss of natural ecosystems and landscape connectivity/degradation of wildlife habitat, altered, unnatural freshwater flows to wetlands and estuaries (altered surface water hydrology), and water quality degradation in surface waters.

ADDRESSES: U.S. Army Corps of Engineers, Planning Division, Environmental Branch, P.O. Box 4970, Jacksonville, FL 32232–0019.

FOR FURTHER INFORMATION CONTACT: Ms. Angela Dunn, by telephone at 904–232–2108, or e-mail at *angela.e.dunn@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

a. *Authorization:* The Southwest Florida Feasibility Study (SWFFS), along with the Central and South Florida Project Comprehensive Review study (Restudy), is authorized by Section 309(l) of the Water Resources Development Act of 1992 (Pub. L. 102–580) and is also authorized by two resolutions of the Committee on Transportation and Infrastructure, United States House of Representatives, dated September 24, 1992. The Restudy proposed several new feasibility studies, which included the SWFFS, to allow a more thorough investigation into subjects that were considered related to but beyond the scope of the Restudy.

b. *Study Area:* The study area covers approximately 4,300 square miles. It encompasses all of Lee County and portions of Collier, Charlotte, Hendry, Glades, and Monroe Counties.

c. *Project Scope:* The scope includes conducting a watershed assessment of the study area and developing a watershed plan for stakeholder utilization, additional landscape connectivity for endangered species, and maintenance of natural hydrology. The assessment will investigate the southwest Florida region and its hydrology and natural landscape in greater detail than was developed in the Restudy. The evaluation of the alternatives and selection of a recommended plan will be documented in the FR/EIS. The alternative plans will be reviewed under provisions of appropriate laws and regulations, including the Endangered Species Act, Fish and Wildlife Coordination Act, Clean Water Act, and Farmland Protection Policy Act.

d. *Preliminary Alternatives:* The alternatives analyzed in this feasibility investigation are a combination of structural and non-structural measures addressing the following objectives: The health of aquatic and upland ecosystems; the quantity, quality, timing, and distribution of water flows; agricultural, environmental, and urban water supply; the sustainability of economic and natural resources; flood protection; fish and wildlife; biological diversity; and natural habitat in southwest Florida. Alternatives were developed to address these objectives. These alternatives include a plan of no action and various combinations of structural and non-structural measures within the watersheds of the study area.

e. *Issues:* The EIS will analyze the following project objectives: Establish total freshwater inflows to coastal estuaries within project area to within 10% of the pre-development natural system flow quantity conditions; decrease loss of habitat connectivity for large mammals throughout the project area by 20%; reduce average annual total nitrogen loads to project area. In addition, the EIS will analyze: Impacts to aquatic and wetland habitats; water flows; hazardous and toxic waste; water quality; flood protection; the impacts of land acquisition on the tax base; aesthetics and recreation; fish and

wildlife resources, including protected species; cultural resources; and other impacts identified through scoping, public involvement and interagency coordination.

f. *Scoping:* An initial scoping letter was sent to stakeholders in the southwest Florida region in April, 2006, as notification of the initiation of a Feasibility Study to address the water resource problems in southwest Florida. An additional scoping letter will be used to invite comments on alternatives and issues from Federal, State, and local agencies, affected Indian tribes, and other interested private organizations and individuals.

g. *DEIS Preparation:* The integrated Feasibility Report, including a DEIS, is currently estimated for publication in late 2009.

Dated: February 18, 2009.

Eric P. Summa,

Chief, Environmental Branch.

[FR Doc. E9–4199 Filed 2–26–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: U.S. Department of Energy.

ACTION: Notice and Request for OMB Review and Comment.

SUMMARY: The Department of Energy (DOE) has submitted to the Office of Management and Budget (OMB) for clearance a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The proposed collection will enable DOE to have current knowledge of Federal employees and contractors conducting foreign travel to a non U.S. territory on the behalf of DOE. Information gathered will include dates of travel, destination, purpose, and after-hour contact information in case of emergency.

DATES: Comments regarding this collection must be received on or before 30 days after date of publication in the **Federal Register**. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4650.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street, NW., Washington, DC 20503.

And to Julie Squires by fax at (202) 586–0406 or by e-mail at *julie.squires@hq.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Julie Squires at *julie.squires@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. {''New''}; (2) Information Collection Request Title: Records, and secures approval of all foreign travel conducted by DOE federal employees and contractors. The system allows DOE to have full accountability of all travel and in cases of emergency DOE is able to quickly retrieve information as to who is traveling, where the individual is traveling, and the dates of travel. Information gathered is listed under three categories: (1) Traveler Information which requests traveler's name, passport information, site, position, and contact information, (2) General Trip Information which consists of estimated travel costs, and (3) Trip Itinerary Information which consists of destination, dates of travel, and purpose, (5) Type of Respondents: DOE Federal employees and contractors traveling on behalf of DOE (6) Estimated Annual Number of Respondents: 8,313; (7) Estimated Annual Number of Burden Hours: 4228; (8) Estimated Annual Cost Burden: None.

Authority: DOE Order 551.1C (Jun. 24, 2008), regarding ''Official Foreign Travel.''

Issued in Washington, DC on February 20, 2009.

Julie Squires,

Acting Director, Office of Management, Office of International Travel and Exchange Visitor Programs.

[FR Doc. E9–4217 Filed 2–26–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–350]

Application To Export Electric Energy; Saracen Power LLC

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

ACTION: Notice of Application.

SUMMARY: Saracen Power LLC (Saracen Power) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or requests to intervene must be submitted on or before March 30, 2009.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–586–5860).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the FPA (16 U.S.C. 824a(e)).

On February 15, 2009, DOE received an application from Saracen Power for authority to transmit electric energy from the United States to Canada as a power marketer. Saracen Power is a Texas limited partnership with its principal place of business in Houston, TX. Saracen has requested an electricity export authorization with a 5-year term. Saracen Power does not own any electric transmission facilities nor does it hold a franchised service area. The electric energy which Saracen Power proposes to export to Canada would be surplus energy purchased from electric utilities, Federal power marketing agencies, and other entities within the United States.

Saracen Power proposes to export electric energy to Canada and to arrange for the delivery of those exports over the international transmission facilities presently owned by Bangor Hydro-Electric Company, Basin Electric Power Cooperative, Bonneville Power Administration, Eastern Maine Electric Cooperative, International Transmission Co., Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Inc., Minnkota Power Cooperative, Inc., New York Power Authority, Niagara Mohawk Power Corp., Northern States Power Company, Sea Breeze Olympic Converter, Vermont Electric Power Company, and Vermont Electric Transmission Company.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by Saracen Power was previously authorized by a Presidential

permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each comment, petition, and protest should be filed with DOE on or before the dates listed above.

All filings in this proceeding should be clearly marked with Docket No. EA–350. Additional copies are to be filed directly with Allison P. Duensing, Assistant General Counsel, The Saracen Group of Companies, Five Greenway Plaza, Suite 1310, Houston, TX 77040 *and* Daniel E. Frank, Sutherland Asbill & Brennan LLP, 1275 Pennsylvania Avenue, NW., Washington, DC 20004–2415.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of these applications will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://oe.energy.gov/permits.htm,* or by e-mailing Odessa Hopkins at *odessa.hopkins@hq.doe.gov.*

Issued in Washington, DC, on February 23, 2009.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E9–4216 Filed 2–26–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13313–000]

BPUS Generation Development LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

February 20, 2009.

On October 31, 2008, BPUS Generation Development LLC (BPUS Generation) filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Lake Roosevelt Pumped Storage Project. The project would be located on federal lands in Ferry, Grant and Okanogan Counties in Washington State, approximately 40 miles northwest of the Town of Nespelem, Washington, and 38 miles southwest of the Town of Northport, Washington, and would utilize the U.S. Bureau of Reclamation's Lake Roosevelt Dam.

The proposed project would use the U.S. Bureau of Reclamation's Lake Roosevelt Dam as its lower reservoir and would consist of: (1) An upper reservoir with a surface area of approximately 123 acres at a normal water surface elevation ranging from 2,780 to 2,880 feet m.s.l.; (2) a proposed powerhouse containing 4 generating units having a total installed capacity of 1,310 megawatts, (3) a proposed intake structure, (4) a proposed 50-mile-long, 500 kV transmission line, and (5) appurtenant facilities. The project would have an annual generation of approximately 3,750 gigawatt-hours that would be sold to a local utility.

Applicant Contact: BPUS Generation—Mr. Jeffrey M. Auser, P.E., BPUS Generation Development LLC, 225 Greenfield Parkway, Suite 201, Liverpool, NY 13088; phone: 315–413–2821. *FERC Contact:* Tom Papsidero, 202–502–6002.

Deadline for filing comments, motions to intervene, competing applications, or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp.* More information about this project can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13313–000) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4162 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12751–006]

Finavera Renewables Ocean Energy, Ltd.; Notice of Application for Surrender of License and Soliciting Comments, Motions To Intervene, and Protests

February 20, 2009.

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

a. *Application Type:* Surrender of License.

b. *Project No.:* 12751–006.

c. *Date Filed:* February 6, 2009.

d. *Applicant:* Finavera Renewables Ocean Energy, Ltd.

e. *Name of Project:* Makah Bay Offshore Wave Energy Pilot Project.

f. *Location:* The project is located in the Pacific Ocean in Makah Bay, about 1.9 nautical miles offshore of Waatch Point in Clallam County, Washington.

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

h. *Applicant Contact:* Mr. Thomas C. Jensen, Sonnenschein Nath & Rosenthal LLP, 1301 K Street, NW., Suite 600 East, Washington, DC 20005, (202) 408–6400, e-mail *tjensen@sonnenschein.com.*

i. *FERC Contact:* Patricia W. Gillis, Telephone (202) 502–8735.

j. *Deadline for filing comments, motions to intervene, and protests:* 45 days from the issuance date of this notice. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

k. *Description of Request:* The licensee filed an application to surrender its license for the unconstructed Makah Bay Offshore Wave Energy Pilot Project. The Licensee has not commenced construction of the project. No ground disturbing activities have occurred. Additionally, no work or construction on the conversion buoys or the shore station, roads, or transmission facilities has commenced.

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'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. 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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. *e-Filing:* Motions to intervene, protests, and comments may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4179 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–63–000]

Tennessee Gas Pipeline Company; Notice of Application

February 20, 2009.

Take notice that on February 9, 2009, Tennessee Gas Pipeline Company (Tennessee), 1001 Louisiana Houston, Texas 77002, filed in the above referenced docket an abbreviated application pursuant to section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, for an order approving the abandonment of three pipeline segments that cross the Mississippi River in East Carroll Parish, Louisiana, and Issaquena County, Mississippi. The project named The Mississippi River Levee Abandonment Project includes the abandonment and removal of an associated side valve and aboveground appurtenances, 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, Tennessee proposes to (a) abandon in place the portion of the pipeline segments that lie between the east and west levees and across the Mississippi River, and (b) abandon by removal the portion of the pipeline segments that lie within the east and west levees, as well as a side valve and associated aboveground piping located within the east levee. The overall length of each line to be abandoned by removal and in place is approximately 4.17 miles.

Any questions concerning this application may be directed to Susan T. Halbach, Senior Counsel, Tennessee Gas Pipeline Company, 1001 Louisiana Houston, Texas 77002, phone: (713) 420–5751, fax: (713) 420–1601, e-mail: *susan.halbach@elpaso.com* or Kathy Cash, Principal Analyst, Rates and Regulatory Affairs, Tennessee Gas Pipeline Company 1001 Louisiana Houston, TX 77002, phone: (713) 420–3290, fax: (713) 420–1605, e-mail: *kathy.cash@elpaso.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 its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

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

However, a person does not have to intervene in order to have comments considered. The second way to

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

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental 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 on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: March 13, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4163 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

February 19, 2009.

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

Docket Numbers: EG09–28–000.
Applicants: RPL Holdings, Inc.
Description: RPL Holdings, Inc. submits notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 02/17/2009.
Accession Number: 20090218–0171.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 10, 2009.

Docket Numbers: EG09–29–000.
Applicants: Reliant Energy Florida, LLC.
Description: Reliant Energy Florida, LLC submits a Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 02/17/2009.
Accession Number: 20090218–0170.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 10, 2009.

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

Docket Numbers: ER98–4512–006.
Applicants: Consolidated Water Power Company.
Description: Consolidated Water Power Co. submits supplements to their request to replace the FERC Electric Tariff, Original Volume 1, Second Revised Sheet 1 *et al.*
Filed Date: 02/12/2009.
Accession Number: 20090218–0135.
Comment Date: 5 p.m. Eastern Time on Friday, February 27, 2009.

Docket Numbers: ER03–428–008.
Applicants: ConocoPhillips Company.
Description: ConocoPhillips Company submits an updated market power analysis for the Southeast Region.
Filed Date: 02/17/2009.
Accession Number: 20090218–0151.
Comment Date: 5 p.m. Eastern Time on Monday, April 20, 2009.

Docket Numbers: ER03–563–065.
Applicants: Devon Power LLC.
Description: ISO New England, Inc. *et al.* submits their Compliance Statement re New England's capacity market design.
Filed Date: 02/17/2009.
Accession Number: 20090218–0153.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 10, 2009.

Docket Numbers: ER06–787–007.
Applicants: Idaho Power Company.
Description: Idaho Power Co. submits revisions to its rate schedule reflecting the Commission's findings in the 1/15/09 Order.
Filed Date: 02/17/2009.
Accession Number: 20090218–0166.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 10, 2009.

Docket Numbers: ER07–1356–004; ER07–1112–003; ER07–1113–003; ER07–1115–003; ER07–1116–003; ER07–1117–003; ER07–1358–004; ER07–1118–003; ER07–1119–003; ER07–1120–003; ER07–1122–003; ER00–2885–019; ER01–2765–018; ER02–1582–016; ER08–148–003; ER05–1232–011; ER02–1582–016; ER02–2102–018; ER03–1283–013.
Applicants: BE Alabama LLC; BE Allegheny LLC; BE CA LLC; BE Colquitt LLC; BE Ironwood LLC; BE KJ LLC; BE Louisiana LLC; BE Rayle LLC; BE Red Oak LLC; BE Satilla LLC; BE Walton LLC; Cedar Brakes I, L.L.C.; Cedar Brakes II, LLC; Mohawk River Funding IV, L.L.C.; CENTRAL POWER & LIME INC; J.P. Morgan Ventures Energy Corporation; Mohawk River Fund IV, L.L.C.; Utility Contract Funding, L.L.C.; Vineland Energy LLC.
Description: JP Morgan Companies submits response to recent request from Commission Staff re the updated compliance filing that was submitted on 11/13/08.
Filed Date: 02/04/2009.
Accession Number: 20090210–0040.
Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER09–539–001.
Applicants: Aspire Capital Management LLC.
Description: Aspire Capital Management LLC submits Amended Petition for Acceptance of Initial Tariff, Waiver and Blanket Authority *et al.*
Filed Date: 02/17/2009.
Accession Number: 20090218–0054.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 10, 2009.

Docket Numbers: ER09–687–000.
Applicants: Florida MSW LLC.
Description: Florida MSW, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0165.
Comment Date: 5 p.m. Eastern Time on Friday, March 06, 2009.

Docket Numbers: ER09–688–000.
Applicants: Florida MSW5 LLC.
Description: Florida MSW5, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0164.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–689–000.
Applicants: Florida MSW3 LLC.

Description: Florida MSW3, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0163.
Comment Date: 5 p.m. Eastern Time on Friday, March 06, 2009.

Docket Numbers: ER09–690–000.
Applicants: Florida MSW4 LLC.
Description: Florida MSW4, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0162.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–691–000.
Applicants: Florida MSW2 LLC.
Description: Florida MSW2, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0161.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–692–000.
Applicants: Marshall County/Holly Springs MSW LLC.
Description: Marshall County/Holly Springs MSW, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0160.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–693–000.
Applicants: Kentucky MSW1 LLC.
Description: Kentucky MSW1, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0159.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–694–000.
Applicants: Kentucky MSW2 LLC.
Description: Kentucky MSW2, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0158.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–695–000.
Applicants: Ohio MSW1 LLC.
Description: Ohio MSW1, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0157.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–696–000.
Applicants: New Mexico MSW2 LLC.
Description: New Mexico MSW2, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0156.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–697–000.
Applicants: Utah MSW1 LLC.
Description: Utah MSW1, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0155.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–698–000.
Applicants: New Mexico MSW1 LLC.
Description: New Mexico MSW1, LLC submits petition for acceptance of initial tariff, waivers and blanket authority (FERC Electric Tariff, Original Volume 1).
Filed Date: 02/13/2009.
Accession Number: 20090218–0154.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–699–000.
Applicants: Oregon MSW1 LLC.
Description: Oregon MSW1, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0167.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–700–000.
Applicants: Minnesota MSW1 LLC.
Description: Minnesota MSW1, LLC submits petition for acceptance of their FERC Electric Tariff, Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090218–0168.
Comment Date: 5 p.m. Eastern Time on Friday, March 6, 2009.

Docket Numbers: ER09–701–001.
Applicants: PJM Interconnection L.L.C.
Description: PJM Interconnection, LLC submits an errata filing, Second Revised Sheet 74 has been corrected to reflect a designation of Third Revised Sheet 74, Superseding Second Revised Sheet 74 etc.
Filed Date: 02/17/2009.
Accession Number: 20090218–0055.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 10, 2009.

Docket Numbers: ER09–723–000.
Applicants: American Transmission Company, LLC.
Description: American Transmission Company LLC submits executed Distribution-Transmission Interconnection Agreement with ATCLLC and Escanaba Municipal Electric Utility.
Filed Date: 02/17/2009.
Accession Number: 20090218–0052.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 10, 2009.

Docket Numbers: ER09–724–000.
Applicants: Wisconsin Electric Power Company.
Description: Wisconsin Electric Power Company submits Notice of Termination of FERC Electric Tariff, Rate Schedule 119 with Northern States Power Company.
Filed Date: 02/17/2009.
Accession Number: 20090218–0051.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 10, 2009.

Docket Numbers: ER09–725–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits for filing revised rate sheets to the Small Generator Interconnection Agreement *et al.* with the County Sanitation Districts of Los Angeles County *et al.*
Filed Date: 02/17/2009.
Accession Number: 20090218–0053.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 10, 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. E9–4218 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

February 23, 2009.

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

Docket Numbers: RP96–320–099.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits capacity release agreement containing negotiated rate provisions with Texla Energy Management, Inc.

Filed Date: 02/19/2009.

Accession Number: 20090220–0289.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Docket Numbers: RP03–221–012.

Applicants: High Island Offshore System, LLC.

Description: High Island Offshore System, LLC submits Seventh Revised Sheet 10 to FERC Gas Tariff, Third Revised Volume 1.

Filed Date: 02/17/2009.

Accession Number: 20090218–0056.

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

Docket Numbers: RP07–125–003.

Applicants: Columbia Gulf Transmission Company.

Description: Columbia Gulf Transmission Co submits its annual report of its operational purchases and sales of natural gas for the 12 months ended 12/31/08.

Filed Date: 02/18/2009.

Accession Number: 20090219–0285.

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

Docket Numbers: RP07–449–002.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission, LLC submits its annual report of its operational purchases and sales of natural gas for the 12 months ended 12/31/08.

Filed Date: 02/18/2009.

Accession Number: 20090219–0283.

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

Docket Numbers: RP09–369–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: Midcontinent Express Pipeline, LLC submits their Negotiated Rate Transportation Service Agreements and Substitute Original Sheet 2 et al to FERC Gas Tariff, Original Volume 1.

Filed Date: 02/17/2009.

Accession Number: 20090218–0150.

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

Docket Numbers: RP09–370–000.

Applicants: Hardy Storage Company, LLC.

Description: Hardy Storage Co, LLC submits Second Revised Sheet No. 10 to FERC Gas Tariff, Original Volume No. 1, effective 4/1/09 under RP09–370.

Filed Date: 02/18/2009.

Accession Number: 20090219–0284.

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

Docket Numbers: RP09–371–000.

Applicants: Crossroads Pipeline Company.

Description: Crossroads Pipeline Company submits Tenth Revised Sheet 6 to its FERC Gas Tariff, First Revised Volume 1, to be effective 4/1/09.

Filed Date: 02/19/2009.

Accession Number: 20090220–0286.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Docket Numbers: RP09–372–000.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Transmission Company submits for filing Twentieth Revised Sheet 5 et al to its FERC Gas Tariff, Second Revised Volume 1, to be effective 4/1/09.

Filed Date: 02/19/2009.

Accession Number: 20090220–0287.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Docket Numbers: RP09–373–000.

Applicants: Freebird Gas Storage, LLC.

Description: Freebird Gas Storage, LLC submits First Revised Sheet 116 to its FERC Gas Tariff, First Revised Volume 1, to be effective 3/20/09.

Filed Date: 02/19/2009.

Accession Number: 20090220–0288.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Docket Numbers: RP09–374–000.

Applicants: Kern River Gas Transmission Company.

Description: Petition of Kern River Gas Transmission Company for a Grant of Limited Waiver of Capacity Release Regulations.

Filed Date: 02/19/2009.

Accession Number: 20090219–5087.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 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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call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–4219 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

February 24, 2009.

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

Docket Numbers: RP96–320–100.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits a capacity release agreement containing negotiated rate provisions executed by Gulf South and Texla Energy Management, Inc.
Filed Date: 02/20/2009.
Accession Number: 20090223–0016.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–306–001.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits Sub. Fifth Revised Sheet 161 of its FERC Gas Tariff, Second Revised Volume 1, to be effective 1/30/08.
Filed Date: 02/20/2009.
Accession Number: 20090223–0015.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–375–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits Fourteenth Revised Sheet 281 *et al.* to FERC Gas Tariff Second Revised Volume 1, to be effective 3/23/09.
Filed Date: 02/20/2009.
Accession Number: 20090223–0013.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–376–000.
Applicants: Sabine Pipe Line LLC.
Description: Sabine Pipe Line request for temporary waiver of certain tariff provisions and Commission Regulations.
Filed Date: 02/20/2009.
Accession Number: 20090223–0011.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–377–000.
Applicants: Chandeleur Pipe Line Company.
Description: Chandeleur Pipe Line Company submits Second Revised Sheet 42 to be incorporated into FERC Gas Tariff, Second Revised Volume 1, to be effective 3/34/09.
Filed Date: 02/20/2009.
Accession Number: 20090223–0014.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–378–000.
Applicants: Sabine Pipe Line LLC.
Description: Sabine Pipe Line submits First Revised Sheet 287 as part of Original Volume 1 of Sabine's FERC Gas Tariff, to be effective 3/1/09.
Filed Date: 02/20/2009.
Accession Number: 20090223–0012.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–379–000.
Applicants: Viking Gas Transmission Company.
Description: Viking Gas Transmission Company submits Twenty-Fifth Revised Sheet 5B of FERC Gas Tariff, First Revised Volume 1, to be effective 4/1/09.
Filed Date: 02/20/2009.
Accession Number: 20090223–0023.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–380–000.
Applicants: Viking Gas Transmission Company.
Description: Viking Gas Transmission Company submits Fourteenth Revised Sheet 5C of its FERC Gas Tariff First Revised Volume 1, to be effective 4/1/09.
Filed Date: 02/20/2009.
Accession Number: 20090223–0022.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–381–000.
Applicants: ANR Pipeline Company.
Description: ANA Pipeline Company submits Fifth Revised Sheet 101 *et al.* to FERC Gas Tariff, Second Revised Volume 1, to be effective 4/1/09.
Filed Date: 02/20/2009.
Accession Number: 20090223–0017.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–382–000.
Applicants: ANR Storage Company.
Description: ANR Storage Company submits Fourth Revised Sheet 131 *et al.* to FERC Gas Tariff, Original Volume 1, to be effective 4/1/09.
Filed Date: 02/20/2009.
Accession Number: 20090223–0018.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–383–000.
Applicants: Blue Lake Gas Storage Company.
Description: Blue Lake Gas Storage Company submits Third Revised Sheet 131 *et al.* to its FERC Gas Tariff, First Revised Volume 1, to be effective 4/1/09.
Filed Date: 02/20/2009.
Accession Number: 20090223–0019.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–384–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits a potentially non-conforming discounted rate agreement under Rate Schedule FTS executed by Gulf South and its customer.
Filed Date: 02/20/2009.
Accession Number: 20090223–0020.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

Docket Numbers: RP09–385–000.
Applicants: Caledonia Energy Partners, LLC.
Description: Caledonia Energy Partners, LLC submits First Revised Sheet 43 *et al.* of its FERC Gas Tariff, First Revised Volume 1, to be effective 3/23/09.
Filed Date: 02/20/2009.
Accession Number: 20090223–0021.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 4, 2009.

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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. E9–4222 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM01–5–000]

Electronic Tariff Filings; Notice of Posting of Information and Establishment of RSS Feed

February 23, 2009.

In Order No. 714,[1] the Commission adopted regulations requiring that, as of April 1, 2010, tariff and tariff related filings must be made electronically according to a set of protocols and standards. A Web site (*http://www.ferc.gov/docs-filing/etariff.asp*) and an e-mail address (*etariff@ferc.gov*) have been established to provide information, and respond to questions, about the protocols and standards.

The information on the Web site needs to be updated and revised from time to time. Answers to the questions received through e-mail also may be of value to software providers and companies other than the requester. In order to ensure that all vendors and providers have access to this information, the questions and answers will be posted on the Web site under the ''Staff's Response to Discussion Questions'' link. Similar questions may be grouped together with a single response.

The following revised documents are being posted: Preliminary FERC eTariff Rules Table, Type of Filing, Attachment Reference Code, and Staff's Response to Discussion Questions. The Staff's Response to Discussion Questions has been revised to organize better the previous information posted with respect to the December 3, 2008 technical conference and to add additional information. In addition, the dates on which each item is revised will be listed so that viewers can more easily determine the new items that have been added as the document is revised.

Because these documents will be updated and revised on a regular basis, a Secretary's Notice will not be published for every change made on the eTariff Web site. Instead, an RSS feed has been established for the Web site so that software companies and vendors can be alerted when information on the site is revised. Anyone may subscribe to the RSS feed which is located at *http://www.ferc.gov/xml/etariff.xml*.

For further information, please contact Keith Pierce at 202–502–8525 or by sending an e-mail to *ETariff@ferc.gov*.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4245 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

[1] *Electronic Tariff Filings,* Order No. 714, 73 FR 57515 (Oct. 3, 2008), 124 FERC ¶ 61,270 (Sept. 19, 2008).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP04–47–001 and CP05–396–001]

Sabine Pass LNG, L.P.; Notice of Availability of the Environmental Assessment for the Proposed Sabine Pass LNG Export Project

February 23, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the liquefied natural gas (LNG) facilities proposed by Sabine Pass LNG, L.P. (Sabine Pass) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. 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.

In order to operate its facility for the purpose of exporting LNG, Sabine Pass is proposing to modify four 24-inch diameter check valves located on Transfer Arms A and D on the East and West Jetty Platforms. The modifications to the check valves would allow LNG to flow in the direction for ship loading from the LNG Storage Tanks.

The terminal operations currently utilize the Phase I facilities under Docket CP04–47–000. Until the Phase II facilities under Docket CP05–396–000 are fully operational, LNG export operations would be limited to one transfer arm at a maximum rate of 6,000 cubic meters per hour (m^3/hr). Once the Phase II facilities are fully operational, two transfer arms on one Jetty would be used for exporting LNG at a loading rate of 12,000 m^3/hr.

The terminal would be able to operate in a dual import/export capacity or solely as an import terminal depending on market conditions. In a dual operational capacity that utilizes Phase I and II facilities, one jetty would be dedicated for loading and the other for unloading. However, the valve modifications and unloading arms would not be permanent and could either be returned to full unloading or kept in-place to allow for dual import/export functionality.

No other modifications to equipment, plant processes, or safety systems would be required to facilitate export operations. Additionally, no new environmental resources and no new stakeholders would be affected.

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 Federal, State, and local agencies; public interest groups; interested individuals and affected landowners; newspapers and libraries; 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.

You can make a difference by providing us with your specific comments or concerns about the Sabine Export Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in Washington, DC on or before March 23, 2009.

For your convenience, there are three methods in which you can use to submit your comments to the Commission. In all instances please reference the project docket numbers CP04–47–001 and CP05–396–001 with your submission. The docket number can be found on the front of this notice. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov*.

(1) You may file your comments electronically by using the Quick Comment feature, which is located on the Commission's Internet Web site at *http://www.ferc.gov* under the link to Documents and Filings. A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's Internet Web site at *http://www.ferc.gov* under the link to Documents and Filings. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on ''Sign up'' or ''eRegister.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing;'' or

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426; Label one copy of the comments for the attention of Gas Branch 2, PJ11.2.

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 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm*.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4247 Filed 2–26–09; 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

[Docket No. ID–5975–000]

Currin, Earl C., Jr.; Notice of Filing

February 20, 2009.

Take notice that on February 13, 2009, Earl C. Currin, Jr. submitted for filing, an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) (2008), Part 45 of Title 18 of the Code of Federal Regulations, 18 CFR Part 45 (2008), and Commission Order No. 664 (2005).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4178 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–687–000]

Florida MSW LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Florida MSW LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to

intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4165 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–691–000]

Florida MSW2, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 23, 2009.

This is a supplemental notice in the above-referenced proceeding of Florida MSW2 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 16, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4246 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–689–000]

Florida MSW3 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Florida MSW3 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC

Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4167 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–690–000]

Florida MSW4 LLC; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Florida MSW4 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4168 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–688–000]

Florida MSW5 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Florida MSW5 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4166 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–693–000]

Kentucky MSW1 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Kentucky MSW1 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of

future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4170 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–694–000]

Kentucky MSW2 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Kentucky MSW2 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4171 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–692–000]

Marshall County/Holly Springs MSW LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Marshall County/Holly Springs MSW LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a

document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4169 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–700–000]

Minnesota MSW1 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Minnesota MSW1 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4177 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–698–000]

New Mexico MSW1 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of New Mexico MSW1 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4175 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–696–000]

New Mexico MSW2 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of New Mexico MSW2 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard

to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4173 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–695–000]

Ohio MSW1 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Ohio MSW1 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4172 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–699–000]

Oregon MSW1 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Oregon MSW1 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC

Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4176 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–697–000]

Utah MSW1 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 20, 2009.

This is a supplemental notice in the above-referenced proceeding of Utah MSW1 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2009.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4174 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–64–000]

El Paso Natural Gas Company; Notice of Request Under Blanket Authorization

February 20, 2009.

Take notice that on February 11, 2009, El Paso Natural Gas Company (EPNG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP09–64–000, a prior notice request pursuant to sections 157.205 and 157.208 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act for authorization to increase the certificated Maximum Allowable Operating Pressure (MAOP) of a segment of a 10¾-inch diameter 10.3 mile segment of the Tucson-Phoenix Line (Line No. 1007), located in Pima County, Arizona, and to thereafter operate the pipeline segment at the higher pressure, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, EPNG proposes to increase the MAOP of the 10.3-mile segment of Line No. 1007 from the current MAOP of 350 psig to the requested 650 psig. EPNG states that the increase in MAOP of this segment of the line is to address in-line inspection tool problems experienced by EPNG. EPNG proposes to replace certain pipeline bends and chill rings that have jammed the in-line inspection tool during past inspections. EPNG also proposes to subsequently hydrostatically test the pipeline segment to allow for the higher MAOP. EPNG estimates the cost to uprate the MAOP including the pipe replacements and hydrostatic testing to be $3 million. EPNG asserts that the MAOP uprate project will not change the operational or capacity characteristics of the pipeline segment.

Any questions regarding the application should be directed to Richard Derryberry, Director, Regulatory Affairs Department, El Paso Natural Gas Company, Post Office Box 1087, Colorado Springs, Colorado 80944, or call (719) 520–3782.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4164 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD09–4–000]

Integrating Renewable Resources Into the Wholesale Electric Grid: Supplemental Notice of Technical Conference

February 20, 2009.

In a Notice of Technical Conference issued February 4, 2009, the Federal Energy Regulatory Commission announced that it would host a technical conference on March 2, 2009, from 9 a.m. to 5 p.m. (EST) in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The conference will be open for the public to attend and advance registration is not required. Members of the Commission will attend and participate in the conference.

The purpose of this conference is to seek information on the challenges posed by integration of large amounts of variable renewable generation into wholesale markets and grids as well as on innovative solutions to these challenges. Attached with this supplemental notice is an agenda with a list of questions for the panel discussions and the names of panelists.

The Commission welcomes industry comments on this subject. The deadline for comments under this docket is April 30, 2009.

A free webcast of the meeting/conference is available through *http://www.ferc.gov.* Anyone with Internet access who desires to listen to this event can do so by navigating to *http://www.ferc.gov*'s Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the webcasts and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or call 703–993–3100.

Transcripts of the conference will be available immediately for a fee from Ace Reporting Company (202–347–3700 or 1–800–336–6646). They will be available for free on the Commission's eLibrary system and on the Calendar of Events approximately one week after the conference.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or (202) 208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this conference, please contact: Sarah McKinley at *sarah.mckinley@ferc.gov,* (202) 502–8368.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–4180 Filed 2–26–09; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2006–0361, FRL–8777–7]

Agency Information Collection Activities; Proposed Collection; Comment Request; Trade Secret Claims for Emergency Planning and Community Right-to-Know Information; EPA ICR No. 1428.08, OMB Control No. 2050–0078

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on August 31, 2009. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 28, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–2006–0361 by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: superfund.docket@epa.gov.*
- *Fax:* (202) 566–0224.
- *Mail:* Superfund Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* Docket Center, EPA West Bldg, Room 3334, 1301 Constitution Avenue, NW., Washington DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–SFUND–2006–0361. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Sicy Jacob, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–8019; fax number: (202) 564–2620; e-mail address: *jacob.sicy@epa.gov.*

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–SFUND–2006–0361, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone

number for the Superfund Docket is 202–566–1744.

Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider when I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does this Apply to?

Docket ID No. EPA–HQ–SFUND–2006–0361.

Affected entities: Entities potentially affected by this action are manufacturers or non-manufacturers subject to reporting under Sections 303, 311/312 or 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

Title: Trade Secret Claims for Emergency Planning and Community Right-to-Know Information.

ICR number: EPA ICR No. 1428.08, OMB Control No. 2050–0078.

ICR status: This ICR is currently scheduled to expire on August 31, 2009. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This information collection request pertains to trade secrecy claims submitted under Section 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). EPCRA contains provisions requiring facilities to report to State and local authorities, and EPA, the presence of extremely hazardous substances (described in Section 302), inventory of hazardous chemicals (described in Sections 311 and 312) and manufacture, process and use of toxic chemicals (described in Section 313). Section 322 of EPCRA allows a facility to withhold the specific chemical identity from these EPCRA reports if the facility asserts a claim of trade secrecy for that chemical identity. The provision establishes the requirements and procedures that facilities must follow to request trade secrecy treatment of chemical identities, as well as the procedures for submitting public petitions to the Agency for review of the ''sufficiency'' of trade secrecy claims.

Trade secrecy protection is provided for specific chemical identities contained in reports submitted under each of the following EPCRA sections: (1) 303(d)(2)—Facility notification of changes that have or are about to occur, (2) 303(d)(3)—Local Emergency Planning Committee (LEPC) requests for facility information to develop or implement emergency plans, (3) 311—Material Safety Data Sheets (MSDSs) submitted by facilities, or lists of those chemicals submitted in place of the MSDSs, (4) 312—Tier II emergency and hazardous chemical inventory forms, and (5) 313 Toxic chemical release inventory forms.

Burden Statement: The burden and costs stated below are from the current approved ICR. The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9.8 hours per claim.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Respondents/Affected Entities: Entities potentially affected by this action are manufacturers or non-manufacturers subject to reporting under sections 303, 311/312 or 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

Estimated Number of Respondents: 481.

Frequency of Response: Trade secret claims are submitted by facilities either annually with reports submitted under sections 312 and 313 of EPCRA or during the time the LEPC request information under section 303 of EPCRA.

Estimated Total Annual Hour Burden: 4,658

Estimated Total Annual Cost: $0, includes $0 annualized capital or O&M costs.

What Is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: February 23, 2009.

Deborah Y. Dietrich,

Director, Office of Emergency Management.

[FR Doc. E9–4230 Filed 2–26–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8590–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2) (c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7146.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 6, 2008 (73 FR 19833).

Draft EISs

EIS No. 20080375, ERP No. D–NOA–B91005–00, Amendment 3 to the Northeast Skate Complex Fishery Management Plan, Implementation of New Management Measures to Rebuild Overfished Skate Stocks, End Overfishing of Skate Fisheries, Gulf of Maine (GOM), Georges Bank (GB), South New England and Mid-Atlantic Regions.

Summary: EPA does not object to the proposed project. Rating LO.

EIS No. 20080414, ERP No. D–COE–D39038–00, PROGRAMMATIC—Oyster Restoration in Chesapeake Bay Including the Use of a Native and/or Nonnative Oyster, Implementation, Chesapeake Bay, MD and VA.

Summary: EPA believes that the introduction of non-native oyster species to the Chesapeake Bay, could be environmentally unsatisfactory to public health and the Bay ecosystem. Rating EU2.

EIS No. 20080508, ERP No. D–COE–F35047–OH, Lorain Harbor. Ohio Federal Navigation Project, Dredged Material Management Plan, Implementation, Lorain Harbor, Lorain County, Ohio.

Summary: EPA does not object to the proposed action. Rating LO.

EIS No. 20080519, ERP No. D–NPS–D61062–PA, White-tailed Deer Management Plan, Develop a Deer Management Strategy that Support Protection, Preservation and Restoration of Native Vegetation, Implementation, Valley Forge National Historical Park, King of Prussia, PA.

Summary: EPA does not object to the proposed action. Rating LO.

EIS No. 20080520, ERP No. D–CGD–A11082–00, USCG Pacific Operations: Districts 11 Area, California and Districts 13 Area, Oregon and Washington, Improve the Protection and Conservation of Marine Protected Species and Marine Protected Areas, CA, OR and WA.

Summary: EPA does not object to the proposed project. Rating LO.

EIS No. 20080527, ERP No. D–AFS–K65350–CA, Modoc National Forest Motorized Travel Management Plan, Implementation, National Forest Transportation System (NFTS), Modoc, Lassen and Siskiyou Counties, CA.

Summary: EPA expressed environmental concerns about impacts from continued use of roads and trails within or adjacent to fens, wet meadows, riparian habitat, and vernal pools. Rating EC2.

EIS No. 20080539, ERP No. D–USA–A10078–00, Gulf of Mexico Range Complex (GOMEX), Proposed Action is to Support and Conduct Current and Emerging Training and RDT&E Operations, TX, MS, AL and FL.

Summary: EPA does not object to the proposed project. Rating LO.

EIS No. 20080143, ERP No. DA–COE–B32009–MA, Boston Harbor Federal Deep Draft Navigation Improvement Project, To Evaluate the Feasibility of Channel Deepening and Related Berth Improvements at the Port of Boston, Chelsea and Revere, Boston, MA.

Summary: EPA expressed environmental objections because of the lack of information relative to the extent and impacts of blasting and the proposal to create rock reefs. Rating EO2.

Final EISs

EIS No. 20080433, ERP No. F–COE–C35013–00, PROGRAMMATIC—Port of New York and New Jersey Dredged Material Management Plan, Updated Information on 1999 Final EIS, Implementation, NY and NJ.

Summary: EPA expressed environmental concerns because some of the information in the Final EIS is outdated and is not consistent with the current Dredged Material Management Plan.

EIS No. 20080491, ERP No. F–SFW–B64005–00, Lake Umbagog National Wildlife Refuge, Comprehensive Conservation Plan, 15 Year Guidance for Management of Refuge Operations, Habitat and Visitor Services, Implementation, Coos County, NH and Oxford County, ME.

Summary: EPA does not object to the proposed project.

EIS No. 20080536, ERP No. F–COE–K39099–CA, Berth 97–109 (China Shipping) Container Terminal Project, Construction and Operation, Issuance of Section 404 (CWA) and Section 10 Rivers and Harbor Act Permits, Port of Los Angeles, Los Angeles County, CA.

Summary: EPA continues to have environmental concerns about significant and unavoidable impacts to air quality and environmental justice communities, and impacts to aquatic resources. EPA recommended commitments to mitigate air emissions to meet health risk reduction targets, implementation of a health impact assessment to identify appropriate mitigations for disproportionately affected neighboring communities and avoidance of fill.

Dated: February 24, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–4226 Filed 2–26–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8590–8]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements

Filed 02/16/2009 through 02/20/2009

Pursuant to 40 CFR 1506.9.

EIS No. 20090046, Draft EIS, BLM, OR, Timber Mountain Recreation Management Plan, Managing Off-Highway Vehicle (OHV), Medford District Office, Jackson County, OR, Comment Period Ends: 04/13/2009, Contact: Kristi Mastrofini, 541–618–2384.

EIS No. 20090047, Draft EIS, COE, AL, Foley Land Cut Portion of the Gulf Intracoastal Waterway, Proposed Construction of Residential, Commercial and Marine Development, Gulf Shores and Orange Beach, Baldwin County, AL, Comment Period Ends: 04/13/2009, Contact: Linda Brown, 251–694–3786.

EIS No. 20090048, Draft EIS, AFS, MT, Montanore Project, Proposes to Construct a Copper and Silver Underground Mine and Associated Facilities, Including a New Transmission Line, Plan-of-Operation Permit, Kootenai National Forest, Sanders County, MT, Comment Period Ends: 04/13/2009, Contact: Bobbie Lacklen, 406–283–7681.

EIS No. 20090049, Final EIS, COE, CA, San Diego Creek Watershed Special Area Management Plan/Watershed Streambed Alteration Agreement Process (SAMP/WSAA Process), Protecting and Enhancing Aquatic Resource and Permitting Reasonable Economic Development, Orange County, CA, Wait Period Ends: 03/30/2009, Contact: Corice Farrar, 213–452–3296.

EIS No. 20090050, Final EIS, NIG, CA, Graton Rancheria Casino and Hotel Project, Transfer of Land into Trust, Implementation, Federated Indians of Graton Rancheria (Tribe), Sonoma County, CA, Wait Period Ends: 03/30/2009, Contact: Brad Mehaffy, 202–632–7003.

EIS No. 20090051, Draft EIS, IBR, CA, Los Vaqueros Reservoir Expansion Project, To Develop Water Supplies Environmental Water Management that Supports Fish Protection, Habitat Management, and other Environmental Water Needs in the Delta and Tributary River Systems, San Francisco Bay Area, Contra Costa County, CA, Comment Period Ends: 04/13/2009, Contact: Sharon McHale, 916–989–7172.

Amended Notices

EIS No. 20080528, Draft EIS, USN, 00, Northwest Training Range Complex (NWTRC), To Support and Conduct Current, Emerging, and Future Training and Research, Development, Test and Evaluation (RDT&E) Activities, WA, OR and CA, Comment Period Ends: 03/11/2009, Contact: Kimberly Klerk, 360–396–0927.

Revision to FR Notice Published 12/29/2008: Extending the Comment from 2/8/2009 to 03/11/2009.

EIS No. 20090021, Draft EIS, AFS, CA, Inyo National Forest Motorized Travel Management Project, Implementation, Inyo, Mineral, Mono and Esmeralda Counties, CA, Comment Period Ends: 03/31/2009, Contact: Susan Joyce, 760–873–2516.

Revision to FR Notice Published 01/30/2009: Extending Comment Period from 03/30/2009 to 03/31/2009.

Dated: February 24, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–4227 Filed 2–26–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8777–1]

Restricted Access to the Region 4 Library

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice concerning restricted access to the EPA Region 4 Library due to a renovation project.

SUMMARY: The United States Environmental Protection Agency (EPA) is issuing this notice to advise the public that the Region 4 Library will close for approximately three (3) months with restricted access to walk-in patrons. The library will undergo a major renovation to optimize the use of space. During renovation, the current physical space of the library will not be accessible. The Regional Librarian will be temporarily relocated to a room adjacent to the current library.

Core services such as interlibrary loans, cataloging, online literature searches, quick and extensive reference/research requests (including business research, journal articles, etc.) will continue to be handled by the Andrew W. Breidenbach Environmental Research Center (AWBERC) located in Cincinnati, OH (also referred to as the CINN Library). All requests for these core services should be submitted to the Region 4 Librarian or directly to the Cincinnati Library:

EPA Region 4 Librarian—Ora M. Howell, E-mail: *r4-library@epa.gov*, Phone: (404) 562–8190;

Cincinnati Library, E-mail (preferred): *CI_Awberc Library@epamail.epa.gov*, Phone: (513) 569–7703, Facsimile: (513) 569–7709.

DATES: The Region 4 Library will be closed to the public and EPA patrons during its renovation from approximately March 2, 2009 through May 31, 2009.

ADDRESSES: The Region 4 Library is located at the Sam Nunn Atlanta Federal Center, 61 Forsyth Street, 9th Floor, Atlanta, Georgia 30303–8960.

FOR FURTHER INFORMATION CONTACT: Region 4 Federal Library Managers—LouAnn Gross at (404) 562–9642, *gross.louann@epa.gov*, or Shayla Patillo at (404) 562–8385, *patillo.shayla@epa.gov*, or at 61 Forsyth Street. Atlanta, Georgia 30303. General information concerning the Region 4 Library may also be obtained by accessing its Internet server (*http://www.epa.gov/libraries/*).

SUPPLEMENTARY INFORMATION: Currently, the Region 4 Library is open to walk-in patrons. During the renovation period, which is expected to last from March 2, 2009 through March 31, 2009, the library will be closed to public and EPA patrons. The Region 4 Librarian will be available at an alternate location to respond to inquiries and forward requests to AWBERC.

The change in Region 4's Library access policy does not affect any of the core services provided through the Memorandum of Understanding with AWBERC.

Dated: December 17, 2008.

J.I. Palmer, Jr.,

Regional Administrator, Region 4.

[FR Doc. E9–4232 Filed 2–26–09; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Notice: Sunshine Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 74 FR 7893, Friday, February 20, 2009.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Wednesday, February 25, 2009, 10 a.m. Eastern Time.

CHANGE IN THE MEETING: A Closed Session has been added, directly following the open session.

Matters To Be Considered

Closed Session

Litigation Recommendation: Amicus Curiae Recommendation.

CONTACT PERSON FOR MORE INFORMATION: Stephen Llewellyn, Executive Officer on (202) 663–4070.

This notice issued February 25, 2009.

Stephen Llewellyn,

Executive Officer, Executive Secretariat.

[FR Doc. E9–4369 Filed 2–25–09; 4:15 pm]

BILLING CODE 6570–01–P

EXPORT-IMPORT BANK

[Public Notice 108]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Notice and request for comments.

SUMMARY: The Export-Import Bank, as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. The form will be used by Banks to apply for comprehensive or political insurance coverage on foreign banks for letter of credit transactions.

Our customers will be able to submit this form on paper or electronically.

DATES: Written comments should be received on or before April 28, 2009 to be assured of consideration.

ADDRESSES: Direct all comments and requests for additional information to Walter Kosciow, Export-Import Bank of the U.S., 811 Vermont Avenue, NW., Washington, DC 20571, (202) 565–3649.

SUPPLEMENTARY INFORMATION:

Title and Form Number:

Export-Import Bank of the United States Application for Issuing Bank Credit Limit (IBCL) Under Bank Letter of Credit Policy, EIB 92–36.

OMB Number: 3048–0016.

Type of Review: Regular.

Need and Use: The information requested enables the applicant to provide Ex-Im Bank with the information necessary to process credit risk applications involving foreign letter of credit issuing banks.

Affected Public: The form affects entities involved in the export of U.S. goods and services.

Estimated Annual Respondents: 371.

Estimated Time per Respondent: 20 minutes.

Estimated Annual Burden: 124 hours.

Frequency of Reporting or Use: 1 to 12 times per year depending on the particular respondent's need/risk portfolio.

Solomon Bush,

Agency Clearance Officer.

[FR Doc. E9–4220 Filed 2–26–09; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 107]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Notice and request for comments.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) provides working capital guarantees to lenders. In assessing the creditworthiness of an applicant, we review EIB/SBA Form 84–1. This form provides information which allows Ex-Im Bank to obtain legislatively required reasonable assurance of repayment, as well as to fulfill other statutory requirements. The following changes have been made to the form by the SBA: a field for the E-mail address; a field for the County (of business); an increase in selection for race; a change in reference to the Code of Federal Regulations for the Debarment/Suspension paragraph; a change in the agreements paragraph (Part C, Section 1) from ''SBA form 159'' to ''SBA form 159(7a)'' and the addition of the following provision: ''Each proprietor, each general partner, each limited partner, member or stockholder owning 20% or more, each guarantor and the spouse, when applicable, of each of these must sign. * * * Attach a separate sheet of paper, if necessary.'' Additionally, SBA added the following notices: (1) The Flood Disaster Protection Act, (2) Executive Orders—Floodplain Management and Wetland Protection, (3) the Occupational Safety and Health Act, (4) Civil Rights Legislation, (5) the Equal Credit Opportunity Act, (8) Executive Order 11738—Environmental Protection, (9) the Immigration Reform and Control Act of 1986, and (10) the Lead-Based Paint Poisoning Prevention Act. One item was deleted from the checklist of information to be attached, #16, SBA form 1261. Also added into the notices section were the ''Statements Required by Law and Executive Order'', which applies to both Ex-Im Bank and SBA. Notices on the Debt Collection Act of 1982 and the Deficit Reduction Act of 1984, the Freedom of Information Act and the Right to Financial Privacy Act of 1978 were added and are applicable to customers of Ex-Im Bank and SBA. Ex-Im Bank made the following changes: in the Guarantor and Additional Borrower Representations and Certifications section ''(*SBA Applicants only*), (*for subsection b*)'' was added.

DATES: Written comments should be received on or before April 28, 2009 to be assured of consideration.

ADDRESSES: Ex-Im Bank Customers direct all comments and requests for additional information to Smaro Karakatsanis, Loan Officer, Business Credit Division, Export-Import Bank of the U.S., 811 Vermont Avenue, NW., Washington, DC 20571 (202) 565–3943, (800) 565–3946, extension 3943, or *smark.karakatsanis@exim.gov*.

SUPPLEMENTARY INFORMATION:

Titles and Form Numbers: U.S. Small Business Administration, Export-Import Bank of the United States Joint Application for Working Capital Guarantee.

OMB Number: 3048–0003.

Form Number: EIB–SBA 84–1.

Type of Review: Revision and extension of expiration date.

Annual Number of Respondents: 673.

Export-Import Bank: 496.

Small Business Administration: 177.

Estimated Time per Respondent: 2.5 Hours.

Annual Burden Hours: 1,682.5.

Export-Import Bank: 1,240.0.

Small Business Administration: 442.5.

Frequency of Reporting or Use: Upon application for guarantees of working capital loans advanced by the lenders to U.S. exporters.

Dated: February 24, 2009.

Solomon Bush,

Agency Clearance Officer.

BILLING CODE 6690–01–P

Print Form

OMB No.: 3048-0003

SBA Comments – 1/21/09

(SBA Use Only) Date Received C.I.D. No. Intermediary	U.S. SMALL BUSINESS ADMINISTRATION EXPORT-IMPORT BANK OF THE UNITED STATES JOINT APPLICATION FOR EXPORT WORKING CAPITAL GUARANTEE	(Ex-Im Bank Use Only) Date Received

PART A. PRINCIPAL PARTIES

1. Borrower/Exporter Please check the appropriate answer: New to Ex-Im Bank or SBA? ☐ Yes ☐ No

Company Name.

Telephone No. (e.g.,(202)565-3946) | Fax No. (e.g.,(202)565-3946) | D&B No | Federal ID No.

Name and Title of Contact Person | Email Address (if applicable)

Address (No P.O. Boxes) | County of Business (if applicable) | City | State | Zip

Gross Sales: | No. of Full-Time Employees: | Primary North American Industrial Classification System (NAICS) No.: | "Small Business Concern" as described in SBA Guidelines: ☐ Yes ☐ No

Has the Borrower or its owner(s), or the Guarantor ever filed for protection under U.S. bankruptcy laws? Has either had an involuntary bankruptcy petition filed against it? ☐ Yes ☐ No | *Is the Borrower a minority-owned business? ☐ Yes ☐ No | *A women-owned business? ☐ Yes ☐ No

*This information is collected for statistical purposes only. It has no bearing on the credit decision. Disclosure is voluntary.

2. Borrower's Management (Proprietors, partners, officers, directors and holders of all outstanding stock or other ownership rests -100% of ownership must be shown. Include anyone who was a principal within the last six months.) Attach separate sheet of paper if necessary.

1)Name | % owned | Social Security No. | Gender* (M/F) ☐ M ☐ F

Title/Management position | Complete Street Address

OMB No.: 3048-0003

Race* (one or more boxes for race may be selected.)
☐ American Indian or Alaska Native; ☐ Black or African American;
☐ Asian; ☐ Native Hawaiian or Pacific Islander; ☐ White
Ethnicity: ☐ Hispanic or Latino; ☐ Not Hispanic or Latino

Military Service Status* (choose one):
☐ Non-Veteran; ☐ Veteran; ☐ Service Disabled Veteran

2)Name | % owned | Social Security No. | Gender* (M/F) ☐ M ☐ F

Title/Management position | Complete Street Address

Race* (one or more boxes for race may be selected.)
☐ American Indian or Alaska Native; ☐ Black or African American;
☐ Asian; ☐ Native Hawaiian or Pacific Islander; ☐ White
Ethnicity: ☐ Hispanic or Latino; ☐ Not Hispanic or Latino

Military Service Status* (choose one):
☐ Non-Veteran; ☐ Veteran; ☐ Service Disabled Veteran

3)Name | % owned | Social Security No. | Gender* (M/F) ☐ M ☐ F

Title/Management position | Complete Street Address

Race* (one or more boxes for race may be selected.)
☐ American Indian or Alaska Native; ☐ Black or African American;
☐ Asian; ☐ Native Hawaiian or Pacific Islander; ☐ White
Ethnicity: ☐ Hispanic or Latino; ☐ Not Hispanic or Latino

Military Service Status* (choose one):
☐ Non-Veteran; ☐ Veteran; ☐ Service Disabled Veteran

*This information is collected for statistical purposes only. It has no bearing on the credit decision. Disclosure is voluntary.

3 . Borrower's Affiliate(s) If more than one affiliate, please attach separate sheet of paper.

Company Name

Telephone No. (e.g.,(202)565-3946) | Fax No. (e.g.,(202)565-3946) | D&B No. | Federal ID No.

Name and Title of Contact Person | Email Address (if applicable)

Address (No P.O. Boxes) | County of Business (if applicable) | City | State | Zip

OMB No.: 3048-0003

4. Personal Guarantor(s) If more than one guarantor, please attach separate sheet of paper.

Name (last first middle initial)

Federal ID No. (if applicable)

Social Security No.

Date of Birth

Place of Birth

Telephone No. (e.g.,(202)565-3946)

Fax No. (e.g.,(202)565-3946)

Address

County of Business (if applicable)

State

Email Address (if applicable)

City

Zip

5. Lender

Lender Name

Federal ID No.

New to Ex-Im Bank or SBA? ☐ Yes (If yes, submit annual report) ☐ No

Name and Title of Contact Person (last first middle initial)

Telephone No. (e.g.,(202)565-3946)

Fax No. (e.g.,(202)565-3946)

Address

City

State

Zip

Email Address (if applicable)

OMB No.: 3048-0003

PART B. INFORMATION ABOUT THIS TRANSACTION

1. Loan Information

Loan Amount:

Term of Loan:
☐ 6 months ☐ Other (specify:)
☐ 1 year

Type of Loan (please check one below):
☐ Revolving
☐ Transaction(s) Specific

Interest Rate to be Charged:
Lender Interest Rate % Per Annum
%

Other Fees or Charges
(please enter the type and amount below);

Renewal?
☐ Yes
☐ No

If Interest Rate is to be Variable:

Base Rate: (Monthly, Quarterly, Annually, etc.)

Adjustment Period:

Spread: (WSJ, LIBOR, etc.)

Base Rate Source:

Conversion of Preliminary Commitment?
☐ Yes
If yes: commitment #
☐ No

Were You Assisted by an Ex-Im Bank City/State Partner or a Small Business Development Center?
If yes, please identify below:
☐ Yes
☐ No

Name

Telephone No. (e.g.,(202)565-3946)

Fax No. (e.g.,(202)565-3946)

Address

City

State

Zip

Name and Title of Contact Person

Email Address (if applicable)

OMB No.: 3048-0003

2. Transaction Information

Products/Goods/Services to be exported (description):	Principal Countries of Export (please identify the top 3 countries):	Estimated Total Export Sales to be supported by this Loan:	*(Ex-Im Bank applicants only)* U.S. Content Percentage:

Please estimate the number of jobs to be supported by this Loan: # of existing jobs maintained:	# of additional jobs created:	Are Performance Guarantees or Standby Letters of Credit to be issued under this Loan?	Percentage of Loan to be utilized for performance guarantees:
		☐ Yes ☐ No	%

3. *(Ex-Im Bank applicants only)* Please answer the following questions about the "export items" to be exported from the U.S.

a. Military Is the buyer of the export items associated in any way with the military? Are the items to be used by the military, or are they defense articles, or do they have a military application? If yes, please attach a description of the buyer or items, as applicable.	☐ Yes ☐ No
b. Nuclear Are the export items to be used in the construction, alteration, operation, or maintenance of nuclear power, enrichment, reprocessing, research, or heavy water production facilities?	☐ Yes * ☐ No
c. Environmental Are the export items to be used for an environmental project or do they have perceptible environmental benefits? If yes, please attach a description of the items, including the following information: If transaction related to a specific project, identify the project; project location; and project sector or industry. If not related to a specific project, identify the sector in which items are to be used to create an environmental benefit.	☐ Yes ☐ No
d. Munitions Are the export items on the U.S. Munitions Control List (Part 121 of Title 22 of the Code of Federal Regulations), or do they require a validated export license from the Bureau of Export Administration?	☐ Yes ** ☐ No

* If yes, please attach a description of the items.

** If yes, please attach a description of the items. If uncertain whether a validated export license is required, written verification from the appropriate licensing agency may be required before loan approval.

OMB No.: 3048-0003

PART C. CERTIFICATIONS

Please attach a signed, duplicate original of Part C for each Borrower and each Lender

1. Borrower and Lender Certifications

The undersigned, each as authorized representative of the Borrower and the Lender (respectively) and on its behalf, each independently make the following certifications:

Debarment/Suspension – I certify and acknowledge that neither I nor my Principals have within the past 3 years been a) debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in, a Transaction; b) formally proposed for debarment, with a final determination still pending; c) indicted, convicted or had a civil judgment rendered against us for any of the offenses listed in the Regulations; d) delinquent on any amounts due and owing to the U.S. Government or its agencies or instrumentalities as of the date of execution of this certification; or the undersigned has received a written statement of exception from Ex-Im Bank or SBA attached to this certification, permitting participation in this Transaction despite an inability to make certifications a) through d) in this paragraph. I further certify that I have not and will not knowingly enter into any agreements in connection with the goods and/or services purchased with the proceeds of this loan with any individual or entity that has been debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in a Transaction. All capitalized terms not defined herein shall have the meanings set forth in the Government-wide Non-procurement Suspension and Debarment Regulations ("Regulations"), 2 C.F.R. Part 180 (adopted by reference in 2 C.F.R. part 2700 (SBA Debarment Regulations) and 2 C.F.R. Part 3513 (Ex-Im Bank Debarment Regulations)).

Compliance with Laws – In addition, I certify that neither I nor anyone acting on my behalf, such as agents, have engaged or will engage in any activity in connection with this transaction that is a violation of the Foreign Corrupt Practices Act of 1977, 15 U.S.C. 78dd-1, et seq. (which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business) Further, I have not engaged, and will not engage, in any activity in connection with this transaction that is a violation of the Arms Export Control Act, 22 U.S.C. 2751 et seq., the International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq., or the Export Administration Act of 1979, 50 U.S.C. 2401 et seq. I have not been found by a court of the United States to be in violation of any of these statutes within the preceding 12 months and, to the best of my knowledge, the performance by the parties to this transaction of their respective obligations does not violate any other applicable law.

Further, neither I nor anyone acting on my behalf in connection with this transaction is currently under charge or has been, within the past 5 years, convicted in any court or subject to national administrative measures of any country for bribery of foreign public officials.

Lobbying (applicable to Lender only) – I certify to the best of my knowledge and belief, that if any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this commitment providing for the United States to guarantee a loan, I will complete and submit a Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions. Submission of this statement is imposed by 31 U.S.C. 1352 as a prerequisite for making or entering into this transaction. Any person who fails to file this statement when required is subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

False Statements – I certify that the representations made and the facts stated in this application and its attachments are true to the best of my knowledge and belief, and I have not misrepresented or omitted any material facts. I understand that knowingly making false statements or overvaluing a security to obtain a Government-guaranteed loan can subject me to a fine of up to $250,000 and imprisonment for up to five years under 18 U.S.C. 1001.

Borrower:

Name of Borrower	Name and Title of Authorized Representative (Print or Type)

Signature _____ Date _____

Lender:

Name of Lender	Name and Title of Authorized Representative (Print or Type)

Signature _____ Date _____

OMB No.: 3048-0003

2. Guarantor and Additional Borrower Representations and Certifications

The undersigned, each as authorized representative of the Borrower and the Guarantor(s) (respectively) and on its behalf, each independently make the following representations and certifications:

(If any answer to any of these questions is "yes," provide complete information on a separate sheet of paper)	Borrower	Guarantor
a. Are there any pending or threatened liens, tax liens, judgments or material litigation against the:	☐Yes ☐No	☐Yes ☐No
b. Does the Borrower or Guarantor or any spouse or member of the household of the Borrower or Guarantor, or anyone who owns, manages or directs the Borrower's business or their spouses or members of their households, work for SBA, Small Business Advisory Council, SCORE, any Federal Agency, or the Lender? (SBA applicants only)	☐Yes ☐No	☐Yes ☐No
c. Has the Borrower or its owner(s), or the Guarantor ever filed for protection under U.S. bankruptcy laws? Has either had an involuntary bankruptcy petition filed against it?	☐Yes ☐No	☐Yes ☐No
d. Has the Borrower or its owner(s) or affiliates, or the Guarantor ever previously requested U.S. Government financing?	☐Yes ☐No	☐Yes ☐No
e. Is the Borrower or Guarantor now, or ever have been in the past: (a) under indictment, on parole or probation; or (b) charged with or arrested for any criminal offense other than a minor motor vehicle violation (including offenses which have been dismissed, discharged, or nolle prosequi); or (c) convicted, placed on pretrial diversion, or placed on any form of probation including adjudication withheld pending probation for any criminal offense other than a minor vehicle violation?	☐Yes ☐No	☐Yes ☐No
f. Are all owners and Guarantors U.S. Citizens? If no: Are the non-U.S. Citizens lawful permanent resident aliens? _____ ☐Yes (provide alien registration number(s)): ☐No	☐Yes ☐No	☐Yes ☐No

Authorization - I authorize SBA, Ex-Im Bank, and/or the Lender to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness.

I authorize the SBA's Office of Inspector General to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for programs authorized by the Small Business Act, as amended. (SBA applicants only)

Agreements - I agree that if SBA approves this application I will not, for at least two years after the date of SBA's approval, hire as an employee or consultant anyone that was employed by the SBA during the one-year period prior to the disbursement of the loan. I further agree that as consideration for any management, technical, and business development assistance that may be provided to me by SBA or on its behalf, I waive all claims against SBA and its consultants. I understand and agree that I need not pay anybody to deal with SBA, and that I have read and understand SBA Form 159 (7a), which explains SBA policy on Borrower and Lender representatives and their fees. By my signature, I certify that I have read the "STATEMENTS REQUIRED BY LAW AND EXECUTIVE ORDER" included in this application and I agree to comply with all such laws and executive orders. Each Proprietor, each General Partner, each Limited Partner, Member or Stockholder owning 20% or more, each Guarantor and the spouse, when applicable, of each of these must sign. Attach a separate sheet of paper, if necessary. (SBA applicants only)

False Statements - I certify that the representations made and the facts stated in this application and its attachments are true, to the best of my knowledge and belief, and I have not misrepresented or omitted any material facts. I understand that knowingly making false statements or overvaluing a security to obtain a Government-guaranteed loan can subject me to a fine of up to $250,000 and imprisonment for up to five years under 18 U.S.C. 1001, and to the civil remedies available under the False Claims Act, 31 U.S.C. 3729 et seq. I further understand that knowingly making false statements or overvaluing a security to a Federally insured institution can subject me to a fine of up to $1,000,000 and imprisonment for up to 20 years under 18 U.S.C. 1014.

Borrower:

Name of Borrower	Name and Title of Authorized Representative (Print or Type)

Signature _____ Date _____

Guarantor:

Name of Guarantor	Name and Title of Authorized Representative (Print or Type)

Signature _____ Date _____

OMB No.: 3048-0003

3. Additional Lender Certifications *(SBA applicants only)*

The undersigned, as authorized representative of the Lender and on its behalf, make the following certifications:

I submit this application to SBA for approval subject to the terms and conditions outlined above. Without the participation of SBA as described in the application, I would not be willing to make this loan, and in my opinion this financial assistance is not otherwise available on reasonable terms.

I certify that none of the Lender's employees, officers, directors, or substantial stockholders (more than 10%) have a financial interest in the applicant.

I certify that the representations made and the facts stated in this application and its attachments are true, to the best of my knowledge and belief, and I have not misrepresented or omitted any material facts. I understand that knowingly making false statements or overvaluing a security to obtain a Government-guaranteed loan can subject me to a fine of up to $250,000 and imprisonment for up to five years under 18 U.S.C. 1001, and to the civil remedies available under the False Claims Act, 31 U.S.C. 3729 et seq.

Lender:

Name of Lender	Name and Title of Authorized Representative (Print or Type)

Signature	Date

OMB No.: 3048-0003

NOTICE TO APPLICANT:

Authority for Requiring Submission of Information in Application - The applicant is hereby notified that Ex-Im Bank and SBA request the information in this application under the authority of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635 et seq.) and section 7(a)(14) of the Small Business Act ("SB Act"), (15 U.S.C. 636(a)(14)), respectively. Providing the requested information is mandatory (except, see Privacy Act notice below concerning social security number), and failure to provide the requested information may result in SBA/Ex-Im Bank being unable to determine the applicant's eligibility for financial assistance. Unless a currently valid OMB control number is displayed on this form (see upper right of each page), SBA/Ex-Im Bank may not require the information requested in this application, and applicants are not required to provide such information.

Submission of Social Security Number (Privacy Act notice) - Under the Privacy Act, the applicant is not required to provide social security number information, and failure to provide social security number may not affect any right, benefit, or privilege to which applicant is entitled. Disclosures of name and other personal identifiers are required for a benefit, however, and SBA requires an applicant seeking financial assistance to provide sufficient information to allow SBA to make a character and credit determination concerning individuals that are borrowers, principals, and guarantors. In determining whether an individual is of good character, SBA considers the person's integrity, candor, and disposition toward criminal actions. In making loans pursuant to section 7(a) of the SB Act (15 U.S. C. 636(a)(6)), SBA is required to have reasonable assurance that the loan is of sound value and will be repaid, or that it is in the best interest of the Government to grant the financial assistance requested. Additionally, SBA is specifically authorized to verify the applicant's criminal history, or lack thereof, pursuant to section 7(a)(1) of the SB Act (15 U.S.C. 636(a)(1)(B)). Further, for all forms of assistance, SBA is authorized to make all investigations necessary to ensure that a person has not engaged in acts that violate or will violate the SB Act or the Small Business Investment Act (15 U.S.C. 634 and 687b(a)). For these purposes, applicant is asked to voluntarily provide social security numbers to assist SBA in making character determinations and to distinguish the individuals listed in this application from other individuals with the same or similar name or other personal identifier.

The Privacy Act authorizes SBA to make certain "routine uses" of information protected by that Act. One such routine use is that when this information indicates a violation or potential violation of law, whether civil, criminal, or administrative in nature, SBA may refer it to the appropriate agency, whether Federal, State , local or foreign, charged with responsibility for or otherwise involved in investigation, prosecution, enforcement or prevention of such violations. Another routine use is to assist in obtaining credit bureau reports, including business credit reports on the small business borrower and consumer credit reports and scores on the principals of the small business and guarantors on the loan for purposes of originating, servicing, and liquidating small business loans and for purposes of routine periodic loan portfolio management and lender monitoring. See 69 F.R. 58598, 58617 (and any subsequently published notices) for additional background and other routine uses.

Disclosure – Ex-Im Bank and SBA will hold confidential all information provided in the application, subject only to disclosure as required under the Freedom of Information Act (5 USC 552), the Privacy Act of 1974 (5 USC 552a), the Right to Financial Privacy Act of 1978 (12 USC 3401), or any other law or court order.

Public Burden Statement - Reporting for this collection of information is estimated to average 2.5 hours per response, including reviewing instructions, searching data sources, gathering information, and completing and reviewing the application. Send comments regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0003, Washington, D.C. 20503.

STATEMENTS REQUIRED BY LAW AND EXECUTIVE ORDER

Federal executive agencies, including the Small Business Administration (SBA) and the Export Import Bank (Ex-Im), are required to withhold or limit financial assistance, to impose special conditions on approved loans, to provide special notices to applicants or borrowers and to require special reports and data from borrowers in order to comply with legislation passed by the Congress and Executive Orders issued by the President and by the provisions of various inter-agency agreements. SBA has issued regulations and procedures that implement these laws and executive orders, and they are contained in Parts 112, 113, 116, and 117, Title 13, Code of Federal Regulations Chapter 1, or Standard Operating Procedures.

Freedom of Information Act (5 U.S.C. 552)

This law provides, with some exceptions, that SBA and Ex-Im Bank must supply information reflected in agency files and records to a person requesting it. SBA information about approved loans that will be automatically released includes, among other things, statistics on SBA's loan programs (individual borrowers are not identified in the statistics) and other information such as the names of the borrowers (and their officers, directors, stockholders or partners), the collateral pledged to secure the loan, the amount of the loan, its purpose in general terms and the maturity. Proprietary information on a borrower contained in either SBA or Ex-Im files would not routinely be made available to third parties. All requests under this Act are to be addressed to the nearest SBA or Ex-Im Bank office and should be identified as a Freedom of Information request.

Right to Financial Privacy Act of 1978 (12 U.S.C. 3401)

This is notice to you as required by the Right of Financial Privacy Act of 1978, of SBA's access rights to financial records held by financial institutions that are or have been doing business with you or your business, including any financial institutions participating in a loan or loan guarantee. The law provides

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that SBA shall have a right of access to your financial records in connection with its consideration or administration of assistance to you in the form of a Government loan or loan guaranty agreement. SBA is required to provide a certificate of its compliance with the Act to a financial institution in connection with its first request for access to your financial records, after which no further certification is required for subsequent accesses. The law also provides that SBA's access rights continue for the term of any approved loan or loan guaranty agreement. No further notice to you of SBA's access rights is required during the term of any such agreement.

The law also authorizes SBA to transfer to another Government authority any financial records included in an application for a loan, or concerning an approved loan or loan guarantee, as necessary to process, service or foreclose on a loan or loan guarantee or to collect on a defaulted loan or loan guarantee. No other transfer of your financial records to another Government authority will be permitted by SBA except as required or permitted by law.

Debt Collection Act of 1982 Deficit Reduction Act of 1984 (31 U.S.C. 3701 et seq. and other titles)

These laws require SBA to aggressively collect any loan payments which become delinquent. SBA must obtain your taxpayer identification number when you apply for a loan. If you receive a loan, and do not make payments as they come due, SBA may take one or more of the following actions:

- Report the status of your loan(s) to credit bureaus
- Hire a collection agency to collect your loan
- Offset your income tax refund or other amounts due to you from the Federal Government
- Suspend or debar you or your company from doing business with the Federal Government
- Refer your loan to the Department of Justice or other attorneys for litigation
- Foreclose on collateral or take other action permitted in the loan instruments.

Flood Disaster Protection Act (42 U.S.C. 4011)

Regulations have been issued by the Federal Insurance Administration (FIA) and by SBA implementing this Act and its amendments. These regulations prohibit SBA from making certain loans in an FIA designated floodplain unless Federal flood insurance is purchased as a condition of the loan. Failure to maintain the required level of flood insurance makes the applicant ineligible for any future financial assistance from SBA under any program, including disaster assistance.

Executive Orders 11988 and 11990 -- Floodplain Management and Wetland Protection (42 F.R. 26951 and 42 F.R. 26961)

The SBA discourages any settlement in or development of a floodplain or a wetland. This statement is to notify all SBA loan applicants that such actions are hazardous to both life and property and should be avoided. The additional cost of flood preventive construction must be considered in addition to the possible loss of all assets and investments in future floods.

Occupational Safety and Health Act (15 U.S.C. 651 et seq.)

This legislation authorizes the Occupational Safety and Health Administration in the Department of Labor to require businesses to modify facilities and procedures to protect employees or pay penalty fees. In some instances the business can be forced to cease operations or be prevented from starting operations in a new facility. Therefore, in some instances SBA may require additional information from an applicant to determine whether the business will be in compliance with OSHA regulations and allowed to operate its facility after the loan is approved and disbursed. Signing this form as borrower is a certification that the OSHA requirements that apply to the borrower's business have been determined and the borrower to the best of its knowledge is in compliance.

Civil Rights Legislation

All businesses receiving SBA financial assistance must agree not to discriminate in any business practice, including employment practices and services to the public, on the basis of categories cited in 13 C.F.R., Parts 112, 113, and 117 of SBA Regulations. This includes making their goods and services available to handicapped clients or customers. All business borrowers will be required to display the "Equal Employment Opportunity Poster" prescribed by SBA.

Equal Credit Opportunity Act (15 U.S.C. 1691)

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status or age (provided that the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

Executive Order 11738 -- Environmental Protection (38 C.F.R. 25161)

The Executive Order charges SBA with administering its loan programs in a manner that will result in effective enforcement of the Clean Air Act, the Federal Water Pollution Act and other environmental protection legislation. SBA must, therefore, impose conditions on some loans. By acknowledging receipt of this form and presenting the application, the principals of all small businesses borrowing $100,000 or more in direct funds stipulate to the following:

1. That any facility used, or to be used, by the subject firm is not cited on the EPA list of Violating Facilities.

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2. That subject firm will comply with all the requirements of Section 114 of the Clean Air Act (42 U.S.C. 7414) and Section 308 of the Water Act (33 U.S.C 1318) relating to inspection, monitoring, entry, reports and information, as well as all other requirements specified in Section 114 and Section 308 of the respective Acts, and all regulations and guidelines issued there under.
3. That subject firm will notify SBA of the receipt of any communication from the Director of the Environmental Protection Agency indicating that a facility utilized, or to be utilized, by subject firm is under consideration to be listed on the EPA List of Violating Facilities.

Immigration Reform and Control Act of 1986 (Pub. L. 99-603)

If you are an alien who was in this country illegally since before January 1, 1982, you may have been granted lawful temporary resident status by the United States Immigration and Naturalization Service pursuant to the Immigration Reform and Control Act of 1986 (Pub. L. 99-603). For five years from the date you are granted such status, you are not eligible for financial assistance from the SBA in the form of a loan or guaranty under section 7(a) of the Small Business Act unless you are disabled or a Cuban or Haitian entrant. When you sign this document, you are making the certification that the Immigration Reform and Control Act of 1986 does not apply to you, or if it does apply, more than five years have elapsed since you have been granted lawful temporary resident status pursuant to such 1986 legislation.

Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821 et seq.)

Borrowers using SBA funds for the construction or rehabilitation of a residential structure are prohibited from using lead-based paint (as defined in SBA regulations) on all interior surfaces, whether accessible or not, and exterior surfaces, such as stairs, decks, porches, railings, windows and doors, which are readily accessible to children under 7 years of age. A "residential structure" is any home, apartment, hotel, motel, orphanage, boarding school, dormitory, day care center, extended care facility, college or other school housing, hospital, group practice or community facility and all other residential or institutional structures where persons reside.

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APPLICATION INSTRUCTIONS

PART A. PRINCIPAL PARTIES

1. Borrower/Exporter. Complete this section with information on the individual or corporate borrower. Provide the preliminary North American Industrial Classification System No. (NAICS) of the borrower, rather than the product being exported.

2. Management. Complete this section for each proprietor, partner, officer, director or other individual owning 20% or more of the borrower. 100% of ownership must be shown.

3. Personal Guarantor(s). List all individuals and entities that will guarantee repayment of the loan. The personal guarantee of the owner(s) is required in most cases.

4. Lender. Leave blank if you are applying for a Preliminary Commitment and a prospective lender has not been identified.

PART B. INFORMATION ABOUT THE TRANSACTION

Provide the loan amount, term and type of loan requested, and answer all questions in Part B. (See also Checklist item 2 below.)

PART C. CERTIFICATIONS

This section must be signed by an authorized representative of the borrower, each guarantor, and, if this is a request for a final commitment, the Lender.

CHECKLIST OF INFORMATION TO BE ATTACHED

(Note: All Attachments must be signed and dated by all person(s) signing this form.)

BACKGROUND	Yes	N/A
1. Brief resume of principals and key employees, History of business; copy of business plan, if available; identify whether sole proprietorship, general partnership, limited liability company (LLC), corporation and/or subchapter-S corporation.	☐	☐
2. Explanation of use of proceeds and benefits of the loan guarantee, including details of the underlying transaction(s) for which the loan is needed, including country(s) where the buyers are located.	☐	☐
TRANSACTION	**Yes**	**N/A**
3. Attach product literature. *(Ex-Im Bank applicants only)*: If applicable, attach description of items if they are nuclear, military, environmental, on the U.S. Munitions Control List, or require an export license.	☐	☐
4. Copy of letter of credit and/or copy of buyer's order/contract, if available.	☐	☐
5. Export credit insurance-related material (policy, application, buyer credit limit), if applicable.	☐	☐
6. Copy of export license, if required.	☐	☐
FINANCIAL INFORMATION	**Yes**	**N/A**
7. Business financial statements (Balance Sheet, Income Statement, statement of Cash Flows) for the last three years, if applicable, supported by the most recent Federal income tax return for the business. *(SBA applicants only)*: Also submit the last three years of signed Federal income tax returns for the business.	☐	☐
8. Current financial statement (interim) dated within 90 days of the date of application filing.	☐	☐
9. Aging of accounts receivable and accounts payable.	☐	☐
10. Schedule of all principal officer/owner's compensation for the past three years, and current year to date [if none, please indicate].	☐	☐
11. Signed joint personal financial statements(s) of each major shareholder(s)/partner(s), owner(s), of the company (with 20% or greater ownership, including assets and liabilities of both spouses) and their most recent Federal income tax return (not required for venture capital partners).	☐	☐
12. Estimate of monthly cash flow for the term of the loan, highlighting the proposed export transaction.	☐	☐
13. Description of type and value of proposed collateral to support the loan (company assets/export product, i.e., inventory, accounts receivable, other).	☐	☐
14. Attach credit memorandum prepared by the Lender. *(SBA applicants only)*: Also attach D&B Report and Personal Credit Reports on Principals and Guarantors.	☐	☐
15. *(Ex-Im Bank applicants only)*: Nonrefundable $500 application fee for a Preliminary Commitment or nonrefundable $100 application fee for a Final Commitment, whichever is applicable, by check or money order made out to the Ex-Im Bank.	☐	☐
16. *(SBA applicants only)*: Copy of IRS Form 4506-T (original to be submitted to IRS by the Lender).	☐	☐

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MAILING/FORWARDING INSTRUCTIONS

Please circle the appropriate answer.

1. If application is submitted by a Borrower/Exporter:

   a. Is Borrower/Exporter's requested loan amount in Part B $1,666,666 or less? ☐ Yes ☐ No
   b. Is Borrower/Exporter a small business, as defined by 13 CFR 121.105? ☐ Yes ☐ No

   If answer to *both* of the above is YES, send entire set of materials to the SBA Representative in the U.S. Export Assistance Center nearest you. Call (202) 205-6720 or visit for the address.

   If answer to *both* of the above is NO, send entire set of materials to:
   Export-Import Bank of the U.S.
   Office of Credit Applications and Processing
   811 Vermont Avenue, NW
   Washington, DC 20571

2. If application is submitted by a Lender.

   a. Is Lender an SBA 7(a) Participating Lender? ☐ Yes ☐ No
   If YES, and if the loan will have a maturity of twelve (12) months or less, submit with this application a Lender's check equal to 0.25% of the guaranteed amount of the loan.

   b. Is Lender using its Ex-Im Bank Delegated Authority? ☐ Yes ☐ No
   If YES, send the application, the Loan Authorization Notice (two originals), the appropriate facility fee, and the $100 application fee to the Ex-Im Bank address above, regardless of the guarantee amount.

FOR SBA USE ONLY

Loan Officer's Recommendation: ☐ Approve ☐ Decline
State Reason(s):

Signature Title Date

Other Recommendation if required: ☐ Approve ☐ Decline
State Reason(s):

Signature Title Date

THIS BLOCK TO BE COMPLETED BY SBA OFFICIAL TAKING FINAL ACTION

SBA Final Action: ☐ Approve ☐ Decline
State Reason(s):

Signature Title Date

[FR Doc. E9–4293 Filed 2–26–09; 8:45 am]
BILLING CODE 6690–01–C

FEDERAL HOUSING FINANCE AGENCY

[No. 2009–N–03]

FHFA Study of Securitization of Acquired Member Assets

AGENCY: Federal Housing Finance Agency.

ACTION: Notice of Concept Release; request for comments.

SUMMARY: The Federal Housing Regulatory Reform Act (Act), Division A of the Housing and Economic Recovery Act of 2008 (HERA), requires the Federal Housing Finance Agency (FHFA) to conduct a study on the securitization of home mortgage loans purchased or to be purchased from Federal Home Loan Bank (Bank) System member financial institutions under the Acquired Member Assets (AMA) programs. FHFA is seeking public comment and hopes that the responses to this request for comments will constitute an important source of information that will assist it in its preparation of the study. FHFA urges commenters to analyze, in light of current market conditions, the benefits and risks associated with securitization, the potential impact of securitization upon liquidity and competitiveness in the mortgage and broader credit markets, the ability of the Banks to manage the risks associated with a securitization program, and the effect of a securitization program on the Banks' existing activities, as well as on the joint and several liability of the Banks and the cooperative structure of the Bank System. This release in no way alters current requirements, restrictions or prohibitions on the Banks with respect to the purchase or sale of mortgages or to the AMA programs.

DATES: Comments on the Concept Release must be received on or before April 28, 2009. For additional information, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit your comments on this Concept Release, identified by a subject line of ''Securitization Study'' by any of the following methods:

- *U.S. Mail, United Parcel Post, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel and Christopher T. Curtis, Senior Deputy General Counsel and Managing Counsel, Attention: Comments/Securitization Study, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552.
- *Hand Delivered/Courier:* The hand delivery address is: Alfred M. Pollard, General Counsel and Christopher T. Curtis, Senior Deputy General Counsel and Managing Counsel, Attention: Comments/Securitization Study, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The package should be logged at the Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.
- *E-mail:* Comments to Alfred M. Pollard, General Counsel and Christopher T. Curtis, Senior Deputy General Counsel and Managing Counsel, may be sent by e-mail at *RegComments@FHFA.gov*. Please include ''Securitization Study'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: George G. Korenko, Senior Economist, (202) 408–2543 or Christina Muradian, Senior Financial Analyst, (202) 408–2584, Division of Federal Home Loan Bank Regulation; or Thomas E. Joseph, Senior Attorney-Advisor, Office of General Counsel for Federal Home Loan Bank Supervision, (202) 408–2512, Federal Housing Finance Agency, 1625 Eye Street, NW., Washington, DC 20006. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

The Federal Housing Finance Agency (FHFA) invites comments on all aspects of the Concept Release and will consider all comments before issuing a report to Congress. FHFA requests that comments submitted in hard copy also be accompanied by the electronic version in Microsoft® Word or in portable document format (PDF) on CD–ROM.

Copies of all comments will be posted on the internet web site at *https://www.fhfa.gov*. In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 414–3751.

II. Purpose of Release

Effective July 30, 2008, the Act, Public Law 110–289, 122 Stat. 2654 (2008), transferred the supervisory and oversight responsibilities of the Office of Federal Housing Enterprise Oversight (OFHEO) over the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, Enterprises), and the oversight responsibilities of the Federal Housing Finance Board (FHFB) over the Banks and the Office of Finance (which acts as the Banks' fiscal agent) to FHFA, a new independent executive branch agency. FHFA is responsible for ensuring that the Enterprises and the Banks operate in a safe and sound manner, that they maintain adequate capital and internal controls, that their activities foster liquid, efficient, competitive and resilient national housing finance markets, and that they carry out their public policy missions through authorized activities. *See* § 1102, Public Law 110–289, 122 Stat. 2663–64. The Enterprises and the Banks continue to operate under regulations promulgated by OFHEO and the FHFB until FHFA issues its own regulations. *See id.* at §§ 1302, 1313, 122 Stat. 2795, 2798.

Section 1215 of the Act requires the Director of FHFA to conduct a study on securitization of home mortgage loans purchased or to be purchased from Bank member financial institutions under the AMA programs.[1] *See id.* at § 1215, 122 Stat. 2791. The Act requires FHFA to submit a report to Congress by July 30, 2009, detailing the results of the study. The report must include policy recommendations based on the Director's analysis of the feasibility of the Banks, either individually or collectively, issuing mortgage-backed securities (MBS), and the benefits and risks associated with such a program.

The Act stipulates that the study address the benefits and risks associated with securitization of AMA; the potential impact of securitization upon liquidity in the mortgage and broader credit markets; the ability of the Banks to manage the risks associated with such a program; the impact of such a program on the existing activities of the Banks, including their mortgage portfolios and advances; and the effects of securitization on joint and several liability of the Banks and the cooperative structure of the Bank System. The Act further requires that in conducting the study, the Director

[1] As explained more fully in this release, AMA is the name given to conforming mortgage loans that the Banks purchase from their members pursuant to part 955 of current regulations. 12 CFR part 955. The transactions through which the Banks purchase AMA must meet a number of conditions set forth in the regulations. These conditions are explained more fully below.

consult with the Banks, the Office of Finance, representatives of the mortgage lending industry, practitioners in the field of structured finance, and other experts as needed. The Director also must establish a process for the formal submission of comments on the study. The purpose of this release is to solicit such comments regarding a potential Bank securitization program.

III. Background

A. The Bank System

The twelve Banks are instrumentalities of the United States organized under the Federal Home Loan Bank Act (Bank Act). *See* 12 U.S.C. 1423, 1432(a). The Banks are cooperatives; only members of a Bank may own the capital stock of a Bank and only members or certain eligible housing associates (such as state housing finance agencies) may obtain access to the products provided by a Bank. *See* 12 U.S.C. 1426, 1430(a), 1430b. Each Bank is managed by its own board of directors and serves the public by enhancing the availability of residential mortgage and community lending credit through its member institutions. *See* 12 U.S.C. 1427. Any eligible institution (typically, thrifts, Federally insured depository institutions or state-regulated insurance companies) may become a member of a Bank by satisfying certain criteria and by purchasing a specified amount of the Bank's capital stock. *See* 12 U.S.C. 1424, 1426; 12 CFR part 931.

As government sponsored enterprises (GSEs), the Banks are able to borrow funds in the capital markets on terms more favorable than could be obtained by most other entities. Typically, the Bank System can borrow funds at a modest spread over the rates on U.S. Treasury securities of comparable maturity, although under recent market conditions spreads to U.S. Treasuries have widened considerably. The Banks can pass along their GSE funding advantage to their members—and ultimately to consumers—by providing advances (secured loans) and other financial services at rates that would not otherwise be available to their members. Some of the Banks also have AMA programs whereby they acquire fixed-rate, single-family mortgage loans from participating member institutions.

Consolidated obligations, consisting of bonds and discount notes, are the principal source for the Banks to fund advances, AMA programs, and investments. The Office of Finance issues all consolidated obligations on behalf of the twelve Banks. Although each Bank is primarily liable for the portion of consolidated obligations corresponding to the proceeds received by that Bank, each Bank is also jointly and severally liable with the other eleven Banks for the payment of principal of, and interest on, all consolidated obligations. *See* 12 CFR 966.9.

B. AMA Regulation

In July 2000, the Board of Directors of the Finance Board adopted a final regulation governing AMA activities. *See* Final Rule: Federal Home Loan Bank Acquired Member Assets, Core Mission Activities, Investments and Advances, 65 FR 43969 (July 17, 2000) (hereinafter Final AMA Rule). The rule, contained in Part 955 of the Finance Board's regulations, remains in effect today. To date, two separate mortgage programs are authorized under Part 955—the Mortgage Partnership Finance (MPF) program and the Mortgage Purchase Program (MPP).

The AMA products are structured such that the Banks acquire, through either a purchase or funding transaction, whole, single-family mortgage loans from their members. Products exist for both conventional and government-guaranteed/-insured loans. The risks associated with the mortgages are such that the Bank manages the interest-rate risk and the member manages a substantial portion of the risks associated with originating the mortgage, including a substantial portion of the credit risk. Part 955 requires that the member provide a credit enhancement sufficient to enhance the credit quality of the assets to an equivalent of an instrument rated at least investment grade (*e.g.*, BBB), although all approved AMA programs require members to enhance the loans to the second highest investment grade (*e.g.*, AA). The member may provide this credit enhancement through various means.

In order for a Bank to acquire a mortgage loan as AMA, the loan must meet the requirements set forth under a three-part test established by regulation. *See* 12 CFR 955.2. The three-part test consists of a loan type requirement; a member or housing associate nexus requirement; and a credit risk-sharing requirement.

The loan type requirement establishes the types of assets that could be considered as AMA-eligible. Assets acquired by a Bank must fall within three certain categories. The assets may be whole loans eligible to secure advances that do not exceed the conforming loan limits that apply to the Enterprises. Further, the loans must be secured by property located in a state.[2] The assets also may be whole loans secured by manufactured housing, regardless of whether such housing qualifies as residential real property. Finally, state and local housing finance agency (HFA) bonds are AMA-eligible. Interests in whole loans backed by mortgages that meet the previously noted asset type requirements are also eligible for purchase under AMA.[3]

The second part of the three-part test is the member or housing associate nexus requirement. The nexus requirement was established to ensure that the assets acquired by the Banks have some connection to a System member or housing associate. In order for an asset to be considered AMA-eligible, the asset must be originated (if a loan) or issued (if a bond) by, through, or on behalf of a Bank System member, housing associate, or affiliate thereof; or held for a ''valid business purpose'' by a Bank System member or housing associate prior to the acquisition by the Bank. In addition, the asset must be acquired from either a member or housing associate of the acquiring Bank; a member or housing associate of another Bank, but only pursuant to an arrangement between the Banks; or another Bank.

The final part of the three-part test is the credit risk-sharing requirement. The risk-sharing requirement was established to emphasize the cooperative nature of the Bank System by ensuring that the member or housing associate shares with the Bank the credit risks associated with the asset. *See* Final AMA Rule, 65 FR at 43975–78. While the first and second parts of the three-part test focus on asset eligibility, the third part focuses on the transactions through which the Bank acquires AMA. In general, the credit risk-sharing requirements prescribe the manner in which AMA products must be structured in order to ensure that the member bears the economic costs associated with enhancing AMA pools to at least a BBB level. The AMA regulation provides detailed credit risk-sharing structure requirements. *See* 12 CFR 955.3. Essentially, these

[2] As defined by regulation, ''state'' means a state of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, the District of Columbia, Guam, Puerto Rico, or the United States Virgin Islands. *See* 12 CFR 900.3.

[3] In fact, the Banks purchase whole, single-family mortgage loans under the AMA programs. The Chicago, Pittsburgh and Des Moines Banks have also purchased securities that represented senior interests in pools of AMA-qualified single-family mortgage loans under the MPF Shared Funding Program, but this program is not active. Banks have not purchased any manufactured housing loans or HFA bonds under the AMA programs.

requirements provide that AMA products must be structured such that the member provides a credit enhancement sufficient to bring a pool up to the equivalent of an instrument rated at least the BBB level or such higher level required by the Bank. The member must have direct economic responsibility for the credit enhancement that covers expected losses (*i.e.*, the member must be in the first loss position). For the portion of the credit enhancement beyond expected losses, the credit enhancement may be provided by a member's insurance affiliate; loan-level insurance (which includes U.S. Government insurance or guarantee) provided that the insurer is rated at least the second highest investment grade rating established by a Nationally Recognized Statistical Rating Organization (NRSRO); pool insurance, but only to cover the portion of the credit enhancement attributable to pool size; or another member. A member's credit enhancement obligation must be secured fully in parallel with the requirements for securing advances under Part 950 of the Finance Board's regulations.

C. Mortgage Programs

Two AMA programs have been authorized by the Finance Board, MPF and MPP, under the AMA regulation. Additionally, two programs, MPF Xtra and Global Mortgage Alliance Program (GMAP), were authorized under the Banks' incidental authority. Prior to offering these programs to its members, each FHLBank underwent an application process with the Finance Board or FHFA, as appropriate. This application process included a safety and soundness examination to verify that the Banks had in place adequate policies, procedures, and controls to manage the risks presented by these programs.

As already noted, the AMA programs are designed, pursuant to regulation, such that members are responsible for a substantial portion of the credit risk while the Banks manage the interest rate, prepayment, and funding risks. The exact method through which the member assumes responsibility for the credit risk varies depending upon the structure of the AMA product. For example, the ''MPF–Plus'' and ''MPP–Conventional'' products both rely on supplemental mortgage insurance purchased by the member to credit enhance the mortgage pools to the equivalent of an AA–rating. The ''MPF–Government'' and ''MPP–FHA'' products rely on government insurance or guarantee to meet the credit-risk sharing requirements of the AMA regulation. For other MPF products, members provide the amount of credit enhancement necessary to enhance the mortgage pools to achieve a putative rating of the second highest investment grade rating. The Banks determine the amount of the required credit enhancement by using methodologies verified by an NRSRO. The AMA programs allow members to receive compensation for providing the credit enhancement to the loans sold. The structure of this compensation varies both between MPF and MPP and among the various products offered under the MPF program.

The Banks that currently offer MPF to their members (MPF–Banks) are Boston, New York, Pittsburgh, Chicago, Des Moines, Dallas, and Topeka. The ''MPP–Banks'' are Atlanta, Cincinnati, and Indianapolis. Outstanding mortgages in the Bank System totaled $87.9 billion as of September 30, 2008. Mortgage loans comprised 6 percent of total Bank System assets while advances (*i.e.*, loans made to member institutions) represented 71 percent of total assets.

In May 2007, the Finance Board approved the Atlanta Bank's request to offer GMAP under which it would facilitate the sale of certain qualified conforming mortgage loans from eligible members to another of its members, which would then securitize those loans. To date, no transactions have occurred under GMAP. In September 2008, FHFA approved the Chicago Bank's request to engage in the MPF Xtra program, under which it would buy certain qualified, conforming mortgages from eligible members for immediate onward sale to Fannie Mae. Neither MPF Xtra nor GMAP are AMA programs authorized under part 955 of the Finance Board rules. Since September 2008, five additional Banks requested and received approval to engage in MPF Xtra through the Chicago Bank. In both the GMAP and MPF Xtra programs, the mortgages are not held by the Banks and are not assets of the Banks. Instead, the participating Banks receive a fee for their role in the program.

D. Securitization

In its most basic form, securitization of mortgages involves the sale of pools of mortgages from the holder of those instruments to a special purpose vehicle (SPV). The SPV would be organized to be legally distinct from the entity selling the mortgages and would be structured so that it would not be affected by problems associated with or bankruptcy of the original seller of the mortgages. The SPV often is structured as a trust. The SPV would in turn issue securities—generally referred to as mortgage-backed securities (MBS)—that are backed by the pool of mortgages held by the SPV and represent an interest in the payments generated from that pool of mortgages. These securities themselves may be pooled together and new securities issued representing various claims to the underlying cash flows.

There are alternate formats for securitizing loans. For example, a simple form of an MBS is a mortgage pass-through, whereby all principal and interest payments (excluding a servicing fee) from the pool of mortgages are proportionately passed directly to investors each month. Thus, a holder of the MBS has an undivided, *pro rata* interest in the underlying pool of loans. By contrast, a collateralized mortgage obligation (CMO) is another type of MBS. Unlike a pass-through, a CMO has different classes of securities where net cash flows are divided differently among each class or tranche. The tranches are structured to have different risk characteristics and maturity ranges. Examples of differing structures are sequential pay, interest-only (IO), principal only (PO), and z-bonds. CMOs can be created directly based on an underlying pool of mortgages, but they are often created by pooling pass-through MBS and dividing the underlying cash flows from those securities into the various tranches. For tax purposes, transactions creating the CMOs generally are structured to qualify as Real Estate Mortgage Investment Conduits (REMICs) under the Internal Revenue Code. *See* 26 U.S.C. 860A–860G.

In securitizing loans, the Banks could also consider adding a guarantee that principal and interest on the MBS created under a Bank securitization program will be paid. The holders of the MBS, therefore, would not assume the credit risk associated with the pool of loans but would retain the market, interest rate, and prepayment risk. Essentially, the Enterprises currently operate in this way. They purchase conforming mortgage loans, use those loans to back the MBS they issue, and add a guarantee that the principal and interest on these securities will be paid in return for a fee that is paid by the seller of the loans. Banks could also have the option of securitizing loans directly or selling loans on to a third party and allowing that party to undertake the actual securitization.

IV. Policy and Safety and Soundness Considerations

A. Securitization of AMA

Certain characteristics of the AMA program make the securitization of the Bank's existing mortgage holdings more difficult than the securitization of new mortgages that may be acquired. For example, members enter into master commitments with the Banks participating in the MPF program. These master commitments define the terms under which loan sales to the Bank will take place, including the amount of the first-loss account, amount of the credit-enhancement fees paid to the participating financial institution, and the amount of the credit enhancement obligation. In addition, Banks have engaged in ''participations,'' whereby one Bank has acquired an interest in the AMA holdings of another Bank. These two features leave the responsibility for losses, the credit enhancement responsibilities, and the ownership of some of the AMA, fragmented throughout the Bank System. To securitize the existing loans, the Banks may have to negotiate termination of these provisions.

To avoid these issues arising with newly purchased loans, the AMA regulation could be amended to make buying loans for securitization less complicated. For example, the credit risk sharing requirement could be waived for loans that would be securitized. In this way, their mortgage purchases would be similar to those of Fannie Mae and Freddie Mac. When purchasing mortgages, the Enterprises must, for example, purchase ''conforming'' loans and abide by any limits on the size of their overall portfolio that are imposed by FHFA. The conforming loan requirements include loan-to-value ratio limits, documentation requirements, and maximum loan size. For a securitization program, the Banks could follow existing loan-type requirements of the AMA program, including the purchase of only conforming loans, or they could be allowed to purchase mortgages from a more or less expansive pool of loans. In addition, some Banks have had difficulty managing the risks associated with their AMA portfolios. Thus, it may be prudent to limit the size and the growth of the AMA portfolio at the Bank level and/or at the System level.

With respect to securitization, we are seeking comment on the following:

A.1. Should the Banks be authorized to securitize loans? If so, should the Banks be authorized to continue their existing AMA programs in addition to being authorized to securitize loans? Would a pass-through program such as MPF Xtra provide a better alternative to a direct securitization program?

A.2. Should individual Banks be authorized to securitize loans or should the securitization be conducted by the Bank System as a whole?

A.3. Should any limitations be imposed on the Banks with respect to the mortgages purchased either under the AMA program as it currently exists or under a modified AMA program? If so, what types of limitations should be imposed?

A.4. What are the ways that the master commitment obligations and participations between Banks can be unwound so that the existing AMA mortgages could be securitized and sold?

B. Credit Enhancement on MBS

One potentially critical feature of any MBS that the Banks securitize is the level of credit enhancement. For example, the Enterprises provide a guarantee of interest and principal payments on their MBS. If the Banks were to securitize mortgages, it may be beneficial to the program for them to provide a similar guarantee. The guarantee could be the joint and several obligation of all the Banks in the System or by a subset of the Banks if not all Banks are participating in the program. Alternatively, the Banks could securitize the AMA in a CMO structure, providing tranches, some with more protection against credit losses and some with less. The Banks could also purchase credit enhancement in the form of an insurance ''wrap'' provided by a highly rated private mortgage insurer.

With respect to credit enhancements, we are seeking comments on the following:

B.1. If the Banks securitize mortgages, should they guarantee the resulting MBS?

B.2. Given the Banks' joint and several liability for consolidated obligations, would it be reasonable for only a sub-set of the Banks to guarantee MBS?

B.3. If the Banks did not provide a guarantee, would other types of credit enhancement be economically viable or more efficient?

B.4. Would there be a viable market for MBS issued by the Banks or the Bank System?

B.5. How would the market in which these securities would trade be affected by the level and type of credit enhancement?

B.6. Would these securities be likely to trade similarly to Private Label MBS or Agency MBS, and if so, how might such a program affect these markets? Alternatively, would such securities constitute a new market? How large would this program need to be to achieve a liquid market?

C. Benefits and Risks of Securitization

An important consideration in the establishment of a securitization program is an evaluation of the potential benefits and risks of such a program. If a securitization program were allowed, the potential benefits of such a program would need to be weighed against possible risks. Potentially, benefits could include increased liquidity and competition in the markets and greater access to smaller member financial institutions to sell mortgage loans. When the AMA programs were introduced, a primary goal was to provide participating member financial institutions with an alternative avenue to sell single-family mortgage loans with the risks aligned to the competencies of the members and the Banks. A securitization program could also help the Banks manage some of the risks such as interest rate risk associated with holding mortgages on their balance sheet. Difficulty in managing the interest rate risks associated with the AMA program has caused financial problems for some Banks.

The benefits of securitization would need to be weighed against the risks. For example, the Banks currently classify their AMA portfolios as held-in-portfolio. This classification is available to the Banks since they can demonstrate the intent and ability to hold these assets to maturity, and can insulate them from some changes in the market value of the assets. Mortgages acquired for a securitization program would likely be classified as held-for-sale, and fluctuations in the values of these assets would need to be reflected on the Banks' financial statements, potentially affecting earnings—and therefore, affect contributions to the Affordable Housing Program (AHP) [4]—and economic and regulatory capital. In addition, a successful program may require the Banks to build portfolios of mortgages that are substantially larger than those they are currently holding. While these mortgages are held in the portfolio and not yet securitized, the Banks may assume substantial market and credit

[4] Each Bank is required to allocate at least 10 percent of its prior year's net income to fund the AHP. Under the terms of the AHP, a member may submit an application to its Bank for funds to finance the purchase, construction or rehabilitation of housing for very low-, low-, and moderate-income households. *See* 12 CFR part 951.

risk, depending on the terms under which the mortgages are acquired.

With respect to the potential benefits and risks of a securitization program to the Banks, their members and housing markets more generally, we are seeking comment on the following:

C.1. Would the Bank's securitization of mortgages provide added liquidity and competition to the housing finance market?

C.2. What are the benefits to Bank System members?

C.3. Would the benefits be different for large and small members?

C.4. How would this activity further the public purpose of the Banks and promote the cooperative nature of the System? How would it affect the availability and affordability of mortgage credit, especially for low- and moderate-income households and first-time homebuyers?

C.5. How could the Banks' joint and several liability be affected?

C.6. What types of risk would the Banks face under a securitization program?

C.7. Do the Banks have the ability to manage these risks? What activities would the Banks need to undertake to mitigate and manage any such risks?

C.8. What prudential principles are needed and what prudential rules, limitations, and constraints would FHFA need impose on the Banks to ensure that securitization is conducted in a safe and sound manner?

D. Capital Requirements

The Bank Act states that each Bank must hold total capital equal to at least 5 percent of its total assets, provided that in determining compliance with this ratio, a Bank's total capital shall be calculated by multiplying its permanent capital by 1.5 and adding to this product any other component of total capital.[5] *See* 12 U.S.C. 1426(a)(2) and 12 CFR 932.2(b). The Bank Act also requires that when total capital is calculated without application of the multiplier of 1.5, a Bank's total capital must equal at least 4 percent of its total assets. *See* 12 U.S.C. 1426(a)(2)(B) and 12 CFR 932.2(a). A Bank also must hold sufficient permanent capital to meet its market, credit and operations risk, as measured under current regulations. *See* 12 U.S.C. 1426(a)(3) and 12 CFR 932.3.

Under current capital requirements, loans purchased for securitization would be subject to the same capital requirements as AMA for the period of time a Bank held the loan, assuming the loans were purchased with a member credit enhancement. If the loans the Bank intended to securitize were purchased without a member credit enhancement, however, credit risk charges under the risk-based capital rules would likely be higher than for AMA because the credit quality of the unenhanced loans would be lower.[6] *See* 12 CFR 932.4.

If the Banks were to guarantee any mortgages that they sold for securitization against default, the current risk based capital rules would likely require the Banks to treat those mortgages as ''Asset sales with recourse where the credit risk remains with the Bank.'' *See id.* and Table 2 of 12 CFR part 932. Under this provision, a Bank would have to treat the pools of loans underlying the guaranteed MBS as if it owned the loans and apply a credit risk charge appropriate for the credit rating of those loans. Such capital charges could prove prohibitive to a securitization program, especially if the loans did not retain a credit enhancement from the member after securitization. Banks may also need to modify their market risk models to assure that the models would calculate an appropriate market risk capital charge associated with the guarantees. *See* 12 CFR 932.5.

With respect to capital requirements, we are seeking comments on the following:

D.1. What, if any changes, to the current capital requirements may be necessary if the Banks were to undertake a securitization program?

D.2. Would the current rules need to be changed to account for credit or other risks associated with mortgage loan guarantees, if the Banks were to provide a guarantee, as part of the securitization program?

D.3. What are the risks related to mortgage loans and associated hedging instruments that would be in a securitization pipeline?

D.4. How should the potential increased exposure to operational risk associated with a securitization program be captured by the risk based capital rules?

E. Financial Viability

For any securitization program to be a viable business line for the Banks, the program would need to generate an adequate return. The outlook for generating such a return can be affected by many factors including market conditions, economies of scale, and the form of the securitization program (*e.g.*, whether the Banks provide a guarantee on the securitized mortgages).

With respect to financial viability, we are seeking comments on the following:

E.1. What conditions, resources, and capabilities, including technological capabilities, would be necessary for the Banks to implement a viable securitization program?

E.2. What are the key factors for launching and operating a successful securitization program in the foreseeable future? What scale of operations would be necessary to operate a successful securitization operation?

E.3. Given the Banks' capabilities, what are the feasible strategic alternatives for competing in the securitization market?

E4. How might the Banks achieve a comparative advantage over existing competitors in the market?

E.5. What segment of the market for MBS would the Banks serve? How would the Banks differentiate their MBS product from existing competitors in that market? Would there be sufficient demand for product securitized by the Banks?

E.6. Would the Banks be able to earn a sufficient return if the current structure of the AMA programs in which members provide the credit enhancement were carried over to the securitized products? Would a Bank guarantee of the mortgages be necessary to assure an adequate return for the Banks and/or the success of the program?

E.7. How would the Banks' advances programs (and returns from the advances business) be affected if the Banks also bought mortgages from members to securitize? Could a securitization program affect other Bank products, such as MPF Xtra?

E.8. How would the development of a market for covered bonds affect the feasibility of launching a securitization program?

[5] The Bank Act defines ''permanent capital'' as the amounts paid for Class B stock by members plus the Bank's retained earnings as determined in accordance with generally accepted accounting principles (GAAP), and defines ''total capital'' as permanent capital plus the amounts paid by members for Class A stock, any general allowances for losses held by a Bank under GAAP (but not any allowances or reserves held against specific assets) and any other amounts from sources available to absorb losses that are determined by regulation to be appropriate to include in total capital. *See* 12 U.S.C. 1426(a)(5). However, because the Banks have no general allowances for losses (not held against specific classes of assets) and no additional sources have been determined to be appropriate to include in total capital, a Bank's total capital currently consists of its permanent capital plus the amounts, if any, paid by its members for Class A stock.

[6] Current regulations would not allow the Banks to purchase and accumulate mortgage loans for securitization unless they were credit enhanced to investment grade by the member. The regulations would need to be amended before the Banks could purchase loans that were not credit enhanced. *See* 12 CFR 956.3(a)(4).

F. Accounting Issues

Currently, the mortgages purchased under the mortgage purchase programs are designated by the Banks as Held-in-portfolio. Therefore, short-term market gains and losses on their purchased mortgage portfolios are not recognized in financial statements. If the Banks developed a securitization program, mortgage loans that they purchased for securitization would have to be designated as held-for-sale. Fluctuations in current market values of these loans would be recognized through current income while the loans are held by the Bank. Allowing a mortgage securitization program, therefore, could in theory create greater volatility in Banks' reported income, although such possibility must be weighed against the longer terms effects on income that might arise from not needing to hold purchased mortgages on their books for the life of the loans. The Banks could also be expected to implement hedging strategies that could mitigate the effects of market value changes in the mortgages held for securitization on their income.

Accounting considerations may also affect a Bank's decision as to whether it would securitize loans that it previously purchased with the intent to hold them to maturity. If a Bank determined that it wanted to securitize any of these loans, the Bank would need to identify which loans that it would likely securitize, and designate such loans as held-for-sale. It would also have to recognize immediately current market value gains and losses in current income and continue to recognize future changes in market value through income until the loans actually are securitized. Given that the mortgages portfolio for most Banks currently show market value losses, such immediate recognition of the losses initially could negatively affect a Bank's reported income.

If the Banks were to guarantee the payment of principal and interest on the MBS they issue, they would also have to record the guarantee on their balance sheets. Guarantees generally would appear to meet the definitions of derivatives under Statement of Financial Accounting Standard 133, but may qualify for the exemption provided for financial guarantee contracts in that statement. In any case, the use of a guarantee as part of the securitization program would affect the timing and the amounts of the Banks' reported income.

In September 2008, the Financial Accounting Standards Board (FASB) issued Exposure Drafts requesting public comment on a proposed amendment to Interpretation No. 46 (revised December 2003), *Consolidation of Variable Interest Entities* (FIN 46(R)) as well as to FASB Statement No. 140, *Accounting for Transfers of Financial Assets*. These amendments could significantly affect financial reporting for securitizations and associated guarantees. Therefore, the amendments could present challenges for the Banks in implementing a securitization program.

F.1. Would accounting considerations, including, but not limited to amendments to FIN 46(R) and FASB 140, present a major obstacle to the Banks' implementing a securitization program?

G. Legal Issues

The Banks currently purchase mortgages under the incidental authority in sections 11(a) and 11(e)(1) of the Bank Act. 12 U.S.C. 1431(a) and (e)(1). In approving the initial mortgage purchase programs, the Finance Board noted that the programs were a way for the Banks to channel funds into residential housing finance in a manner that was functionally similar but technically more sophisticated than the advances programs. For that reason, it saw the activity as incidental to the dominant statutory purpose of the Banks to make advances. *See* Fin. Brd. Res. No. 96–111 (Dec. 23, 1996). *See also*, Office of General Counsel Opinion, 1996–GC–10 (Fin. Brd. Dec. 18, 1996).

The Finance Board's decision to allow the Banks to purchase mortgages was challenged in court, but it was eventually upheld by the Fifth Circuit Court of Appeals. *See Texas Savings* v. *Fed. Housing Fin. Brd.*, 201 F.3d 551 (5th Cir. 2000). In upholding the Finance Board's action, the court concluded that the Finance Board's interpretation of the Bank's incidental authority was ''permissible * * * because it is consistent with the structure and purpose of the * * * Bank Act, *i.e.*, to use the FHLBanks' access to low-cost funds in the securities markets in an effort to improve the level of housing finance.'' [7] *Id.* at 556. While major amendments were made to the Bank Act in 1999 by the Gramm-Leach-Bliley Act and more recently by HERA, the Banks' central mission remains providing funding for housing finance so that the underlying reasoning in *Texas Savings* is still applicable. *See* 12 U.S.C. 1430. *See also*, § 1313, Public Law 110–289 (amending 12 U.S.C. 4513(a)(1)(B)(ii)).

Securitization would go beyond the Banks' current mortgage purchase programs. It would provide the Banks an additional means to manage the risks of these programs by allowing them to package and sell the loans that they purchase. The underlying purpose of the mortgage purchase programs—to channel funding into housing finance—would not be altered, however, by a securitization program. Thus, the underlying legal reasoning applicable to the mortgage programs might apply to a securitization program so that the Banks should be able to undertake such a program without additional changes to their authorizing statutes. This would especially appear to be true if the Banks do not also guarantee the payment of principal and interest for the MBS as part of the securitization program.

In fact, in 1999, the Finance Board approved a program for the New York Bank that allowed it to buy certain conforming mortgages and community development loans originated by members, pool the loans and create credit support and other tranches from those pools, and sell those interests back to its members. *See* Fin. Brd. Res. 1999–43 (Aug. 18, 1999) (approving modifications to Community Mortgage Asset Activities Program). *See also* Office of General Counsel Opinion, 1999–GC–03 (Fin. Brd. Aug. 12, 1999). The program required that the member that originated the loans buy the credit support tranche from the Bank, and that the loans sold by the member meet certain other requirements. The Bank was not authorized to guarantee payments on the pooled loans.

This program was approved under the Banks' incidental powers, as were the other mortgage purchase programs. *See* Fin. Brd. Res. 1999–43, and 1999–GC–03. In analyzing the program, the Finance Board's Office of General Counsel reasoned that the securitization of the loans in question both would be a means to help members control the risks of their housing and community development lending [8] and would be a means for the Bank itself to manage the risk of its investment portfolio so that the program would be ''convenient and useful'' in carrying out the Bank's express investment powers. *See* 1999–

[7] The court determined that it was sufficient that the Banks had authority to purchase mortgages as an activity incidental to their housing finance mission, and it did not find it necessary to consider the Banks' investment authority or the Finance Board's construction of the investment authority provision of the Bank Act. *See Texas Savings*, 201 F.3d at 551 n.5.

[8] The Opinion noted that one of the underlying purposes of amendments to the incidental power provisions of the Bank Act made by Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) was to permit the Banks to assist members in controlling their costs, and the interest and credit risks arising from their activities. *See* 1999–GC–03 at 4–5.

GC–03 at 5. Although the Bank in question never implemented this program, so no loans were securitized under it, the legal reasoning remains valid given that the incidental powers provisions have not been amended since the program was approved. The same legal reasoning could be extended to a more general securitization program for the Banks.

With respect to legal issues, we are specifically seeking comment on the following:

G.1. Do the incidental authorities in section 11(a) and 11(e)(1) of the Bank Act provide a sufficient basis to authorize a securitization program, especially if the Banks are allowed to guarantee the securitized mortgages?

G.2. Are there other laws, such as the Government Corporation Control Act or specific tax provisions, which could create obstacles to a Bank securitization program? [9]

G.3. Given that different formats for securitization could be adopted by the Banks, would some formats present more legal obstacles to a program than others?

V. Summary of Request for Comment

In anticipation of presenting a report to Congress by July 30, 2009, FHFA is seeking public comment with respect to a possible securitization program in the Bank System. Some of the policy and safety and soundness issues that FHFA would need to address in the study are described in this notice. FHFA anticipates that responses to the questions raised in this notice will constitute an important source of relevant data and analysis. In addition to responses on the specific questions raised, commenters should provide other information that they believe may be useful in our analysis and preparation of the FHFA report to Congress.

Dated: February 23, 2009.

James B. Lockhart III,

Director, Federal Housing Finance Agency.

[FR Doc. E9–4262 Filed 2–26–09; 8:45 am]

BILLING CODE 8070–01–P

[9] For example, if the Banks were to issue CMOs as part of the program, the Banks would want such interests to qualify for the tax treatment provided to REMICs. The Banks, however, because they are not subject to Federal taxes, would most likely be considered a ''disqualified organization'' under the REMIC tax provisions and therefore could not hold any residual interests that were created by the securitization. *See* 26 U.S.C. 860E.

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 16, 2009.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Gary Ihry; Mary Ihry; Wade Ihry; Marilyn Ihry; Keith Ihry; Brenda Ihry, all of Hope, North Dakota, and Reed Ihry, of Devils Lake, North Dakota, to acquire voting shares of Quality Bankshares, Inc., and thereby indirectly acquire voting shares of Quality Bank, both of Fingal, North Dakota.

Board of Governors of the Federal Reserve System, February 24, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–4206 Filed 2–26–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 16, 2009.

A. Federal Reserve Bank of Atlanta (Steve Foley, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. Educational Services of America, Inc. and Educational Funding of the South, Inc., both of Knoxville, Tennessee, to engage in community development activities, pursuant to section 225.28(b)(12) of Regulation Y.

Board of Governors of the Federal Reserve System, February 24, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–4205 Filed 2–26–09; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute for Occupational Safety and Health; Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice concerning the final effect of the HHS decision to designate a class of employees at Vitro Manufacturing in Canonsburg, Pennsylvania, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On January 16, 2009, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All AWE employees who worked at Vitro Manufacturing in Canonsburg, Pennsylvania,

from August 13, 1942 through December 31, 1957, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on February 15, 2009, as provided for under 42 U.S.C. 7384l(14)(C). Hence, beginning on February 15, 2009, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV*.

Christine M. Branche,

Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. E9–4238 Filed 2–26–09; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute for Occupational Safety and Health; Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice concerning the final effect of the HHS decision to designate a class of employees at the Metallurgical Laboratory in Chicago, Illinois, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On January 16, 2009, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All AWE employees who worked at the Metallurgical Laboratory in Chicago, Illinois, from August 13, 1942 through June 30, 1946, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the SEC.

This designation became effective on February 15, 2009, as provided for under 42 U.S.C. 7384l(14)(C). Hence, beginning on February 15, 2009, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *ocas@cdc.gov*.

Christine M. Branche,

Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. E9–4253 Filed 2–26–09; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute for Occupational Safety and Health; Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice concerning the final effect of the HHS decision to designate a class of employees at the Mallinckrodt Chemical Co., Destrehan Street Plant in St. Louis, Missouri, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On January 16, 2009, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of DOE, its predecessor agencies, and their contractors and subcontractors who worked in the Uranium Division at the Mallinckrodt Chemical Co., Destrehan Street Plant in St. Louis, Missouri, from January 1, 1958 to December 31, 1958, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the SEC.

This designation became effective on February 15, 2009, as provided for under 42 U.S.C. 7384l(14)(C). Hence, beginning on February 15, 2009, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV*.

Christine M. Branche,

Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. E9–4254 Filed 2–26–09; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Institute for Occupational Safety and Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, National Institute for Occupational Safety and Health, Department of Health and Human Services, has been renewed for a 2-year period through February 3, 2011.

For information, contact Roger Rosa, Ph.D., Executive Secretary, Board of Scientific Counselors, National Institute for Occupational Safety and Health, Department of Health and Human Services, 200 Independence Avenue, SW., Room 715H, Mailstop P12, Washington, DC 20201, telephone 202/205–7856 or fax 202/260–4464.

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 the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 3, 2009.

Elaine L. Baker,

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

[FR Doc. E9–4190 Filed 2–26–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Extension of the World Trade Center Registry (U50), Request for Applications (RFA) OH–09–002

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:

Time and Date: 8 a.m.–5 p.m., March 31, 2009 (Closed).

Place: Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, Virginia 22314.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of ''Extension of the World Trade Center Registry (U50), RFA OH–09–002.''

For Further Information Contact: M. Chris Langub, Ph.D., Scientific Review Officer, Office of Extramural Programs, CDC, 1600 Clifton Road, NE., Mailstop E74, Atlanta, Georgia, Telephone: (404)498–2543.

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: February 19, 2009.

Elaine L. Baker,

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

[FR Doc. E9–4195 Filed 2–26–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Assessing the Accuracy of Self-Report of HIV Testing Behavior, Program Announcement Number (PA) 09–002

Correction: This notice was published in the **Federal Register** on February 10, 2009, Volume 74, Number 26, Page 6634. The place and time should read as follows:

Time and Date: 12 p.m.–3 p.m., March 20, 2009 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

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: February 13, 2009.

Elaine L. Baker,

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

[FR Doc. E9–4210 Filed 2–26–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Health Statistics (NCHS), Classifications and Public Health Data Standards Staff, Announces the Following Meeting

Name: ICD–9–CM Coordination and Maintenance Committee meeting.

Time and Date: 8:30 a.m.–4:30 p.m., March 11–12, 2009.

Place: Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland.

Status: Open to the public.

Purpose: The ICD–9–CM Coordination and Maintenance (C&M) Committee will hold its first meeting of the 2009 calendar year cycle on Wednesday and Thursday March 11–12, 2009. The C&M meeting is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Ninth-Revision, Clinical Modification.

Matters to be Discussed: Tentative agenda items include: Body Mass Index (BMI) 50 and over Cognitive symptoms related to Traumatic Brain Injury (TBI) and other eurological conditions, E. coli expansion fecal incontinence 5th digits for epilepsy codes, Heart failure, Mullerian anomalies personal history of Vulvar Intraepithelial Neoplasia (VIN) and Vaginal Intraepithelial Neoplasia (VAIN)Addenda (diagnoses), Injection of chemotherapeutic agent Intravascular optical coherence tomography (OCT), Thoracoscopic procedures, Virtual histology intravascular ultrasound (VH–IVUS), Addenda (procedures), and ICD–10/MS–DRG update.

For Further Information Contact: Amy Blum, Medical Systems Specialist, Classifications and Public Health Data Standards Staff, NCHS, 3311 Toledo Road, Room 2402, Hyattsville, Maryland 20782, e-mail *alb8@cdc.gov*, telephone 301–458–4106 (diagnosis), Mady Hue, Health Insurance Specialist, Division of Acute Care, CMS, 7500 Security Blvd., Baltimore, Maryland 21244, e-mail *marilu.hue@cms.hhs.gov*, telephone 410–786–4510 (procedures).

Notice: Because of increased security requirements CMS has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show an official form of picture I.D., (such as a drivers license), and sign-in at the security desk upon entering the building.

Those who wish to attend a specific ICD–9–CM C&M meeting in the CMS auditorium must submit their name and organization for addition to the meeting visitor list. Those wishing to attend the March 11–12, 2009 meeting must submit their name and organization by March 5, 2009 for inclusion on the visitor list. This visitor list will be maintained at the front desk of the CMS building and used by the guards to admit visitors to the meeting. Those who attended previous ICD–9–CM C&M meetings will no longer be automatically added to the visitor list. You must request inclusion of your name prior to each meeting you attend.

Register to attend the meeting on-line at: *http://www.cms.hhs.gov/apps/events/*.

Notice: This is a public meeting. However, because of fire code requirements, should the number of

attendants meet the capacity of the room, the meeting will be closed.

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: February 13, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. E9–4204 Filed 2–26–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10237 and 10214, and CMS–10171]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Advantage Applications—Part C and regulations under 42 CFR part 422 subpart K; *Use:* The Balanced Budget Act of 1997 established a new ''Part C'' in the Medicare statute Social Security Act (the Act), which provided for a Medicare+Choice (M+C) program. Under section 1851 of the Act, every individual entitled to Medicare Part A and enrolled under Part B, except for most individuals with end-stage renal disease (ESRD), could elect to receive benefits either through the Original Medicare Program or an M+C plan.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) was enacted on December 8, 2003. The MMA established the Medicare Prescription Drug Benefit Program (Part D) and made revisions to the provisions of Medicare Part C, governing what is now called the Medicare Advantage (MA) program (formerly Medicare+Choice).

Coverage for the prescription drug benefit is provided through contracted prescription drug plans or through Medicare Advantage (MA) plans that offer integrated prescription drug and health care coverage (MA–PD plans). Cost plans that are required under section 1876 of the Social Security Act, and Employer Group Waiver Plans (EGWP) may also provide a Part D benefit. Organizations wishing to provide services under the MA and MA–PD plans must complete an application, negotiate rates and receive final approval from CMS. Certain existing MA plans may also expand their contracted area by completing the Service Area Expansion (SAE) application.

Form Number: CMS–10237 and 10214 (OMB# 0938–0935); *Frequency:* Yearly; *Affected Public:* Private Sector; *Number of Respondents:* 267; *Total Annual Responses:* 267; *Total Annual Hours:* 6,490. (For policy questions regarding this collection contact Betty Burrier at 410–786–4649. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Coordination of Benefits between Part D Plans and Other Prescription Coverage Providers; *Use:* Section 1860D–23 and 1860D–24 of the Social Security Act requires the Secretary to establish requirements for prescription drug plans to ensure the effective coordination between Part D plans, State pharmaceutical Assistance programs and other payers. This collection request will assist CMS, Part D plans and other payers with coordination of prescription drug benefits at the point-of-sale and tracking of the beneficiary's True out-of-pocket (TrOOP) expenditures using the TrOOP facilitator. This information will be used by Part D plans, other health insurers or payers, pharmacies and CMS to coordinate prescription drug benefits provided to the Medicare beneficiary. Beginning in CY 2009, CMS, via the TrOOP facilitation contractor, will automate the transfer of beneficiary coverage information when a beneficiary changes plans. *Form Number:* CMS–10171 (OMB# 0938–0978); *Frequency:* Hourly, yearly and occasionally; *Affected Public:* Business or other for-profits; *Number of Respondents:* 56,988; *Total Annual Responses:* 1,139,760; *Total Annual Hours:* 1,125,883. (For policy questions regarding this collection contact Christine Hinds at 410–786–4578. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by *April 28, 2009:*

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 20, 2009.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E9–4128 Filed 2–26–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3205–FN]

Medicare Program; Application by the American Association of Diabetes Educators (AADE) for Recognition as a National Accreditation Organization (NAO) for Accrediting Entities To Furnish Outpatient Diabetes Self-Management Training (DSMT)

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

ACTION: Final notice.

SUMMARY: This final notice announces the approval of an application from the American Association of Diabetes Educators (AADE) for recognition as a National Accreditation Organization (NAO) for accrediting entities that wish to furnish outpatient Diabetes Self-Management Training (DSMT) to Medicare beneficiaries. Approval is for a period of 3 years.

DATES: *Effective Date:* This final notice is effective on March 30, 2009.

FOR FURTHER INFORMATION CONTACT: Joan A. Moliki, (410) 786–5526. Eva Fung, (410) 786–7539.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive outpatient Diabetes Self-Management Training (DSMT) when ordered by a physician (or qualified non-physician practitioner) provided certain requirements are met, as set out at 42 CFR 410.141. Our regulations at 42 CFR 410.141(e)(3) require that a DSMT program be accredited by a National Accreditation Organization (NAO) so that it can be determined if the program meets the requirements set out at § 410.144 when providing DSMT services for which Medicare payment is made.

Under section 1865(a)(1) of the Social Security Act (the Act), the Secretary must find that accreditation by a NAO demonstrates that the standards and requirements specified by the Secretary with regard to a provider are met in order for the NAO to qualify for deeming authority. We may evaluate and recognize a nonprofit organization with demonstrated experience in representing the interests of individuals with diabetes to accredit entities to furnish training. The regulations pertaining to requests by a national organization to be recognized as a NAO for DSMT are set out at 42 CFR 410.142. Entities applying for NAO status must demonstrate that they apply one of the sets of quality standards to the DSMT programs that they accredit as set out at 42 CFR 410.144. Our review and evaluation of the applicant organization's ability to maintain the standards and to apply them to accredited entities must provide assurance that DSMT services are able to be furnished consistent with federal requirements. Section 1865(a)(2) of the Act further requires that we consider, among other factors, with respect to a national accrediting body the following—

- Organization's requirements for accreditation,
- Its survey procedures,
- Its ability to provide adequate resources for conducting required surveys,
- Its ability to supply information for use in enforcement activities,
- Its monitoring procedures for provider entities found out of compliance with the conditions or requirements, and
- Its ability to provide us with necessary data for validation.

Section 1865(a)(3)(A) of the Act requires that we publish a notice identifying the national accreditation body making the request within 30 days of receipt of a completed application. The notice must describe the nature of the request and provide at least a 30-day public comment period. We have 210 days from receipt of the request to publish a finding of approval or denial of the application. If, after our review and evaluation, we determine an applicant organization meets all necessary requirements, any entity accredited by the organization will be ''deemed'' to meet the Medicare requirements.

II. Provisions of the Proposed Notice

On October 24, 2008, we published a proposed notice in the **Federal Register** (73 FR 63483) to notify the public of American Association of Diabetes Educators' (AADE) request for approval of its accreditation program to deem entities furnishing DSMT services.

Conditions for Coverage and Requirements for Outpatient DSMT

As noted above, the regulations specifying the Medicare conditions for coverage for outpatient DSMT are located in 42 CFR parts 410, subpart H. These conditions implement section 1861(qq) of the Act, which provides for Medicare Part B coverage of outpatient DSMT as specified by the Secretary.

Under section 1865(a)(2) of the Act and our regulations at § 410.142 (CMS Process for approving NAOs) and § 410.143 (Requirements for approved accreditation organizations), we review and evaluate the application of national organizations to be recognized as NAOs for DSMT. A national organization seeking recognition as a NAO must demonstrate that it applies one of three sets of quality standards to DSMT programs: the Medicare quality standards found at 42 CFR § 410.144(a); the National Standards for Diabetes Self-Management Education Programs (NSDSMEP), pursuant to § 410.144(b); or the standards of a national organization representing individuals with diabetes that meet or exceed Medicare standards.

We may conduct an on-site inspection of a NAO's office and operations to verify information in the organization's application and assess the organization's compliance with its own policies and procedures. The onsite inspection may include, but is not limited to, reviewing documents, auditing documentation of meetings concerning the accreditation process, evaluating accreditation results or the accreditation status decisionmaking process and interviewing the organization's staff.

III. Analysis of and Responses to Public Comments on the Proposed Notice

We received 16 items of correspondence containing 9 different comments. A summary of these comments and our responses are set forth below.

Comment: A few commenters supported the approval of the AADE to deem DSMT programs. The commenters stated that the approval of AADE would empower the organization to train healthcare professionals to educate an ailing population on diabetes self-management. They further stated that AADE's proposed quality standards would increase access to community-based DSMT programs, enable programs to conduct training in real-life settings, enhance behavior changes, and lead to improved clinical outcomes and patient satisfaction.

Response: We thank the commenters for their comments. The goal of the DSMT program is to provide beneficiaries with tools to better manage their diabetes and to achieve good clinical and behavioral outcomes.

Comment: One commenter urged CMS to ensure proper alignment of the AADE quality standards with CMS standards in order to assure quality DSMT education is delivered to beneficiaries. Another commenter suggested CMS use the NSDSMEP to evaluate AADE standards.

Response: Instead of using its own set of quality standards to deem DSMT entities as proposed in its initial application, AADE has elected to adopt and abide by the NSDSMEP standards. We performed an extensive review of the AADE accrediting policies and procedures, and assessed its proposed implementation strategies for the NSDSMEP. We concluded that they are consistent with the NSDSMEP and meet our requirements.

Comment: One commenter stated that the NSDSMEP requires the appointment of an advisory committee to promote quality and meet patient and community needs. The commenter noted that AADE's proposed policies did not address the requirement for such oversight or input. The commenter believed that AADE policies were therefore less stringent than the CMS quality improvement standard, which requires an entity to either have an agreement with a Quality Improvement Organization (QIO) to participate in a specified quality improvement project or demonstrate a level of achievement through a comparable project of its own design.

Response: Subsequent to its decision to adopt the NSDSMEP, AADE revised its policies to include a patient-centered and consumer-focused advisory group to provide input for planning, developing, evaluating, and collaborating DSMT efforts to better serve the community. We conducted a thorough review of AADE's revised policies and determined that they meet applicable standards.

Comment: Some commenters strongly objected to AADE's proposed standard which would have allowed non-professionals to be instructors on the DSMT team. They were concerned that the quality and accuracy of the DSMT would be significantly compromised. The commenters believed that the non-professional instructors could not stay current on the rapidly evolving treatment strategies due to their limited education and credentials. One commenter cited studies to demonstrate the lack of evidence to support the effectiveness of lay health workers in primary and community health care.

Response: We fully agree with the commenters that DSMT instructors should have qualified credentials in order to provide quality DSMT to Medicare beneficiaries. With AADE's adoption of the NSDSMEP, non-professionals will not be permitted to be a part of an accredited DSMT program's instructional team in an instructional capacity. Instead, AADE will limit their responsibilities to non-instructional and non-technical roles, in which they will perform a variety of support functions to enhance patients' self-management skills. Additionally, AADE requires evidence, as appropriate, of current licenses, registration and/or certification of instructors.

Comment: Some commenters raised concerns that AADE did not clearly define ''the use of non-clinical staff (such as, community health workers) to deliver diabetes education, with supervision by professional staff.'' The commenters further noted that AADE did not address the audit process for the training or on-going education of these non-professional instructors. One commenter stated that the non-professional staff should not be authorized to provide DSMT independently and that their work would need to be actively supervised by appropriate credentialed professional staff.

Response: As stated previously, AADE accreditation standards no longer permit accredited DSMT programs to include non-professionals as instructors on the DSMT team. AADE will require that the responsibilities of community health workers on the DSMT team be non-instructional and non-technical. They will receive training and be directly supervised by diabetes educators in the program. We believe that there are merits in using non-professional staff such as community health workers in collaborative programs such as DSMT. With training and supervision as required, non-professional staff can provide social support to beneficiaries, facilitate access to services and enhance cultural competency of service delivery.

Comment: One commenter strongly supported the requirement for a certified diabetes educator (CDE) on the instructional team.

Response: With the adoption of the NSDSMEP, AADE-accredited DSMT entities may include instructors who are certified diabetes educator(s).

Comment: One commenter stated that a physician-led team approach should be used to deliver cost-effective diabetes education.

Response: The leadership role of the physician has not changed. Under § 410.141, Outpatient DSMT, the physician or qualified non-physician practitioner treating the beneficiary's diabetes is charged with evaluating the beneficiary's need for training. He or she sets out the comprehensive plan of care; provides guidance on plan content, the number of sessions, frequency, and duration of services; and provides follow-up as necessary. Furthermore, the DSMT entity is expected to periodically update the referring physician about the beneficiary's outcomes, goals, and educational status.

Comment: One commenter stated that the AADE's proposed standards did not clarify how the accredited DSMT program would be able to meet beneficiaries' needs that were outside the solo instructor's scope of practice and expertise. In addition, the commenter stated that it was unclear how collaboration and linkages with other external health care providers of different disciplines would occur with only a solo program instructor.

Response: AADE now requires programs that have solo instructors to establish a mechanism for ensuring that participant needs are met if these needs are outside the instructor's scope of practice and expertise.

Comment: One commenter expressed concern that AADE's proposed standard #6 would have allowed DSMT to be delivered through telecommunication media, while the 2009 Medicare Physician Fee Schedule Final Rule specifically disallows payment for telehealth provision of services as a substitute for face-to-face DSMT service.

Response: We agree with the commenter that the delivery of DSMT through telecommunication services does not meet the intent of our DSMT standards, which promote interactive, face-to-face and collaborative learning. To comply with Medicare policy on payment for telehealth services, AADE has removed the language on the permissibility of providing DSMT via telecommunication services from its Interpretive Guidance and notes in its policy that we do not reimburse for DSMT provided via telehealth.

Comment: One commenter recommended that AADE be more explicit in describing the training program for volunteer auditors.

Response: AADE revised its policies to strengthen the training program for volunteer auditors to ensure consistent application of the standards to all DSMT programs.

Comment: One commenter requested that AADE clarify the percentage of programs it audits in the initial application phase as well as in the accreditation period.

Response: AADE's policy on random on-site audit specifies 5 percent of applicants for initial accreditation, 10 percent of accredited programs during an accreditation cycle and 10 percent of applicants applying for re-accreditation.

Comment: One commenter requested clarification of the AADE requirement for continuous quality improvement activities for accredited programs.

Response: For continuous quality improvement activities, AADE has

specific policies and procedures in place that require accredited programs to have a systematic process for implementing a continuous quality improvement process and plan, that is, programs are required to develop projects of their own design, and to specify the outcome measures they are currently tracking, providing a rationale for selecting the outcome measures. Furthermore, AADE also requires an accredited program to undertake quality improvement activities annually.

Comment: One commenter stated that AADE's proposed re-accreditation methodology that would perform random checks on providers' professional licenses, certificates and continuing education, would be inadequate, since the staffing turnover in DSMT programs is high. Random credential validation could pose a potential quality assurance problem.

Response: We agree with the commenter that an accrediting organization should comprehensively validate professional licenses, certificates and continuing education in the re-accreditation phases to ensure DSMT programs provide quality care by qualified staff. AADE's reaccreditation methodology now requires programs to notify the AADE of any change in staff status, and to maintain documentation of current verification of professional licenses, certificates and continuing education for inspection during the re-accreditation process.

Comment: One commenter recommended that AADE adopt NSDSMEP standard #10, requiring the DSMT entity to measure the effectiveness of the education process and determine opportunities for improvement using a written continuous quality improvement plan that describes and documents a systematic review of the entity's process and outcome data.

Response: As stated earlier, AADE is adopting the NSDSMEP in its entirety, including standard #10.

Comment: A commenter expressed concerns that AADE standards would require its accredited programs to use the AADE7™ self-care behaviors and continuum of outcomes framework. This could create a potential conflict of interest if AADE-approved entities were required to purchase the AADE7™ framework as a condition of accreditation.

Response: We do not believe there is a conflict of interest if a prospective program makes the business decision to be accredited by the AADE and purchase the AADE7™ to enhance its data collection and quality improvement practices. Also, AADE allows its accredited programs the option to use other data collection tools. DSMT programs also have the option of seeking accreditation by either of the other NAOs for DSMT: the American Diabetes Association or the Indian Health Service (accrediting American Indian and Alaska Native programs).

Comment: One commenter suggested that in addition to granting deeming authority to NAOs, CMS should expand outreach efforts to increase access to DSMT programs by educating beneficiaries, physicians, and qualified non-physician practitioners (for example, nurse practitioners, physician assistants) to enhance their understanding of the DSMT referral process.

Response: This is beyond the scope of this final notice. However, educating more professionals about how to care for persons with diabetes, and educating more persons with diabetes about self-care is an area that we consider to be beneficial. Currently, there are a number of studies being conducted by our Quality Improvement Organizations. We expect to build on the lessons from these studies to further reduce disparities between health care received by minority populations and to be able to measure improvements as evidenced by these studies. It is anticipated that the studies will provide an opportunity to learn the most appropriate treatment modalities for a variety of serious health concerns, including diabetes, that are prevalent in our society.

IV. Provisions of the Final Notice

AADE's application to become a NAO for purposes of DSMT as authorized under Section 1861 (qq) of the Act is approved for a period of three (3) years and becomes effective 30 days after publication of this final notice. This approval is subject to renewal subsequent to the receipt of an application from the AADE and subject to review, evaluation and approval of its program.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 6, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–3287 Filed 2–26–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–4142–PN]

Medicare Program; Application of the Utilization Review Accreditation Commission (URAC) for Deeming Authority for Medicare Prescription Drug Plan (PDP) Sponsors

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

ACTION: Proposed notice.

SUMMARY: This proposed notice announces the application of the Utilization Review Accreditation Commission (URAC) for deeming authority as a national accreditation organization for prescription drug plan sponsors participating in the Voluntary Medicare Prescription Drug Benefit Program. This announcement describes the criteria to be used in evaluating the application and provides information for submitting comments during a 30 day public comment period.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 30, 2009.

ADDRESSES: In commenting, please refer to file code CMS–4142–PN. 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 of Submission'' and enter the file code 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–4142–PN, 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–4142–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

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 one 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: Sue Bradshaw, (410) 786–2896.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Under the Medicare program, eligible beneficiaries may receive prescription drug benefits through a Prescription drug plan (PDP) sponsor that has a prescription drug plan contract with the Centers for Medicare & Medicaid Services (CMS). The regulations specifying the Medicare requirements that must be met in order for a PDP sponsor to enter into a prescription drug plan contract with CMS are located at 42 CFR part 423. These requirements implement Part D of Title XVIII of the Social Security Act (the Act), which specifies the prescription drug benefits that a PDP sponsor must provide and the requirements that the organization must meet to be a PDP sponsor. Other relevant sections of the Act are parts A and B of Title XVIII and part A of Title XI of the Act, pertaining to the provision of services by Medicare certified providers and suppliers.

Generally, for an organization to enter into a PDP contract, the organization must be licensed by the State as a risk bearing organization as set forth at 42 CFR 423.504(b)(2) of our regulations. Additionally, the organization must file an application demonstrating that it meets other Medicare requirements in part 423 of our regulations. Following approval of the contract, we engage in routine monitoring and oversight audits of the PDP sponsors to ensure continuing compliance. The monitoring and oversight audit process is comprehensive and uses a written protocol that itemizes the Medicare requirements that the PDP sponsors must meet.

As an alternative for meeting some Medicare requirements, a PDP sponsor may be exempt from CMS monitoring of certain requirements in subsets listed in section 1860D–4(j) of the Act (cross-referencing section 1852(e)(4)(B) of the Act) as a result of a PDP sponsor's accreditation by a CMS-approved accrediting organization (AO). In essence, the Secretary ''deems'' that the PDP has met the Medicare requirements via its accreditation, based on a previous determination that the AO's standards are at least as stringent as Medicare requirements. As we specify at § 423.168(b)(2)(ii) of our regulations, the term for which an AO may be approved by CMS may not exceed 6 years. For continuing approval, the AO will have to re-apply to CMS. An organization that applies for PDP sponsor deeming authority is generally recognized by the industry as an entity that accredits PDP sponsors that are licensed as prescription drug plan sponsors. Section 1852(e)(4)(C) of the Act requires that within 210 days of receipt of an application, the Secretary shall determine whether the applicant meets criteria specified in section 1865(b)(2) (redesignated in 2008 as section 1865(a)(2)) of the Act.

On October 14, 2008 URAC submitted to CMS an application for deeming authority with respect to Part D sponsors' compliance with the following PDP plan requirements, as set out at 42 CFR 423.165(b):

■ Access to covered drugs;

■ Confidentiality and accuracy of enrollee prescription drug records;

■ Drug utilization management, quality assurance measure and systems, medication therapy management; and,

■ The sponsors' programs to control fraud, waste and abuse. To be approved for deeming authority, an accrediting organization must demonstrate that its accreditation program requirements meet or exceed the Medicare requirements for which it is seeking the authority to deem compliance.

II. Provisions of the Proposed Notice

The purpose of this proposed notice is to notify the public of the application of the Utilization Review Accreditation Commission for deeming authority as a national accreditation organization for prescription drug plan sponsors participating in the Voluntary Medicare Prescription Drug Benefit Program. This announcement describes the criteria to be used in evaluating the application and provides information for submitting comments during a 30-day public comment period.

Deeming Application Approval Process

The application process for deeming authority includes a review of URAC's application in accordance with the criteria specified by our regulations at § 422.171(a). This includes, but is not limited to, the following:

• The equivalency of URAC's requirements for PDP sponsors to CMS's comparable PDP sponsor requirements.

• URAC's survey process, to determine the following:

+ The frequency of surveys.

+ The types of forms, guidelines, and instructions used by surveyors.

+ Descriptions of the accreditation decision making process, deficiency notification and monitoring process, and compliance enforcement process.

• Detailed information about individuals who perform accreditation surveys including—

+ Size and composition of the survey team;

+ Education and experience requirements for the surveyors;

+ In-service training required for surveyor personnel;

+ Surveyor performance evaluation systems; and

+ Conflict of interest policies relating to individuals in the survey and accreditation decision process.

• Descriptions of the organization's—

+ Data management and analysis system;

+ Policies and procedures for investigating and responding to complaints against accredited organizations; and+ Types and categories of accreditation offered and PDP sponsors and MA organizations currently accredited within those types and categories.

In accordance with § 423.171(b) of our regulations, the applicant must provide documentation relating to the following:

• Its ability to provide data in a CMS compatible format.

• The adequacy of personnel and other resources necessary to perform the required surveys and other activities.

• Assurances that it will comply with ongoing responsibility requirements specified in § 423.168(c) of our regulations.

Additionally, the accrediting organization must provide CMS with the opportunity to observe its accreditation process on site at a managed care organization and must provide any other information that CMS requires to prepare for an onsite visit. These site visits will help to verify that the information presented in the application is correct and to make a determination on the application.

In accordance with section 1865(a)(3)(A) of the Act and our regulations at § 423.168(b)(1), this proposed notice solicits public comment on the ability of URAC's accreditation program to meet or exceed the Medicare requirements for PDP sponsors which it seeks authority to deem as being in compliance with such requirements. In accordance with § 423.168(b)(1)(iii), comments are due [at least 30] days after the date of publication of this proposed notice.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Statement

In accordance with the provisions of Executive Order 12866, this regulation was not reviewed by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 13, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–4320 Filed 2–26–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1497–N]

Medicare Program; Public Meetings in Calendar Year 2009 for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations

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

ACTION: Notice.

SUMMARY: This notice announces the dates, time, and location of the Healthcare Common Procedure Coding System (HCPCS) public meetings to be held in calendar year 2009 to discuss our preliminary coding and payment determinations for all new public requests for revisions to the HCPCS. These meetings provide a forum for interested parties to make oral presentations or to submit written comments in response to preliminary coding and payment determinations. Discussion will be directed toward responses to our specific preliminary recommendations and will include all items on the public meeting agenda.

DATES: *Meeting Dates:* The following are the 2009 HCPCS public meeting dates:

1. Tuesday, April 28, 2009, 9 a.m. to 5 p.m., eastern daylight time (e.d.t.) (Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).

2. Wednesday, April 29, 2009, 9 a.m. to 5 p.m., e.d.t. (Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).

3. Tuesday, May 12, 2009, 9 a.m. to 5 p.m., e.d.t. (Supplies and Other).

4. Wednesday, May 13, 2009, 9 a.m. to 5 p.m., e.d.t. (Supplies and Other).

5. Wednesday, May 27, 2009, 9 a.m. to 5 p.m., e.d.t. (Orthotics and Prosthetics).

6. Thursday, May 28, 2009, 9 a.m. to 5 p.m., e.d.t. (Durable Medical Equipment (DME) and Accessories).

7. Thursday, July 9, 2009, 9 a.m. to 5 p.m., e.d.t. (Durable Medical Equipment (DME) and Accessories, including Negative Pressure Wound Therapy (NPWT) devices.

Deadlines for Primary Speaker Registration and Presentation Materials: The deadline for registering to be a primary speaker, and submitting materials and writings that will be used in support of an oral presentation are as follows:

• April 14, 2009 for the April 28 and 29, 2009 public meetings.

• April 28, 2009 for the May 12 and 13, 2009 public meetings.

• May 13, 2009 for the May 27 and 28, 2009 public meetings.

• June 25, 2009 for the July 9, 2009 public meeting.

Deadlines for All Other Attendees Registration: All individuals must register for each date that they plan on attending. The registration deadlines are different for each meeting. Registration deadlines are as follows:

• April 21, 2009 for the April 28 and 29, 2009 public meeting dates.

• May 5, 2009 for the May 12 and 13, 2009 public meeting dates.

• May 20, 2009 for the May 27 and 28, 2009 public meetings.

• July 2, 2009 for the July 9, 2009 public meeting.

Deadlines for Requesting Special Accommodations:

• April 14, 2009 for the April 28 and 29, 2009 public meeting dates.

• April 28, 2009 for the May 12 and 13, 2009 public meeting dates.

• May 13, 2009 for the May 27 and 28, 2009 public meetings.

• June 25, 2009 for the July 9, 2009 public meeting.

Deadline for Submission of Written Comments: Written comments must be received by the date of meeting at which a request is scheduled for discussion.

ADDRESSES: *Meeting Location:* The public meetings will be held in the main auditorium of the central building of the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Submission of Written Comments: Written comments can be e-mailed to *HCPCS@cms.hhs.gov* or sent via regular mail to Jennifer Carver or Gloria Knight, HCPCS Public Meeting Coordinator, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mail Stop C5–08–27, Baltimore, MD 21244.

Registration and Special Accommodations: Individuals wishing to participate or who need special accommodations or both must register by completing the on-line registration located at *http://www.cms.hhs.gov/medhcpcsgeninfo* or by contacting one of the following persons: Jennifer Carver at (410) 786–6610 or *Jennifer.Carver@cms.hhs.gov*; or Gloria Knight at (410) 786–4598 or *Gloria.Knight@cms.hhs.gov*.

FOR FURTHER INFORMATION CONTACT: Jennifer Carver at (410) 786–6610 or *Jennifer.Carver@cms.hhs.gov*; or Gloria Knight at (410) 786–4598 or *Gloria.Knight@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On December 21, 2000, the Congress passed the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554). Section 531(b) of BIPA mandated that we establish procedures that permit public consultation for coding and payment determinations for new durable medical equipment (DME) under Medicare Part B of title XVIII of the Social Security Act (the Act). The procedures and public meetings announced in this notice for new DME are in response to the mandate of section 531(b) of BIPA.

In the November 23, 2001 **Federal Register** (66 FR 58743), we published a notice providing information regarding the establishment of the public meeting process for DME. It is our intent to distribute any materials submitted to CMS to the HCPCS workgroup members for their consideration. CMS and the HCPCS workgroup members require sufficient preparation time to review all relevant materials. Therefore, we are implementing a 10-page submission limit and firm deadlines for receipt of any presentation materials the meeting participant wishes CMS to consider for this reason, our HCPCS Public Meeting Coordinators will only accept and review presentation materials received by the deadline for each public meeting, as specified in the **DATES** section of this notice.

The public meeting process provides an opportunity for the public to become aware of coding changes under consideration, as well as an opportunity for CMS to gather public input.

II. Meeting Registration

A. Required Information for Registration

The following information must be provided when registering:

- Name;
- Company name and address;
- Direct-dial telephone and fax numbers;
- E-mail address; and
- Special needs information.

A CMS staff member will confirm your registration by mail, e-mail, or fax.

B. Registration Process

1. Primary Speakers

Individuals must also indicate whether they are the ''primary speaker'' for an agenda item. Primary speakers must be designated by the entity that submitted the HCPCS coding request. When registering, primary speakers must provide a brief written statement regarding the nature of the information they intend to provide, and advise the HCPCS Public Meeting Coordinator regarding needs for audio/visual support. To avoid disruption of the meeting and ensure compatibility with our systems, tapes and disk files are tested and arranged in speaker sequence well in advance of the meeting. We will accept tapes and disk files that are received by the deadline for submissions for each public meeting as specified in the **DATES** section of this notice. The sum of all materials including the presentation may not exceed 10 pages (each side of a page counts as 1 page). An exception will be made to the 10-page limit for relevant studies published between the application deadline and the public meeting date, in which case, we would like a copy of the complete publication as soon as possible.

These materials may be delivered by regular mail postmark date no later than deadline date or by e-mail to one of the HCPCS Public Meeting Coordinators as specified in the **ADDRESSES** section of this notice. Individuals will need to provide 35 copies if materials are delivered by mail.

2. 5-Minute Speakers

To afford the same opportunity to all attendees, 5-minute speakers are not required to register as primary speakers; however, 5-minute speakers must still register as attendees by the deadline set forth under ''Deadlines for all Other Attendees Registration'' in the **DATES** section of this notice. Attendees can sign up only on the day of the meeting to do a 5-minute presentation. They must provide their name, company name and address, contact information as specified on the sign-up sheet, and identify the specific agenda item that they will address.

C. Additional Meeting/Registration Information

Public Meetings are scheduled far in advance of the influx of HCPCS applications each cycle. At the time they are scheduled we can only anticipate the number of applications that we receive in each category. As a result, we may not need the second day of Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents Public Meeting (Wednesday, April 29, 2009). We have scheduled this date tentatively. The Public Meeting Agendas published on CMS' HCPCS Web site at *http://www.cms.hhs.gov/medhcpcsgeninfo* will serve as final notification regarding whether a meeting will be held on April 29, 2009.

The product category reported by the applicant may not be the same as that assigned by CMS. Prior to registering to attend a public meeting, all participants are advised to review the public meeting agendas at *http://www.cms.hhs.gov/medhcpcsgeninfo* which identify our category determinations, and the dates each item will be discussed. Draft agendas, including a summary of each request and CMS' preliminary decision will be posted on our HCPCS Web site at *http://www.cms.hhs.gov/medhcpcsgeninfo* at least 4 weeks before each meeting.

Additional details regarding the public meeting process for all new public requests for revisions to the HCPCS, along with information on how to register and guidelines for an effective presentation, will be posted at least 4 weeks before the first meeting date on the HCPCS Web site at *http://www.cms.hhs.gov/medhcpcsgeninfo*. Individuals who intend to provide a presentation at a public meeting need to familiarize themselves with the HCPCS Web site and the valuable information it provides to prospective registrants. The HCPCS Web site contains a document titled ''The Healthcare Common Procedure Coding System (HCPCS) Level II Coding Procedures,'' which is a description of the HCPCS coding process, including a detailed explanation of the procedures used to make coding and payment determinations for all the products, supplies, and services that are coded in the HCPCS.

The HCPCS Web site also contains a document titled ''HCPCS Decision Tree & Definitions'' which illustrates, in flow

diagram format, HCPCS coding standards as described in our Coding Procedures document. A summary of each public meeting will be posted on the HCPCS Web site by the end of August 2009.

III. Presentations and Comment Format

We can only estimate the amount of meeting time that will be needed since it is difficult to anticipate the total number of speakers that will register for each meeting. Meeting participants should arrive early to allow time to clear security and sign-in. Each meeting is expected to begin promptly as scheduled. Meetings may end earlier than the stated ending time.

A. Oral Presentation Procedures

Individuals who are planning to provide an oral presentation must register as provided under the section titled ''Meeting Registration.'' Materials and writings that will be used in support of an oral presentation should be submitted to one of the HCPCS Public Meeting Coordinators.

These materials may be delivered by regular mail (postmark date no later than deadline date) or by e-mail to one of the HCPCS Public Meeting Coordinators specified in the **ADDRESSES** section. Individuals will need to include 35 copies if materials are delivered by mail.

B. Primary Speaker Presentations

The individual or entity requesting revisions to the HCPCS coding system for a particular agenda item may designate one ''primary speaker'' to make a presentation for a maximum of 15 minutes. Fifteen minutes is the total time interval for the presentation, and the presentation must incorporate the demonstration, set-up, and distribution of material. In establishing the public meeting agenda, we may group multiple, related requests under the same agenda item. In that case, we will decide whether additional time will be allotted, and may opt to increase the amount of time allotted to the speaker by increments of less than 15 minutes.

We will post ''Guidelines for Participation in Public Meetings for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations'' on the official HCPCS Web site at least 4 weeks before the first public meeting in 2009 for all new public requests for revisions to the HCPCS. Individuals designated to be the primary speaker must register to attend the meeting using the registration procedures described under the ''Meeting Registration'' section of this notice and contact one of the HCPCS Public Meeting Coordinators, specified in the **ADDRESSES** section. Primary speakers must also separately register as primary speakers by the date specified in the **DATES** section of this notice.

C. ''5-Minute'' Speaker Presentations

Meeting attendees can sign up at the meeting, on a first-come, first-served basis, to make 5-minute presentations on individual agenda items. Based on the number of items on the agenda and the progress of the meeting, a determination will be made at the meeting by the meeting coordinator and the meeting moderator regarding how many 5-minute speakers can be accommodated.

D. Speaker Declaration

On the day of the meeting, before the end of the meeting, all primary speakers and 5-minute speakers must provide a brief written summary of their comments and conclusions to the HCPCS Public Meeting Coordinator.

Each primary speaker and 5-minute speaker must declare in their presentation at the meeting, as well as in their written summary, whether they have any financial involvement with the manufacturers or competitors of any items being discussed; this includes any payment, salary, remuneration, or benefit provided to that speaker by the manufacturer or the manufacturer's representatives.

E. Written Comments From Meeting Attendees

(1) Written comments will be accepted from the general public and meeting registrants anytime up to the date of the public meeting at which a request is discussed. Comments must be sent to the address listed in the **ADDRESSES** section of this notice.

(2) Meeting attendees may also submit their written comments at the meeting.

(3) Due to the close timing of the public meetings, subsequent workgroup reconsiderations, and final decisions, we are able to consider only those comments received in writing by the close of the public meeting at which the request is discussed.

IV. Security, Building, and Parking Guidelines

The meetings are held in a Federal government building; therefore, Federal security measures are applicable. In planning your arrival time, we recommend allowing additional time to clear security. In order to gain access to the building and grounds, participants must bring government-issued photo identification and a copy of your written meeting registration confirmation. Persons without proper identification will be denied access.

To ensure that foreign visitors have appropriate access to Department facilities, HHS has established a policy regarding HHS employees hosting foreign nationals to clear such visits with the appropriate security officials. Attendees that are Foreign Nationals (reside outside the U.S.) need to identify themselves as such, and provide the following information for security clearance to the public meeting coordinator by the registration date:

- Visitor's full name (as it appears on passport);
- Gender;
- Country of origin and citizenship;
- Biographical data and related information;
- Date of birth;
- Place of birth;
- Passport number;
- Passport issue date;
- Passport expiration date; and
- Dates of visits.

Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting. The public may not enter the building earlier than 45 minutes before the convening of the meeting each day.

Security measures will also include inspection of vehicles, inside and outside, at the entrance to the grounds and buildings. In addition, all persons entering the building must pass through a metal detector. All items brought to CMS are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for demonstration or to support a presentation. Special arrangements and approvals are required in order to bring pieces of equipment or medical devices at least 2 weeks prior to each public meeting. These arrangements need to be made with the public meeting coordinator. It is possible that certain requests made in advance of the public meeting could be denied because of unique safety, security or handling issues related to the equipment. A minimum of 2 weeks is required for approvals and security procedures. Any request not submitted at least 2 weeks in advance of the public meeting will be denied.

Parking permits and instructions are issued upon arrival by the guards at the main entrance.

All visitors must be escorted by agency staff in order to enter areas other

than the public areas on the lower and first-floor levels in the Central Building.

Authority: Section 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 42 U.S.C. 1395hh).

Dated: February 20, 2009.

Charlene Frizzera,

Acting Adminstrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–4124 Filed 2–26–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection: Comment Request; Revision of OMB No. 0925–0002, Exp. 9/30/11, ''Ruth L. Kirschstein NRSA Individual Fellowship Application and Related Forms''

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Office of Extramural Research, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: Ruth L. Kirschstein NRSA Individual Fellowship Application and Related Forms. *Type of Information Collection Request:* Revision, OMB 0925–0002, Expiration Date 9/30/11. Form Numbers: PHS 416–1, 416–9, 416–5, 416–7, 6031, 6031–1.

Need and Use of Information Collection: The PHS 416–1and 416–9 are used by individuals to apply for direct research training support. Awards are made to individual applicants for specified training proposals in biomedical and behavioral research, selected as a result of a national competition. The other related forms (PHS 416–5, 416–7, 6031, 6031–1) are used by these individuals to activate, terminate, and provide for payback of a National Research Service Award. *Frequency of response:* Applicants may submit applications for published receipt dates. If awarded, annual progress is reported and trainees may be appointed or reappointed. *Affected Public:* Individuals or households; businesses or other for profit; not-for-profit institutions; Federal Government; and State, Local or Tribal Governments. *Type of Respondents:* Adult scientific trainees and *Respondents:* 34,454; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* 3.9; and *Estimated Total Annual Burden Hours Requested:* 132,501. The annualized cost to respondents is estimated at: $4,637,535. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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; (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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

For Further Information Contact: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Ms. Mikia Currie, Project Clearance Branch, Office of Policy for Extramural Research Administration, NIH, Rockledge 1 Building, Room 3505, 6705 Rockledge Drive, Bethesda, MD 20892–7974, or call non-toll-free number 301–435–0941, or e-mail your request, including your address to: [*curriem@od.nih.gov*].

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: February 20, 2009.

George Gardner,

Assistant Grants Policy Officer, OPERA, OER, National Institutes of Health.

[FR Doc. E9–4209 Filed 2–26–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. 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: Center for Scientific Review Special Emphasis Panel, Special Review of Cognition, Language and Perception Fellowships.

Date: March 2, 2009.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Dana Jeffrey Plude, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, 301–435–2309, *pluded@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, Mechanisms of Tumor Initiation and Progression.

Date: March 16, 2009.

Time: 8:30 a.m. to 10:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Elaine Sierra-Rivera, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7804, Bethesda, MD 20892, 301–435–1779, *riverase@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, Small Business: Psychopathology and Adult Disorders.

Date: March 17, 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: Dana Jeffrey Plude, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, 301–435–2309, *pluded@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, Biochemical and Biophysical Sciences Fellowship.
Date: March 17, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Savoy Suites, 2505 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Sergei Ruvinov, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@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, Small Business: Aging and Memory.
Date: March 17, 2009.
Time: 11 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Resort, 998 W. Mission Bay Drive, San Diego, CA 92109.
Contact Person: Maribeth Champoux, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301–594–3163, *champoum@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, Global Infectious Disease Program.
Date: March 19, 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: Dan D. Gerendasy, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843, Bethesda, MD 20892, 301–594–6830, *gerendad@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Tropomyosins.
Date: March 25–26, 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: Alessandra M. Bini, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, 301–435–1024, *binia@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Program Project Grant for Systems Genetics.
Date: March 25–26, 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: Amy L. Rubinstein, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 5152, MSC 7844, Bethesda, MD 20892, 301–435–1159, *rubinsteinal@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Reproductive and Developmental Sciences.
Date: March 25–26, 2009.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting).
Contact Person: Krish Krishnan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041, *krishnak@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Developmental Pharmacology.
Date: March 26–27, 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: Janet M. Larkin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1102, MSC 7840, Bethesda, MD 20892, 310–435–1026, *larkinja@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Risk Prevention Health Behavior Fellowships.
Date: March 27, 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: Karen Lechter, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3128, MSC 7759, Bethesda, MD 20892, 301–496–0726, *lechterk@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Physiology and Pathobiology of Cardiovascular and Respiratory Systems.
Date: March 30–31, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Abdelouahab Aitouche, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2183, MSC 7818, Bethesda, MD 20892, 301–435–2365, *aitouchea@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, RFA GM–09–012: Promoting Careers of Women in Science and Engineering.
Date: March 30–31, 2009.
Time: 4 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Valerie Durrant, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 435–3554, *durrantv@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Roadmap HIS Assay for MLPCN.
Date: March 31, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Galleria Park Hotel, 191 Sutter Street, San Francisco, CA 94104.
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*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Pre-doctoral Diversity Fellowships: Division of Basic and Integrative Biological Sciences.
Date: March 31–April 1, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.
Contact Person: 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*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 19, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–4044 Filed 2–26–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program (NTP); NTP Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); Announcement of a Second Meeting of the Independent Scientific Peer Review Panel on the Murine Local Lymph Node Assay; Availability of Draft Background Review Documents (BRD); Request for Comments

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

ACTION: Meeting announcement and request for comments.

SUMMARY: NICEATM, in collaboration with the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), announces a second meeting of an independent scientific peer review panel (hereafter, Panel) to evaluate three non-radioactive modified versions and new applications for the Murine Local Lymph Node Assay (LLNA). The LLNA is an alternative test method that can be used to determine the allergic contact dermatitis potential of chemicals and products.

The Panel will consider additional data and information for the three non-radioactive modified versions and new applications of the LLNA obtained by NICEATM subsequent to the original Panel meeting in March 2008. Based on this new information, the Panel will review the following:

- The validation status of three modified LLNA test methods.
- The proposed applicability domain of the LLNA.

The Panel will peer review revised draft BRDs for each topic and evaluate the extent that established validation and acceptance criteria have been appropriately addressed. The Panel also will be asked to comment on the extent to which draft ICCVAM test method recommendations are supported by the data analyses provided in the BRDs.

NICEATM invites public comments on the draft BRDs and draft ICCVAM test recommendations. All documents will be available on the NICEATM–ICCVAM Web site at *http://iccvam.niehs.nih.gov/methods/immunotox/llna_PeerPanel.htm* by March 3, 2009.

DATES: The meeting is scheduled for April 28–29, 2009 from 8:30 a.m. to 5 p.m. each day. The deadline for registration and submission of written comments is April 14, 2009.

ADDRESSES: The meeting will be held at the Natcher Conference Center, National Institutes of Health, 45 Center Drive, Bethesda, MD 20892. Persons needing special assistance in order to attend, such as sign language interpretation or other reasonable accommodation, should contact 301–402–8180 (voice) or 301–435–1908 TTY (text telephone). Requests should be made at least seven business days in advance of the event.

FOR FURTHER INFORMATION CONTACT: Dr. William S. Stokes, Director, NICEATM, NIEHS, P.O. Box 12233, Mail Stop: K2–16, Research Triangle Park, NC 27709; (telephone) 919–541–2384; (fax) 919–541–0947; (e-mail) *niceatm@niehs.nih.gov*. Courier address: NICEATM, NIEHS, 530 Davis Drive, Room 2035, Mail Stop: K2–16, Durham, NC 27713.

SUPPLEMENTARY INFORMATION:

Background

In January 2007, the U.S. Consumer Product Safety Commission (CPSC) submitted a nomination to NICEATM (*http://iccvam.niehs.nih.gov/methods/immunotox/llnadocs/CPSC_LLNA_nom.pdf*) requesting that ICCVAM assess the validation status of (1) the LLNA limit dose procedure; (2) three modified LLNA test method protocols that use non-radioactive probe chemicals; (3) the use of the LLNA to test mixtures, aqueous solutions, and metals (applicability domain for the LLNA); and (4) the use of the LLNA to determine potency (potential for causing allergic contact dermatitis). NICEATM compiled draft BRDs that provided comprehensive reviews of the available data and relevant information, which were used as the basis for draft ICCVAM test method recommendations. These documents were released to the Panel and the public for review and comment in January 2008 (73FR1360).

In March 2008, NICEATM and ICCVAM convened the public Panel meeting during which the Panel concluded that more information and data were required for the three modified LLNA test methods before recommendations could be made regarding their use for regulatory safety testing. Similarly, the Panel concluded that more data would be needed before a recommendation on the usefulness and limitations on the current applicability domain of the traditional LLNA could be made. The Panel's conclusions are detailed in a report, which was made available in May 2008 (73FR29136), and includes consideration of public comments made prior to and during their deliberations.

Subsequent to the Panel meeting, NICEATM received additional LLNA data for pesticide formulations and other products, as well as new data for the three modified LLNA test methods. Using the additional information, NICEATM revised the BRDs for each of these modified test methods and new applications of the LLNA. The revised draft BRDs provide all of the data and analyses supporting the scientific validity of the modified test methods and proposed applications. ICCVAM prepared revised draft test method recommendations regarding the proposed usefulness and limitations, standardized protocol, and future studies. NICEATM will reconvene the Panel to consider the additional information and revised recommendations.

Peer Review Panel Meeting

This meeting will take place April 28–29, 2009, at the Natcher Conference Center, National Institutes of Health, 45 Center Drive, Bethesda, Maryland, 20892. It will begin at 8:30 a.m. and is scheduled to conclude at approximately 5 p.m. on each day. The meeting is open to the public at no charge, with attendance limited only by the space available. The Panel will consider the revised draft BRDs for each of these modified versions and new applications of the LLNA and evaluate the extent that established validation and acceptance criteria are appropriately addressed for each test method and application (as described in the ICCVAM document, *Validation and Regulatory Acceptance of Toxicological Test Methods: A Report of the ad hoc Interagency Coordinating Committee on the Validation of Alternative Methods*, NIH Publication No. 97–3981, available at *http://iccvam.niehs.nih.gov/docs/about_docs/validate.pdf*). The Panel will then comment on the extent to which each of the revised draft ICCVAM test method recommendations is supported by the information provided in the corresponding revised draft BRDs. The Panel is expected first to review the three modified LLNA test methods, and then review the use of the LLNA for testing pesticide formulations and other products.

Additional information about the Panel meeting, including a roster of the Panel members and the draft agenda, will be made available two weeks prior to the meeting on the NICEATM–ICCVAM Web site (*http://iccvam.niehs.nih.gov*). This information will also be available after that date by

contacting NICEATM (see **FOR FURTHER INFORMATION CONTACT** above).

Attendance and Registration

In order to facilitate planning for this meeting, persons wishing to attend are asked to register by April 14, 2009, via the NICEATM–ICCVAM Web site (*http://iccvam.niehs.nih.gov/contact/reg_LLNAPanel.htm*). Visitor parking is located in the multi-level parking garage accessible via NIH Gateway Drive. All visitors should proceed to the Gateway Center to receive a visitor badge. Note: parking is limited and a government-issued ID is required for access (an area map, driving directions, and NIH contact information are available at *http://www.nih.gov/about/visitor/index.htm*).

Availability of the Revised Documents

The revised draft BRDs and revised draft ICCVAM test method recommendations will be available from the NICEATM–ICCVAM Web site (*http://iccvam.niehs.nih.gov/methods/immunotox/llna_PeerPanel.htm*) by March 3, 2009, or by contacting NICEATM (see **FOR FURTHER INFORMATION CONTACT** above).

Request for Public Comments

NICEATM invites the submission of written comments on the revised draft BRDs and revised draft ICCVAM test method recommendations and prefers that comments be submitted by April 14, 2009, electronically via the NICEATM–ICCVAM Web site *http://iccvam.niehs.nih.gov/contact/FR_pubcomment.htm* or via e-mail at *niceatm@niehs.nih.gov*. Written comments may also be sent by mail, fax, or e-mail to Dr. William Stokes, Director of NICEATM, at the address listed above (see **FOR FURTHER INFORMATION CONTACT**). When submitting written comments, please refer to this **Federal Register** notice and include appropriate contact information (name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization, if applicable). All comments received will be placed on the NICEATM–ICCVAM Web site (*http://iccvam.niehs.nih.gov*), and identified by the individual's name and affiliation or sponsoring organization (if applicable). Comments will also be provided to the Panel and ICCVAM agency representatives, and made available at the meeting.

Time will be provided for the presentation of oral comments by the public at designated times during the peer review. Members of the public who wish to present oral statements at the meeting (one speaker per organization) should contact NICEATM (see **FOR FURTHER INFORMATION CONTACT** above) by April 14, 2009 and provide a written copy of their comments. Each speaker is asked to provide contact information (name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization, if applicable) when registering to make oral comments. Up to seven minutes will be allotted per speaker. If this is not possible, please bring 40 copies of your comments to the meeting for distribution and to supplement the record. Written statements can supplement and expand the oral presentation. Please provide NICEATM with copies of any supplementary written statement using the guidelines outlined above.

Summary minutes and the Panel's final report will be available following the meeting on the NICEATM–ICCVAM Web site (*http://iccvam.niehs.nih.gov*). ICCVAM will consider the Panel's conclusions and recommendations and any public comments received in finalizing their test method recommendations and performance standards for these methods.

Background Information on ICCVAM, NICEATM, and the Scientific Advisory Committee on Alternative Toxicological Methods (SACATM)

ICCVAM is an interagency committee composed of representatives from 15 Federal regulatory and research agencies that use, generate, or disseminate toxicological information. ICCVAM conducts technical evaluations of new, revised, and alternative methods with regulatory applicability and promotes the scientific validation and regulatory acceptance of toxicological test methods that more accurately assess the safety and hazards of chemicals and products and that refine, reduce, and replace animal use. The ICCVAM Authorization Act of 2000 (42 U.S.C. 285*l*–3) established ICCVAM as a permanent interagency committee of the NIEHS under NICEATM. NICEATM administers ICCVAM and provides scientific and operational support for ICCVAM-related activities. NICEATM and ICCVAM work collaboratively to evaluate new and improved test methods applicable to the needs of U.S. Federal agencies. Additional information about ICCVAM and NICEATM can be found on their Web site (*http://iccvam.niehs.nih.gov*).

SACATM was established January 9, 2002, and is composed of scientists from the public and private sectors (67 FR 11358). SACATM provides advice to the Director of the NIEHS, to ICCVAM, and to NICEATM regarding the statutorily-mandated duties of ICCVAM and activities of NICEATM. Additional information about SACATM, including the charter, roster, and records of past meetings, can be found at *http://ntp.niehs.nih.gov/*; see ''Advisory Board & Committees'' (or directly at *http://ntp.niehs.nih.gov/go/167*).

Dated: February 19, 2009.

John R. Bucher,

Associate Director, NTP.

[FR Doc. E9–4280 Filed 2–26–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

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 meeting.

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

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Unsolicited Multi-Project (P01) Grant Applications.

Date: March 20, 2009.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700–B Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Roberta Binder, PhD, Scientific Review Officer, Division of Extramural Activities, NIAID, 6700B Rockledge Drive, Rm 2155, Bethesda, MD 20892, 301–496–7966, *rb169n@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 20, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–4191 Filed 2–26–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

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 meeting.

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

Name of Committee: Heart, Lung, and Blood Initial Review Group, Heart, Lung, and Blood Program Project Review Committee.

Date: March 19–20, 2009.

Time: March 19, 2009, 6 p.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Time: March 20, 2009, 8:30 a.m. to 2 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: Jeffrey H Hurst, PHD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7208, Bethesda, MD 20892–7924, 301–435–0303, *hurstj@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 23, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–4266 Filed 2–26–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIEHS.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual other conducted by the National Institute of Environmental Health Sciences, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIEHS.

Date: March 22–24, 2009.

Closed: March 22, 2009, 7 p.m. to 10 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Doubletree Guest Suites, 2515 Meridian Parkway, Research Triangle Park, NC 27713.

Closed: March 23, 2009, 8 a.m. to 9 a.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Nat. Inst. of Environmental Health Sciences, 111 T. W. Alexander Drive, Executive Conference Room, Research Triangle Park, NC 27709.

Open: March 23, 2009, 9 a.m. to 12:15 p.m.

Agenda: An overview of the organization and research in the Laboratory of Pharmacology.

Place: Nat. Inst. of Environmental Health Sciences, South Campus, Conference Rooms 101 A, B, and C, Research Triangle Park, NC 27709.

Closed: March 23, 2009, 12:15 p.m. to 12:45 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Nat. Inst. of Environmental Health Sciences, South Campus, Executive Conference Room, Research Triangle Park, NC 27709.

Open: March 23, 2009, 1:15 p.m. to 6:20 p.m.

Agenda: Review of the Laboratory of Pharmacology and an overview of the Cellular & Molecular Pathology Branch.

Place: Nat. Inst. of Environmental Health Sciences, South Campus, Conference Rooms 101 A, B, and C, Research Triangle Park, NC 27709.

Closed: March 23, 2009, 6:20 p.m. to 6:45 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Nat. Inst. of Environmental Health Sciences, South Campus, Executive Conference Room, Research Triangle Park, NC 27709.

Closed: March 23, 2009, 8:30 p.m. to Adjournment.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Doubletree Guest Suites, 2515 Meridian Parkway, Research Triangle Park, NC 27713.

Closed: March 24, 2009, 8:30 a.m. to 9:30 a.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Nat. Inst. of Environmental Health Sciences, South Campus, Executive Conference Room, Research Triangle Park, NC 27709.

Open: March 24, 2009, 9:30 a.m. to 11:45 a.m.

Agenda: Review of research of Tenure Track Investigators.

Place: Nat. Inst. of Environmental Health Sciences, South Campus, Conference Rooms 101 A, B, and C, Research Triangle Park, NC 27709.

*Closed:*March 24, 2009, 11:45 a.m. to 12:35 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Nat. Inst. of Environmental Health Sciences, South Campus, Executive Conference Room, Research Triangle Park, NC 27709.

Closed: March 24, 2009, 1:05 p.m. to Adjournment.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Nat. Inst. of Environmental Health Sciences, South Campus, Conference Room 101 A, B, and C, Research Triangle Park, NC 27709.

Contact Person: Perry J Blackshear, PhD, MD., Acting Scientific Director, Division of Intramural Research, National Inst. of Environmental Health Sciences, National Institutes of Health, PO Box 12233, Research Triangle Park, NC 27709, (919) 541–4899, *black009@niehs.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and

Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: February 20, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–4193 Filed 2–26–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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: National Institute of Mental Health Special Emphasis Panel; Culturally Adapted Treatment.

Date: March 5, 2009.

Time: 4 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David I. Sommers, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9606, Bethesda, MD 20892–9606, 301–443–7861, *dsommers@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: National Institute of Mental Health Special Emphasis Panel; ITMA Conflict.

Date: March 19, 2009.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Serena P. Chu, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Rockville, MD 20892–9609, 301–443–0004. *sechu@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 20, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–4196 Filed 2–26–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; 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: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Acute Kidney Injury Ancillary Studies.

Date: March 20, 2009.

Time: 3:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, PhD, Scientific Review Officer, Review Branch, DEA, Niddk, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NASH Applications Review.

Date: March 24, 2009.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lakshmanan Sankaran, PhD, Scientific Review Officer, Review Branch, DEA, Niddk, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *ls38z@nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Announcement of a Limited Competition for the Continuation of the Longitudinal Assessment of Bariatric Surgery (LABS) (U01).

Date: April 6, 2009.

Time: 1 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, PhD, Scientific Review Officer, Review Branch, DEA, Niddk, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; LRP Reviews.

Date: April 13, 2009.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: D. G. Patel, PhD, Scientific Review Officer, Review Branch, DEA, Niddk, National Institutes of Health Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 23, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–4272 Filed 2–26–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2009 Funding Opportunity

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of intent to award a Single Source Grant to the Tarzana Treatment Center, Reseda, CA.

SUMMARY: This notice is to inform the public that the Substance Abuse and Mental Health Services Administration (SAMHSA) intends to award approximately $509,000 (total costs) per year for up to two years to the Tarzana Treatment Center, Reseda, CA. This is not a formal request for applications. Assistance will be provided only to the Tarzana Treatment Center based on the receipt of a satisfactory application that is approved by an independent review group.

Funding Opportunity Title: SM–09–015.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.243.

Authority: Sections 520A of the Public Health Service Act, as amended.

Justification: Only the Tarzana Treatment Center, Reseda, CA is eligible to apply. The Substance Abuse and Mental Health Services Administration (SAMHSA) is seeking to award a single source grant to the Tarzana Treatment Center. Competition is limited to the Tarzana Treatment Center because it is presently funded through the Mental Health HIV Services Collaborative program. Several factors support the justification of a single source award to the intended applicant in order to maintain the integrity and consistency of the services of this grant activity. The grant award was for three years instead of five years because of an error in the application process. The current grant ends September 30, 2009. The Tarzana Treatment Center is in year-three of a process of providing treatment for over 100 individuals with HIV and co-occurring mental health disorders at various stages of recovery. The program's cross-site evaluation is planned as a five-year effort that includes all grantees and combines with SAMHSA's National Outcome Measures (NOMS) for site and program analysis.

FOR FURTHER INFORMATION CONTACT: Shelly Hara, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Room 8–1081, Rockville, MD 20857; telephone: (240) 276–2321; E-mail: *shelly.hara@samhsa.hhs.gov.*

Toian Vaughn,

SAMHSA Committee Management Officer.

[FR Doc. E9–4160 Filed 2–26–09; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2009–0001]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 30-day notice and request for comments; Revision of a currently approved collection, OMB No. 1660–0034, FEMA Form 95–41, Emergency Management Institute Residential Course Evaluation Form.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before March 30, 2009.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 1800 South Bell Street, Arlington, VA 20598–3005, facsimile number (202) 646–3347, or e-mail address *FEMA-Information-Collections@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: Emergency Management Institute Residential Course Evaluation Form.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 1660–0034.

Form Titles and Numbers: FEMA Form 95–41, Emergency Management Institute Residential Course Evaluation Form.

Abstract: Students attending the Emergency Management Institute resident program courses at the Federal Emergency Management Agency's National Emergency Training Center will be asked to complete a course evaluation form upon completion of each course they attend. The information will be used by EMI staff and management to identify problems with course materials, and will evaluate the quality of the course delivery, facilities, and instructors.

Affected Public: ''State, Local, or Tribal Government'' and ''Individuals or households.''

Estimated Number of Respondents: 11,778.

Frequency of Response: On occasion.

Estimated Average Hour Burden per Respondent: .167 burden hours.

Estimated Total Annual Burden Hours: 1,967 burden hours. The estimated total annual burden hours previously reported in the 60-day **Federal Register** Notice (*See* 73 FR 72498, Nov. 28, 2008) has been increased.

Estimated Cost: The estimated total annual respondent cost based on wage rate categories is $46,448.52. The estimated total annual respondent cost based on wage rate categories previously reported in the 60-day **Federal Register** Notice (*See* 73 FR 72498, Nov. 28, 2008) has been increased. The estimated annual cost to the Federal Government is $1,202,663.52.

Larry Gray,

Director, Office of Records Management, Office of Management, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E9–4214 Filed 2–26–09; 8:45 am]

BILLING CODE 9111–72–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2009–0001]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 30-day notice and request for comments; Revision of a currently approved collection; OMB No. 1660–0068; FEMA Form 516–1, Federal Hotel and Motel Fire Safety Declaration Form.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before March 30, 2009.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street, SW., Washington, DC 20472, facsimile number (202) 646–3347, or e-mail address *FEMA-Information-Collections@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: Federal Hotel and Motel Fire Safety Declaration Form.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 1660–0068.

Form Titles and Numbers: FEMA Form 516–1, Federal Hotel and Motel Fire Safety Declaration Form.

Abstract: FEMA will be collecting information from hotels and motels regarding the existence of smoke detectors and sprinkler systems in their buildings. FEMA is required to maintain a list of establishments that provide transient lodging with certification in place that they meet the requirements of the Hotel and Motel Fire Safety Act of 1990. This information is used to provide interested parties with a list of compliant hotels and motels, and it certifies that the business can be utilized by Federal government employees for work-related lodging.

Affected Public: Business or other For-Profit, State, local or Tribal Government.

Estimated Number of Respondents: 2,027. The number of respondents has been increased since publication of the 60-day **Federal Register** Notice (see 73 FR 72496, November 28, 2008).

Frequency of Response: Once.

Estimated Average Hour Burden per Respondent: .24 minutes (.39 hours).

Estimated Total Annual Burden Hours: 797 hours. The number of Annual Burden Hours has been increased since publication of the 60-day **Federal Register** Notice (see 73 FR 72496, November 28, 2008).

Estimated Cost: The estimated annualized cost to respondents based on wage rate categories is $19,706.48. The estimated annualized costs to respondents based on wage rate categories has been increased since publication of the 60-day **Federal Register** Notice (see 73 FR 72496, November 28, 2008). The estimated annual cost to the Federal Government is $57,000.

Larry Gray,

Director, Records Management Division, Office of Management, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E9–4215 Filed 2–26–09; 8:45 am]

BILLING CODE 9110–17–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5291–N–01]

Privacy Act of 1974; Notice of a Computer Matching Program Between the U.S. Department of Housing and Urban Development (HUD) and the Department of Justice (DOJ)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of a Computer Matching Program Between HUD and the DOJ.

SUMMARY: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988, as amended (Pub. L. 100–503), and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818 (June 19, 1989)); and OMB Bulletin 89–22, ''Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public,'' HUD proposes to issue public notice of its intent to conduct a new computer matching program using data from DOJ's systems of records. The matching program will involve the utilization of a computer information system of HUD, the Credit Alert Interactive Verification Reporting System (CAIVRS), which will include DOJ's debtor files. The CAIVRS database includes delinquent debt information from the Departments of Agriculture, Education, Veterans Affairs and the Small Business Administration. Also, judgment lien data is included from the Department of Justice.

FOR FURTHER INFORMATION CONTACT: The Recipient Agency, Donna Robinson-Staton, Departmental Privacy Act Officer, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 2256, Washington, DC 20410, telephone number (202) 402–8073 or the Source Agency, Diane E. Watson, Debt Collection Management, Nationwide Central Intake Facility (NCIF), Department of Justice, 1620 L Street, NW., Washington, DC 20036, telephone number (301) 427–0077. (These are not toll-free numbers.) A telecommunication device for hearing- and speech-impaired individuals TTY is available at 1–800–877–8339 (Federal Information Relay Service).

DATES: *Effective Date:* The effective date of the matching program shall begin March 30, 2009 or at least 40 days from the date copies of the signed (by both agencies' Data Integrity Boards (DIBs)) computer matching agreement are sent to the Office of Management and Budget (OMB) and both Houses of Congress, whichever is later, providing no comments are received which would result in a contrary determination.

Comments Due Date: March 30, 2009.

SUPPLEMENTARY INFORMATION: This notice supersedes notice published in the **Federal Register** on April 5, 2006 at 71 FR 17129. This match will allow prescreening of applicants for debts owed or loans guaranteed by the federal government to ascertain if the applicant

is delinquent in paying a debt owed to or insured by the federal government. Before granting a loan, a lending agency and/or an authorized lending institution will be able to interrogate the CAIVRS debtor file, which contains the Social Security Numbers (SSNs) of HUD's delinquent debtors and defaulter files of the DOJ and verify that the loan applicant is not in default on a federal judgment or delinquent on direct or guaranteed loans of participating federal programs. As a result of the information produced by this match, the authorized users may not deny, terminate, or make a final decision on any loan assistance to an applicant or take other adverse action against such applicant, until an officer or employee of such agency has independently verified such information.

Reporting of Matching Program

In accordance with Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, as amended, and OMB Bulletin 89–22, ''Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public,'' copies of this notice and report are being provided to the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget.

Authority: The matching program will be conducted under the authority of 28 U.S.C. 2301(e) (3611 of the Federal Debt Collection Procedures Act of 1990, Pub. L. 101–647), and Office of Management and Budget (OMB) Circulars A–129 (Managing Federal Credit Programs) and A–70 (Policies and Guidelines for Federal Credit Programs). One of the purposes of all Executive departments and agencies—including HUD—is to implement efficient management practices for federal credit programs. OMB Circular A–129 is issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Act of 1950, as amended; the Debt Collection Act of 1982 (Pub. L. 97–365; 5 U.S.C. 5514(a)), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134, section 31001); Section 2653 of Public Law 98–369; 41 U.S.C. 253; the Federal Credit Reform Act of 1990, as amended; the Federal Debt Collection Procedures Act of 1990; the Chief Financial Officers Act of 1990, as amended; Executive Order 8248; the Cash Management Improvement Act Amendments of 1992; and pre-existing common law authority to charge interest on debts and to offset payments to collect debts administratively.

Objectives to be Met By the Matching Program: HUD's primary objective in continuing the existing matching program is to give program agencies and their authorized financial institutions access to a system which allows them to prescreen applicants for loans or loans guaranteed by the Federal government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Government. By identifying those individuals or corporations against whom the DOJ has filed a judgment, the federal government can expand the prescreening search of their loan applicants to further avoid lending to applicants who are credit risks. As part of this process, HUD will be provided access to DOJ's debtor data for prescreening purposes. Each month HUD/CAIVRS receives limited information on borrowers who have defaulted on loans administered by participating federal agencies. This information includes: Social Security Number (SSN) or Employer Identification Number (EIN), case number, Federal Agency identifying code, and record type. Participating agencies also provide HUD with a file containing authorized lenders/business partners. Participating Federal agency personnel or authorized lenders that require access to CAIVRS, must enter a user authorization code followed by either an SSN or EIN (for businesses and non-profits). Only the following information is returned/displayed to the authorized users of CAIVRS:

- Yes/No as to whether the holder of that SSN/EIN is in default on a Federal loan; and
- If Yes, then CAIVRS provides to the lender:
- Loan case number;
- Record type (claim, default, foreclosure, or judgment);
- Agency administering the loan program; and
- Phone # at that agency (to call to clear up the default)
- Confirmation Code associated with the query

By law, processing of applications for Federal Credit benefits (such as government-insured loans) must be suspended when applicants are delinquent on Federal debt. Processing may continue only when the debtor satisfactorily resolves the debt (e.g., pays in full or renegotiates a new payment plan). To remove a CAIVRS sanction, the borrower must use the information provided to contact the agency that reported their SSN or EIN to HUD/CAIVRS.

Records to be Matched: HUD will use records from its systems of records entitled, HUD/SFH–01, Single Family Default Monitoring System; HUD/SFH–02, Single Family Insurance System CLAIMS Subsystem; HUD/HS–55, Debt Collection Asset Management System; and HUD/HS–57, Single Family Mortgage Notes. The debtor files for programs involved are included in these systems of records. HUD's debtor files contain information on borrowers and co-borrowers who are currently in default (at least 90 days delinquent on their loans or who have had their partial claim subordinate mortgage called due and payable and it has not been repaid in full); or who have any outstanding claims paid during the last three years on a Title II insured or guaranteed home mortgage loans; or individuals who had a claim paid in the last three years on a Title I loan. The DOJ will provide HUD with debtor files maintained in two DOJ systems of records. The first is entitled ''Justice/JMD–006, Debt Collection Management System and the second is entitled ''Justice/USA–015, Debt Collection Enforcement System. The DOJ debtor files contain information on individuals or corporations against who have defaulted on federal judgments. The DOJ will retain ownership and responsibility for their system of records that they place with HUD. HUD serves only as a record location and routine use recipient for DOJ's data.

Notice Procedures: HUD will notify individuals at the time of application (ensuring that routine use appears on the application form) for guaranteed or direct loans that their records will be matched to determine whether they are delinquent or in default on a federal debt. HUD and DOJ will also publish notices concerning routine use disclosures in the **Federal Register** to inform individuals that a computer match may be performed to determine a loan applicant's credit status with the federal government.

Categories of Records/Individuals Involved: The debtor records include data elements from HUD's systems of records: SSN, claim number, program code, and indication of indebtedness. *Categories of records include:* records of claims and defaults, repayment agreements, credit reports, financial statements, and records of foreclosures, and financial judgment liens. *Categories of individuals include:* former mortgagors and purchasers of HUD-owned properties, and home improvement loan debtors who are delinquent or in default (at least 90 days delinquent on their loans or who have had their partial claim subordinate mortgage called due and payable and it has not been paid in full); or who have any outstanding claims paid during the last three years on a title II insured or guaranteed home mortgage loans; or individuals who has a claim paid in the last three years on a Title I loan, and

individuals or corporations against whom judgments have been filed by DOJ.

Period of Match: Matching will begin at least 40 days from the date copies of the signed (by both agencies Data Integrity Boards) computer matching agreements are sent to OMB and both Houses of Congress or at least 30 days from the date this notice is published in the **Federal Register**, whichever is later, providing no comments are received which would result in a contrary determination. The matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other in writing to terminate or modify the agreement.

Dated: February 6, 2009.

Lynn Allen,

Acting Chief Information Officer.

[FR Doc. E9–4189 Filed 2–26–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2009–N0038; 20124–1113–0000-F5]

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under the Endangered Species Act of 1973, as amended (Act).

DATES: To ensure consideration, written comments must be received on or before March 30, 2009.

ADDRESSES: Written comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 6034, Albuquerque, New Mexico 87103. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Ave. SW., Room 6034, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Susan Jacobsen, Chief, Endangered Species Division, P.O. Box 1306, Albuquerque, New Mexico 87103, (505) 248–6920.

SUPPLEMENTARY INFORMATION:

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Permit TE–157587

Applicant: Southwestern Ecological Research Company, Tucson, Arizona.

Applicant requests an amendment to a current permit for research and recovery purposes to conduct presence/absence surveys of the following species: razorback sucker (*Xyracuchen texanus*) within Texas.

Permit TE–205717

Applicant: Valerie Collins, San Antonio, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of the following species: ocelot (*Leopardis (=Felis) pardalis*), jaguarundi (*Felis Yagouaroundi*), Attwater's greater prairie-chicken (*Tympanuchus cupido attwateri*), golden-cheeked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapillus*), northern aplomado falcon (*Falco femoralis septentrionalis*), brown pelican (*Pelecanus occidentalis*), interior least tern (*Sterna antillarum*), red-cockaded woodpecker (*Picoides (= Denrocopos) borealis*), Houston toad (*Bufo houstonensis*), San Marcos gambusia (*Gambusia georgei*), fountain darter (*Etheostoma fonticola*) Peck's Cave amphipod (*Stygobromus peckii*), Comal Spring dryopid beetle (*Stygoparnus comalensis*), Coffin Cave mold beetle (*Batrisodes texanus*), Helotes mold beetle (*Batrisodes venyivi*), Comal Springs riffle beetle (*Heterelmis comalensis*), ground beetle (*Rhadine exilis*), ground beetle (*Rhadine infernalis*), Tooth Cave ground beetle (*Rhadine persephone*), Robber Baron Cave meshweaver (*Cicurina baronia*), Madla Cave meshweaver (*Cicurina venii*), Braken Bat Cave mesheweaver (*Cicurina venii*), Government Canyon Bat Cave meshweaver (*Cicurina vespera*), Government Canyon Bat Cave spider (*Neoleptoneta microps*), Tooth Cave spider (*Neoleptoneta myopica*) and Texas trailing phlox (*Phlox nivalis texensis*) within Texas.

Permit TE–205731

Applicant: Kevin Brix, Miami, Florida.

Applicant requests a new permit for research and recovery purposes to captively breed and conduct scientific research of desert pupfish (*Cyprinodon macularius*) at the University of Miami, Florida.

Permit TE–205904

Applicant: Heritage Environmental Consultants, Denver, Colorado.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of the following species: southwestern willow flycatcher (*Empidonax taillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), and black-footed ferret (*Mustela nigripes*) within Colorado, Utah, Arizona, New Mexico, Nevada, California, Nebraska, and Kansas.

Permit TE–206016

Applicant: Andrew Middick, Edmond, Oklahoma.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of American burying beetles (*Nicophorus americanus*) within Oklahoma, Nebraska, Arkansas, and Kansas.

Permit TE–800900

Applicant: Lower Colorado River Authority, Austin, Texas.

Applicant requests an amendment to a current permit for research and recovery purposes to conduct presence/absence surveys of northern aplomado falcon (*Falco femoralis septentrionalis*), southwestern willow flycatcher (*Empidonax taillii extimus*), and interior least tern (*Sterna antillarum*) within Texas.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: February 19, 2009.

Thomas Bauer,

Acting Regional Director, Southwest Region, Fish and Wildlife Service.

[FR Doc. E9–4211 Filed 2–26–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Tribal Reassumption of Jurisdiction Over Child Custody Proceedings

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed renewal of information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Bureau of Indian Affairs is seeking to extend clearance for an information collection request. The information collection, Tribal Reassumption of Jurisdiction over Child Custody Proceedings, is cleared under OMB Control Number 1076–0112. Interested parties are invited to comment on this collection.

DATES: Written comments must be submitted on or before April 28, 2009.

ADDRESSES: Written comments may be sent to Sue V. Settles, Chief, Division of Human Services, Office of Indian Services, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, NW., MIB Mail Stop 4513, Washington, DC 20240, or fax to (202) 208–2648, or e-mail to *Sue.Settles@bia.gov*.

FOR FURTHER INFORMATION CONTACT: Sue V. Settles, Chief, Division of Human Services, at (202) 513–7621.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Department has issued regulations prescribing procedures by which an Indian tribe may reassume jurisdiction over Indian child proceedings when a state asserts any jurisdiction. Tribes have the right to pursue this alternative because this action is authorized by the Indian Child Welfare Act, Public Law 95–608, 92 Stat. 3069, 25 U.S.C. 1918.

II. Request for Comments

The Bureau of Indian Affairs (BIA) invites comments on:

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

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

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

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

An agency may not conduct or sponsor, and a person is not required to respond to collection of information unless it displays a currently valid OMB control number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section, room 4513 MIB, during the hours of 8 a.m. to 4:30 p.m., EST, Monday through Friday, except for legal holidays. Please note that all comments received will be available for public review 2 weeks after the comment period closes. Before including your address, phone number, e-mail address or other personally identifiable information, be advised that your entire comment—including your personally identifiable information—may be made public at any time. While you may request that we withhold your personally identifiable information, we cannot guarantee that we will be able to do so. We will honor your request according to the requirements of the law. All comments from organizations or representatives will be available for review. We may withhold comments from review for other reasons.

III. Data

OMB Control Number: 1076–0112.

Type of review: Extension.

Title: 25 CFR 13, Tribal Reassumption of Jurisdiction Over Child Custody Proceedings.

Brief Description of Collection: The collection of information will ensure that the provisions of Public Law 95–608 are met. Any Indian tribe which became subject to State jurisdiction pursuant to the provisions of the Act of August 15, 1953 (67 Stat. 588), as amended by title IV of the Act of April 11, 1968 (82 Stat. 73, 78), or pursuant to any other Federal law, may reassume jurisdiction over child custody proceedings. The collection of information provides data that will be used in considering the petition and feasibility of the plan of the tribe for reassumption of jurisdiction over Indian child custody proceedings such as the full name, address, and telephone number of petitioning tribe or tribes; a tribal resolution; estimated total number of members in the petitioning tribe or tribes with an explanation of how the number was estimated; current criteria for tribal membership; citation to provision in tribal constitution authorizing the tribal governing body to exercise jurisdiction over Indian child custody matter; description of tribal court; copy of any tribal ordinances or tribal court rules establishing procedures or rules for exercise of jurisdiction over child custody matters; and all other information required by 25 CFR 13.11.

Respondents: Federally recognized tribes who submit tribal reassumption petitions for review and approval by the Secretary of the Interior.

Number of Respondents: 2.

Estimated time per application: 8 hours.

Frequency of Response: Annually.

Total Annual Burden Hours: 16 hours.

Dated: February 19, 2009.

Sanjeev "Sonny" Bhagowalia,

Chief Information Officer—Indian Affairs.

[FR Doc. E9–4208 Filed 2–26–09; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOROR957000–L14200000-BJ000: HAG09–0087]

Filing of Plats of Survey: Oregon/Washington

AGENCY: U.S. Department of the Interior, Bureau of Land Management.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands were officially filed in the Bureau of Land Management Oregon/Washington State Office, Portland, Oregon, on August 19, 2008.

Willamette Meridian

Oregon

T. 32 S., R. 11 W., accepted June 13, 2008.

The plats of survey of the following described lands were officially filed in the Bureau of Land Management Oregon/Washington State Office, Portland, Oregon, on October 30, 2008.

Willamette Meridian

Washington

T. 23 N., R. 11 W., accepted September 22, 2008.

T. 21 N., R. 12 W., accepted September 22, 2008.

T. 34 N., R. 2 E., accepted September 30, 2008.

T. 27 N., R. 2 E., accepted September 30, 2008.

Oregon

T. 32 S., R. 6 W., accepted September 30, 2008.

T. 37 S., R. 5 W., accepted September 30, 2008.

T. 37 S., R. 4 W., accepted September 30, 2008.

The plats of survey of the following described lands were officially filed in the Bureau of Land Management Oregon/Washington State Office, Portland, Oregon, on November 7, 2008.

Willamette Meridian

Oregon

T. 25 S., R. 5 W., accepted October 16, 2008.
T. 26 S., R. 3 W., accepted October 16, 2008.
T. 28 S., R. 8 W., accepted October 16, 2008.
T. 30 S., R. 3 W., accepted October 16, 2008.
T. 29 S., R. 8 W., accepted October 24, 2008.
T. 29 S., R. 9 W., accepted October 24, 2008.

The plats of survey of the following described lands were officially filed in the Bureau of Land Management Oregon/Washington State Office, Portland, Oregon, on January 8, 2009.

Willamette Meridian

Washington

T. 33 N., R. 36 E., accepted November 24, 2008.

Oregon

T. 3 S., R. 7 W., accepted November 6, 2008.
T. 23 S., R. 4 W., accepted November 24, 2008.
T. 20 S., R. 6 W., accepted November 24, 2008.
T. 25 S., R. 7 W., accepted November 24, 2008.
T. 32 S., R. 10 W., accepted November 24, 2008.
T. 21 S., R. 4 W., accepted November 24, 2008.
Tps. 25 & 26 S.R. 4 W., accepted November 24, 2008.

ADDRESSES: A copy of the plats may be obtained from the Land Office at the Oregon/Washington State Office, Bureau of Land Management, 333 S.W. 1st Avenue, Portland, Oregon 97204, upon required payment. A person or party who wishes to protest against a survey must file a notice that they wish to protest (at the above address) with the Oregon/Washington State Director, Bureau of Land Management, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Geographic Sciences, Bureau of Land Management, 333 SW. 1st Avenue, Portland, Oregon 97204.

Dated: *February 13, 2009.*

Cathie Jensen,

Chief, Lands Section.

[FR Doc. E9–4192 Filed 2–26–09; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAZ9120000 L12200000 AL0000 6100.241A0]

State of Arizona Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Arizona Resource Advisory Council Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM), Arizona Resource Advisory Council (RAC), will meet on March 26, 2009, at the BLM National Training Center located at 9828 North 31st Avenue in Phoenix from 8 a.m. until 4:30 p.m. Morning agenda items include: Review and approval of the September 18, 2008, meeting minutes for RAC and Recreation Resource Advisory Council (RRAC) business; BLM State Director's update on statewide issues; Update on Solar Energy Rights-of-Way Applications; Presentation on the Healthy Lands Initiative Projects and Wild Horse and Burro Program in Arizona; RAC questions on BLM Field Managers' Rangeland Resource Team proposals; and reports by RAC working groups. A public comment period will be provided at 11:30 a.m. on March 26, 2009, for any interested publics who wish to address the Council on BLM programs and business.

Under the Federal Lands Recreation Enhancement Act, the RAC has been designated as the RRAC, and has the authority to review all BLM and Forest Service (FS) recreation fee proposals in Arizona. The afternoon meeting agenda on March 26, will include a presentation on the Federal Lands Recreation Enhancement Act requirements, a review and discussion of the Recreation Enhancement Act (REA) Working Group Report, future BLM/FS recreation fee proposals and REA Working Group meeting schedule.

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

FOR FURTHER INFORMATION CONTACT: Deborah Stevens, Bureau of Land Management, Arizona State Office, One North Central Avenue, Suite 800, Phoenix, Arizona 85004–4427, 602–417–9504.

Helen Hankins,

Acting Arizona State Director.

[FR Doc. E9–4212 Filed 2–26–09; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO–3200000 L13100000.PP0000 L.X.EM OSHL000.241A]

Potential for Oil Shale Development; Withdrawal of the Call for Nominations—Oil Shale Research, Development, and Demonstration (R, D, and D) Program and Request for Public Comment

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: On January 15, 2009, the BLM published in the **Federal Register** a notice entitled ''Potential for Oil Shale Development; Call for Nominations—Oil Shale Research, Development, and Demonstration (R, D, and D) Program'' (see 74 FR 2611). The new Administration intends to review and reconsider certain aspects of the current solicitation, including lease acreage and the rules that would govern conversion of an R, D, and D lease to a commercial lease, particularly those related to royalty rates. To ensure a fair return to the public for potential commercial development of these Federal resources, the Administration has determined that further information is needed. Accordingly, the BLM is seeking public comment on the terms and conditions of any future oil shale R, D, and D leases that it may issue. The BLM therefore withdraws the January 15, 2009, solicitation of the nomination of parcels to be leased for R, D, and D of oil shale recovery technologies in Colorado, Utah, and Wyoming.

DATES: The withdrawal is effective February 27, 2009. Please submit comments on the terms and conditions of any future oil shale R, D, and D leases no later than May 28, 2009 to assure that they are considered.

ADDRESSES: Please hand-deliver written comments to Nick Douglas, Suite 807, 1620 L Street, NW., Washington, DC. You may send comments via overnight delivery to this same address. Mail U.S.P.S. written comments to BLM (Attn: Nick Douglas), Minerals and Realty Management, Mail Stop: LS 807, 1849 C Street, NW., Washington, DC 20240. You may also send comments electronically to Nick Douglas at *Nick_Douglas@blm.gov*.

FOR FURTHER INFORMATION CONTACT: Nick Douglas, BLM, Washington Office, 202–557–3377.

SUPPLEMENTARY INFORMATION: The BLM is seeking comment from industry, state and local governments, and citizens on

the terms and conditions of a second round of oil shale R, D, and D leasing. The BLM has determined that more information is necessary prior to offering additional Federal lands for R, D and D leasing. This withdrawal is not intended to halt the oil shale R, D and D program, which is ongoing with six R, D and D leases in Colorado and Utah. Please specifically comment on the terms and conditions of any future R, D, and D leases that the BLM may issue, including, but not limited to, comments on lease size, lease duration, royalty rate after conversion to a commercial lease, environmental and economic diligence, and whether there is a need for additional preference right lease acreage. As a result of public comments received, the BLM may revise the lease form originally referenced in the **Federal Register** notice published on January 15, 2009 [74 FR 2611].

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 24, 2009.

Ron Wenker,

Acting Director, Bureau of Land Management.

[FR Doc. E9–4259 Filed 2–26–09; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO620000.L18200000.XH0000]

Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Resource Advisory Council Call for Nominations.

SUMMARY: The purpose of this notice is to request public nominations for the Bureau of Land Management (BLM) Resource Advisory Councils (RACs) that have member terms expiring this year. The RACs provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within their geographic areas. The BLM will consider public nominations for 45 days after the publication date of this notice.

DATE: Send all nominations to the appropriate BLM state office no later than April 13, 2009.

ADDRESSES: SEE SUPPLEMENTARY INFORMATION for the locations to send your nominations.

FOR FURTHER INFORMATION CONTACT: Ken Greenberger, U.S. Department of the Interior, Bureau of Land Management, Legislative Affairs and Correspondence Division, 1849 C Street, NW., MS–401 LS, Washington, DC 20240; 202–452–5066.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1730) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the requirements of the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784. These include three categories:

Category One—Holders of Federal grazing permits and representatives of organizations associated with energy and mineral development, timber industry, transportation or rights-of-way, developed outdoor recreation, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation activities, and wild horse and burro organizations; and

Category Three—Representatives of state, county, or local elected office; representatives and employees of a state agency responsible for management of natural resources; representatives of Indian tribes within or adjacent to the area for which the Council is organized; representatives of academia that are employed in natural sciences; and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the state or states in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and their knowledge of the geographical area of the RAC. Nominees should demonstrate a commitment to collaborative resource decisionmaking. The following must accompany all nominations:

—Letters of reference from represented interests or organizations;

—A completed background information nomination form; and

—Any other information that speaks to the nominee's qualifications.

Simultaneous with this notice, BLM state offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the state. Nominations for RACs should be sent to the appropriate BLM offices listed below:

Alaska

Alaska RAC

Sharon Wilson, Alaska State Office, BLM, 222 West 7th Avenue, #13, Anchorage, Alaska 99513, (907) 271–4418;

Alternate: Pam Eldridge, (907) 271–5555.

Arizona

Arizona RAC

Deborah Stevens, Arizona State Office, BLM, One North Central Avenue, Suite 800, Phoenix, Arizona 85004, (602) 417–9215.

California

Central California RAC

David Christy, Folsom Field Office, BLM, 63 Natoma Street, Folsom, California 95630, (916) 985–4474.

Northeastern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 252–5332.

Northwestern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 257–0456.

Colorado

Front Range RAC

Cass Cairns, Royal Gorge Field Office, BLM, 3170 E. Main Street, Canon City, Colorado 81212, (719) 269–8553.

Northwest RAC

David Boyd, Glenwood Springs Field Office, BLM, 50629 Highways 6 and 24, Glenwood Springs, Colorado 81601, (970) 947–2800.

Southwest RAC

Barbara Sharrow, Uncompahgre Field Office, BLM 2505 S. Townsend Ave., Montrose, Colorado 81401, (970) 240–5300.

Idaho

Coeur d'Alene District RAC

Lisa Wagner, Coeur d'Alene District Office, BLM, 3815 Schreiber Way, Coeur d'Alene, Idaho 83815, (208) 769–5014.

Idaho Falls District RAC

Joanna Wilson, Idaho Falls District Office, BLM, 1405 Hollipark Drive, Idaho Falls, Idaho 83401, (208) 524–7550.

Boise District RAC

MJ Byrne, Boise District Office, BLM, 3948 Development Avenue, Boise, Idaho 83705, (208) 384–3393.

Twin Falls District RAC

Heather Tiel-Nelson, Twin Falls District Office, BLM, 2536 Kimberly Road, Twin Falls, Idaho 83301, (208) 736–2352.

Montana and Dakotas

Eastern Montana RAC

Mark Jacobsen, Miles City Field Office, BLM, 111 Garryowen, Miles City, Montana 59301, (406) 233–2831.

Central Montana RAC

Craig Flentie, Lewistown Field Office, BLM, 920 Northeast Main, Lewistown, Montana 59457, (406) 538–1943.

Western Montana RAC

David Abrams, Butte Field Office, BLM, 106 North Parkmont, Butte, Montana 59701, (406) 533–7617.

Dakotas RAC

Lonny Bagley, North Dakota Field Office, BLM, 99 23rd Avenue West, Suite A, Dickinson, North Dakota 58601, (701) 227–7703.

Nevada

Mojave-Southern RAC; Northeastern Great Basin RAC; Sierra Front Northwestern RAC

Rochelle Ocava, Nevada State Office, BLM, 1340 Financial Boulevard, Reno, Nevada 89502, (775) 861–6588.

New Mexico

New Mexico RAC

Theresa Herrera, New Mexico State Office, BLM, 1474 Rodeo Road, P.O. Box 27115, Santa Fe, New Mexico 87505, (505) 438–7517.

Oregon/Washington

Eastern Washington RAC; John Day/Snake RAC; Southeast Oregon RAC

Pam Robbins, Oregon State Office, BLM, 333 SW First Avenue, P.O. Box 2965, Portland, Oregon 97208, (503) 808–6306.

Utah

Utah RAC

Sherry Foot, Utah State Office, BLM, 440 West 200 South, Suite 500, P.O. Box 45155, Salt Lake City, Utah 84101, (801) 539–4195.

Dated: February 24, 2009.

Ron Wenker,

Acting Director.

[FR Doc. E9–4260 Filed 2–26–09; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection for 1029–0103

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1996, the Office of Surface Mining (OSM) is announcing its intention to renew its authority for the collection of information for 30 CFR Part 875—Noncoal Reclamation.

DATES: Comments on the proposed information collection must be received by April 28, 2009, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Room 202—SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John A. Trelease, at (202) 208–2783 or at the e-mail address listed above.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies an information collection activity that OSM will submit to OMB for extension. This collection is contained in 30 CFR Part 875—Noncoal Reclamation.

OSM has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents. OSM will request a 3-year term of approval for this information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: 30 CFR Part 875—Noncoal Reclamation.

OMB Control Number: 1029–0103.

Summary: This Part establishes procedures and requirements for States and Indian tribes to conduct noncoal reclamation under abandoned mine land funding. The information is needed to assure compliance with the Surface Mining Control and Reclamation Act of 1977.

Frequency of Collection: Once.

Description of Respondents: State governments and Indian Tribes.

Total Annual Responses: 1.

Total Annual Burden Hours: 100.

Dated: February 3, 2008.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. E9–4107 Filed 2–26–09; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–658]

In the Matter of Certain Video Game Machines and Related Three-Dimensional Pointing Devices; Notice of Commission Decision Not To Review the Administrative Law Judge's Initial Determination Granting Complainant's Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's initial determination (''ID'') (Order No. 12) granting complainant's motion to amend the complaint and notice of investigation and terminate certain patent claims from the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–1999. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 23, 2008, based on a complaint filed by Hillcrest Laboratories, Inc. of Rockville, Maryland (''Hillcrest''), alleging violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain video game machines and related three-dimensional pointing devices by reason of infringement of certain claims of United States Patent Nos. 7,139,983 (''the '983 patent''); 7,158,118; 7,262,760; and 7,414,611. 73 FR 54854 (September 23, 2008). The complaint named Nintendo Co., Ltd. of Japan and Nintendo of America, Inc. of Redmond, WA (collectively, ''Nintendo'') as respondents.

On January 21, 2009, complainant Hillcrest moved to amend the complaint and notice of investigation to add claims 3, 13, and 20 of the '983 patent (the ''newly asserted claims'') to the claims asserted against Nintendo and terminate claims 5, 6, 15, 16, 22, and 23 of the '983 patent (the ''withdrawn claims'') from this investigation. Neither the Commission Investigative Attorney nor Nintendo opposed Hillcrest's motion.

On February 5, 2009, the administrative law judge issued the subject ID granting Hillcrest's motion to amend the complaint and notice of investigation to add the newly asserted claims and terminate the withdrawn claims from the investigation. No petitions for review of the subject ID were filed.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.
Issued: February 23, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–4161 Filed 2–26–09; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0096]

Office of Community Oriented Policing Services; Agency Information Collection Activities: Emergency Revision of a Previously Approved Collection, With Change; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: COPS Application Guide.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The emergency revision of a previously approved information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for 60 days for public comment until April 28, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed emergency information collection instrument with instructions or additional information, please contact Rebekah Dorr, Department of Justice Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Emergency revision of a previously approved collection, with change; comments requested.

(2) *Title of the Form/Collection:* COPS Application Guide.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Law enforcement agencies and other public and private entities that apply for COPS Office grants or cooperative agreements will be asked to review the COPS Application Guide. The COPS Application Guide provides instructions for all applicants

and is the result of a COPS Office business process reengineering effort aimed at standardization as required under the grant streamlining requirements of Public Law 106–107, the Federal Financial Assistance Management Improvement Act of 1999, as well as the President's Management Agenda E-grants Initiative.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 16,200 respondents annually will complete the form within 1 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 16,200 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 23, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–4157 Filed 2–26–09; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0097]

Office of Community Oriented Policing Services; Agency Information Collection Activities: Emergency Revision of a Previously Approved Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: COPS Budget Detail Worksheets.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS), will be submitting the following emergency information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for 60 days for public comment until April 28, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the information collection instrument with instructions or additional information, please contact Rebekah Dorr, Department of Justice Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW., Washington, DC 20530. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the extension of the previously approved 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 collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Emergency revision of a previously approved collection, with change; comments requested.

(2) *Title of the Form/Collection:* COPS Budget Detail Worksheets.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Law enforcement agencies and other public and private entities that apply for COPS Office grants or cooperative agreements will be asked to complete the COPS Budget Detail Worksheets. The COPS Budget Detail Worksheets are the result of a COPS Office business process reengineering effort aimed at standardization as required under the grant streamlining requirements of Public Law 106–107, the Federal Financial Assistance Management Improvement Act of 1999, as well as the President's Management Agenda E-grants Initiative. The new worksheets standardize the budget forms across all COPS Office programs and should reduce the burden on applicants due the applicants ability to use the same form for multiple programs, thus reducing the need for applicants to learn how to complete multiple differing forms.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 16,200 respondents annually will complete the form within 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 32,400 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 23, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–4158 Filed 2–26–09; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0098]

Office of Community Oriented Policing Services; Agency Information Collection Activities: Emergency Revision of a Previously Approved Collection, With Change; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: COPS Application Attachment to SF–424.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS), will be submitting the following emergency information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for 60 days for public comment until April 28, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed

information collection instrument with instructions or additional information, please contact Rebekah Dorr, Department of Justice Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Emergency revision of a previously approved collection, with change; comments requested.

(2) *Title of the Form/Collection:* COPS Application Attachment to SF–424.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Law enforcement agencies and other public and private entities that apply for COPS Office grants or cooperative agreements will be asked to complete the COPS Application Attachment to SF–424. The COPS Application Attachment to SF–424 is the result of a COPS Office business process reengineering effort aimed at standardization as required under the grant streamlining requirements of Public Law 106–107, the Federal Financial Assistance Management Improvement Act of 1999, as well as the President's Management Agenda E-grants Initiative. This form streamlined application forms across all COPS Office programs and reduced the burden on applicants due to the applicant's ability to use the same form for multiple programs, thus reducing the need for applicant's to learn how to complete multiple differing forms.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 16,200 respondents annually will complete the form within 10 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 162,000 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 23, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, Department of Justice.

[FR Doc. E9–4159 Filed 2–26–09; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[OMB Number 1105–NEW]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Emergency Notice of Information Collection Under Review: Collection of Information on Claims for Compensation for Physical and Emotional Injury, Death, and Commercial Claims Against the Government of Libya and Referred to the Foreign Claims Settlement Commission by the Department of State Legal Adviser.

The Department of Justice, Foreign Claims Settlement Commission (Commission), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by March 20, 2009. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503. Comments are encouraged and will be accepted for 60 days until April 28, 2009.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, including obtaining a copy of the proposed information collection instrument with instructions, should be directed to Judith Lock, Foreign Claims Settlement Commission, Department of Justice, 600 E Street, NW., Suite 6002, Washington DC 20579, or by facsimile (202) 616–6993.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the 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.

Overview of this information collection:

(1) *Type of information collection:* New Collection.

(2) *The title of the form/collection:* Claims of U.S. Nationals Against Libya.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection: Form Number:* FCSC 1–09. Foreign Claims Settlement Commission, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and Corporate Entities. *Other:* None. Information will be used as a basis for determining eligibility of U.S. nationals

with physical and emotional injury, death, and commercial claims for awards payable by the Department of Treasury out of funds provided pursuant to the U.S.-Libya Claims Settlement Agreement for certain terrorism-related claims against Libya, its agencies and instrumentalities, and officials and employees thereof, and referred to the Commission by the Department of State Legal Adviser.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 200 respondents will complete the application in approximately two hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual public burden associated with this application is 400 hours.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 23, 2009.

Lynn Bryant,

Department Clearance Officer, Department of Justice.

[FR Doc. E9–4156 Filed 2–26–09; 8:45 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Availability of the Finding of No Significant Impact for the Criminal Alien Requirement VIII

AGENCY: U.S. Department of Justice, Federal Bureau of Prisons.

ACTION: Notice; finding of no significant impact.

SUMMARY: The U.S. Department of Justice, Federal Bureau of Prisons (BOP) announces the availability of the Finding of No Significant Impact (FONSI) concerning the Criminal Alien Requirement VIII (CAR VIII). The BOP is seeking flexibility in managing its current shortage of beds by contracting for those services with non-federal facilities to house federal inmates. This approach provides the BOP with flexibility to meet population capacity needs in a timely fashion, conform with federal law, and maintain fiscal responsibility, while successfully attaining the mission of the BOP. The BOP proposed to contract with a public and private corporation to house up to 3000 federal, low-security, adult male inmates, that are primarily non-U.S. citizen, criminal aliens in existing Contractor-Owned/Contractor-Operated facilities. The award would be granted to a responsible offeror whose offer is found to be most advantageous to the Government. One existing facility has been offered in response to the BOP's solicitation for services. The one response provided a total of 2,567 beds. Environmental impacts of the facility were evaluated in a Environmental Assessment (EA). The EA evaluated the full effects of the available 2,567 inmate beds. Environmental impacts of this facility have been evaluated in an EA provided by the Offeror.

FOR FURTHER INFORMATION CONTACT: Richard A. Cohn, Chief, Capacity Planning and Site Selection Branch, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534. Tel: 202–514–6470. Fax: 202–616–6024. E-mail: *rcohn@bop.gov.*

SUPPLEMENTARY INFORMATION:

Background

Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and the Council of Environmental Quality Regulations (40 CFR Parts 1500–1508), the EA prepared to contract with a public and private corporation to house approximately 2,500 Federal, low-security, adult male inmates, non-U.S. citizen, that are primarily criminal aliens in existing Contractor-Owned/Contractor-Operated facility. One existing facility, has been offered in response to the BOP's solicitation for services. The one response provided a total of 2,567 beds. The EA was published on January 14, 2009, for a 30-day comment period and prepared pursuant to NEPA.

Project Information

The BOP is responsible for carrying out judgements of the Federal courts whenever a period of confinement is ordered.

Subsequently, the mission of the BOP is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self improvement opportunities to assist offenders in becoming law abiding citizens. Approximately 163,200 inmates are currently housed within the 114 federal correctional institutions that have levels of security ranging from minimum to maximum; a number exceeding the combined rated capacities of all federal correctional facilities. Measures being taken to manage the growth of the federal inmate population include construction of new institutions, acquisition and adaptation of facilities originally intended for other purposes, expansion and improvement of existing correctional facilities, and expanded use of contract beds. Adding capacity through these various means allows the BOP to work toward the long-term goal of reduced system-wide overcrowding.

Alternatives Considered

The No Action alternative is defined as a decision not to proceed with the proposed action to award a contract to house the described population. Instead, the BOP would continue the current and long-standing arrangement whereby low-security, adult male, criminal alien inmate populations are housed in facilities owned and operated by the BOP as well as with State, local, and private residential reentry centers and in alternative confinement. Adoption of the No Action alternative would avoid the potential impacts associated with use of a Contractor-Owned/Contractor-Operated correctional facility to house low security, Federal inmates.

Under the No Action alternative, the beneficial impacts on local and regional economies resulting from operational budget expenditures at potentially vacant or underutilized correctional facility would not occur. Under the No Action alternative, no job growth would be experienced in Adams County, Mississippi. The No Action alternative does not meet the purpose and need of the BOP's Action alternative and would not address the demand for additional capacity to house the increasing federal inmate population. One location was evaluated in the EA. This facility could be awarded a number of inmates up to its capacity; potential impacts at this facility were evaluated based upon its maximum possible capacity. The facility and respective inmate populations evaluated were:

■ Corrections Corporation of America, located in Adams County, Mississippi, evaluated for its maximum capacity under this action to provide 2,567 beds.

The impacts of the Action alternative on the environment were considered in an EA published on January 14, 2009 and prepared pursuant to NEPA. The EA evaluated the full effects of the potentially available 2,567 inmate beds. Review of the EA has led to a FONSI, as that phrase is defined pursuant to NEPA. The Action alternative would result in negligible impacts to public services of host communities. There would be no significant adverse impacts

to surrounding land uses, utility systems, traffic patterns or other community considerations. No significant adverse on-site impacts as defined pursuant to NEPA are anticipated as a result of the Action alternative. After review of the comments received from interested agencies and local citizens concerning the EA, the BOP signed a FONSI for the Action alternative.

Notice of Availability

BOP provided written notices of the availability of the EA in the local newspaper for 4-days with local and regional circulations, and through the local public library. The BOP also distributed approximately 50 copies (each) of the EA to Federal and State agencies, State and local governments, elected officials, interested organizations, and individuals.

Availability of the Finding of No Significant Impact

The FONSI and other information regarding this project are available upon request. To request a copy of the FONSI, please contact: Richard A. Cohn, Chief, Capacity Planning and Site Selection Branch or Issac J. Gaston, Site Selection Specialist, Capacity Planning and Site Selection Branch, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534 Tel: 202–514–6470/Fax: 202–616–6024/E-mail: *rcohn@bop.gov—igaston@bop.gov.*

Dated: February 18, 2009.

Richard A. Cohn,

Chief, Capacity Planning and Site Selection Branch.

[FR Doc. E9–3934 Filed 2–26–09; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

February 20, 2009.

The Department of Labor (DOL) hereby announces the submission of the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation; including, among other things, a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: *DOL_PRA_PUBLIC@dol.gov*.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the 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: 1,2-Dibromo-3-Chloropropane (DBCP) Standard (29 CFR 1910.1044).

OMB Control Number: 1218–0101.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 1.

Estimated Total Annual Burden Hours: 1.

Estimated Total Annual Costs Burden: $0.

Description: The purpose of DBCP Standard is to provide protection for employees from the adverse health effects caused by occupational exposure to DBCP. To ensure that employees are receiving this protection, the Standard requires employers to provide OSHA with access to various records. However, no employers are currently producing or using DBCP; therefore, the Standard imposes no cost burdens on employers. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 58983 on October 8, 2008. PRA documentation prepared in association with the preclearance notice is available on *http://www.regulations.gov* under docket number OSHA–2008–0038.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Cadmium in General Industry Standard (29 CFR 1910.1027).

OMB Control Number: 1218–0185.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 53,161.

Estimated Total Annual Burden Hours: 92,259.

Estimated Total Annual Costs Burden: $4,644,185.

Description: The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health effects that may result from occupational exposure to cadmium. The major information collection requirements in the Standard include conducting employee exposure monitoring, notifying employees of their cadmium exposures, implementing a written compliance program, implementing medical surveillance of employees, providing examining physicians with specific information, ensuring that employees receive a copy of their medical surveillance results, maintaining employees' exposure monitoring and medical surveillance records for specific periods, and providing access to these records by OSHA, the National Institute for Occupational Safety and Health, the employee who is the subject of the records, the employee's representative, and other designated parties. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 74199 on December 5, 2008. PRA documentation prepared in association with the preclearance notice is available on *http://www.regulations.gov* under docket number OSHA–2008–0052.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Cadmium in Construction Standard (29 CFR 1926.1127).

OMB Control Number: 1218–0186.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 10,000.

Estimated Total Annual Burden Hours: 39,331.

Estimated Total Annual Costs Burden: $1,775,457.

Description: The Cadmium in Construction Standard requires employers to protect employees from the adverse health effects that may result from their exposure to cadmium. The major information collection requirements in the Standard include conducting employee exposure monitoring, notifying employees of their cadmium exposures, implementing a written compliance program, implementing medical surveillance of employees, providing examining physicians with specific information, ensuring that employees receive a copy of their medical surveillance results, maintaining employees' exposure monitoring and medical surveillance records for specific periods, and providing access to these records by OSHA, the National Institute for Occupational Safety and Health, the employee who is the subject of the records, the employee's representative, and other designated parties. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 74197 on December 5, 2008. PRA documentation prepared in association with the preclearance notice is available on *http://www.regulations.gov* under docket number OSHA–2008–0051.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Asbestos in Shipyards (29 CFR 1915.1001).

OMB Control Number: 1218–0195.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 316.

Estimated Total Annual Burden Hours: 1,624.

Estimated Total Annual Costs Burden: $37,798.

Description: The information collection requirements specified in the Asbestos in Shipyards Standard protect employees from the adverse health effects that may result from occupational exposure to asbestos. The major information collection requirements in the Standard include:

Implementing an exposure monitoring program that informs employees of their exposure-monitoring results;

At multi-employer worksites, notification of other on-site employers by employers establishing regulated areas for the type of work performed with asbestos-containing materials (ACMs) and/or presumed asbestos-containing materials (PACMs), the requirements that pertain to regulated areas and the measures the employers can use to protect their employees from asbestos overexposure;

Developing specific information and training programs for employees;

Providing medical surveillance for employees potentially exposed to ACMs and/or PACMs, including administering an employee medical questionnaire, providing information to the examining physician, and providing the physician's written opinion to the employee; and

Maintaining records of objective data used for exposure determinations, employee exposure monitoring and medical surveillance records, training records, the record (i.e., information, data, and analyses) used to demonstrate that PACM does not contain asbestos, and notifications made and received by building/facility owners regarding the content of ACMs and PACMs. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 65683 on November 4, 2008. PRA documentation prepared in association with the preclearance notice is available on *http://www.regulations.gov* under docket number OSHA–2008–0048.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Longshoring and Marine Terminal Operations (29 C.F.R. parts 1918 and 1917, respectively).

OMB Control Number: 1218–0196.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 750.

Estimated Total Annual Burden Hours: 35,948.

Estimated Total Annual Costs Burden: $0.

Description: The Standards on Longshoring and Marine Terminal Operations contain a number of collections of information which are used by employers to ensure that employees are informed properly about the safety and health hazards associated with longshoring and marine terminal operations. OSHA uses the records developed in response to the collection of information requirements to find out if employers are complying adequately with the provisions of the Standards. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 74527 on December 8, 2008. A corrections notice to this **Federal Register** notice was published at Vol. 73 FR 77074 on December 18, 2008. PRA documentation prepared in association with the preclearance notice is available on *http://www.regulations.gov* under docket number OSHA–2008–0050.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Hazardous Waste Operations and Emergency Response (HAZWOPER) (29 CFR 1910.120).

OMB Control Number: 1218–0202.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 34,812.

Estimated Total Annual Burden Hours: 1,199,954.

Estimated Total Annual Costs Burden: $3,111,762.

Description: Section 126(e) of the ''Superfund Amendments and Reauthorization Act of 1986'' (SARA) (Pub. L. 99–499) which became law on October 17, 1986, required the Secretary of Labor, pursuant to Section 6 of the Occupational Safety and Health Act of 1970 (the Act), to promulgate standards for the safety and health protection of employees engaged in hazardous waste operations and emergency response. Section 126(a) of SARA also specified that those standards were to become effective a year after publication. Section 126(b) lists 11 worker protection provisions that the Secretary of Labor had to include in OSHA's final standard. Those provisions require OSHA to address the preparation of various written programs, plans and records; the training of employees; the monitoring of airborne hazards; the conduct of medical surveillance; and the distribution of information to employees. The provisions also require the collection of information from employers engaged in hazardous waste operations and their emergency response to such operations. The final standard covers the provisions mandated in SARA. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 77072 on December 18, 2008. PRA documentation prepared in association with the preclearance notice is available on

http://www.regulations.gov under docket number OSHA–2008–0049.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E9–4234 Filed 2–26–09; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Prohibited Transaction Exemptions and Grant of Individual Exemptions Involving: D–11481, CitiGroup Inc. 2009–06; D–11484, Robert W. Baird & Co. Incorporated, 2009–07; D–11490 Raymond James & Associates, Inc., 2009–08; and Northwestern Mutual Investment Services, LLC

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code).

FOR FURTHER INFORMATION CONTACT: Chris Motta of the Department, telephone (202) 693–8540. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

Citigroup, Inc., Located in New York, New York

[Prohibited Transaction Exemption 2009–06; Exemption Application Number D–11481]

Exemption

Section I. Transactions Involving Plans Described in Both Title I and Title II of ERISA

The restrictions of section 406(a)(1)(A) through (D) and section 406(b) of ERISA, and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply, effective February 1, 2008, to the following transactions, if the conditions set forth in section III have been met: [1]

(a) The sale or exchange of an Auction Rate Security (as defined in section IV (b)) by a Plan (as defined in section IV(h)) to the Sponsor (as defined in section IV (g)) of such Plan; or

(b) A lending of money or other extension of credit to a Plan in connection with the holding of an Auction Rate Security by the Plan, from: (1) Citigroup, Inc. or an affiliate (Citigroup); (2) an Introducing Broker (as defined in section IV (f)); or (3) a Clearing Broker (as defined in section IV (d)); where the loan is: (i) repaid in accordance with its terms; and (ii) guaranteed by the Plan Sponsor.

II. Transactions Involving Plans Described in Title II of ERISA Only

The sanctions resulting from the application of section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply, effective February 1, 2008, to the following transactions, if the conditions set forth in section III have been met:

(a) The sale or exchange of an Auction Rate Security by a Title II Only Plan (as defined in section IV(i)) to the Beneficial Owner (as defined in section IV(c)) of such Plan; or

(b) A lending of money or other extension of credit to a Title II Only Plan in connection with the holding of an Auction Rate Security by the Title II Only Plan, from: (1) Citigroup; (2) an Introducing Broker; or (3) a Clearing Broker; where the loan is: (i) repaid in accordance with its terms and; (ii) guaranteed by the Beneficial Owner.

III. Conditions

(a) Citigroup acted as a broker or dealer, non-bank custodian, or fiduciary in connection with the acquisition or holding of the Auction Rate Security that is the subject of the transaction;

(b) For transactions involving a Plan (including a Title II Only Plan) not sponsored by Citigroup for its own employees, the decision to enter into the transaction is made by a Plan fiduciary who is Independent (as defined in section IV(e)) of Citigroup. Notwithstanding the foregoing, an employee of Citigroup who is the Beneficial Owner of a Title II Only Plan may direct such Plan to engage in a transaction described in section II, if all of the other conditions of this section III have been met;

(c) The last auction for the Auction Rate Security was unsuccessful;

(d) The Plan does not waive any rights or claims in connection with the loan or sale as a condition of engaging in the above-described transaction;

(e) The Plan does not pay any fees or commissions in connection with the transaction;

(f) The transaction is not part of an arrangement, agreement or understanding designed to benefit a party in interest;

(g) With respect to any sale described in section I (a) or section II(a):

(1) The sale is for no consideration other than cash payment against prompt delivery of the Auction Rate Security; and

(2) For purposes of the sale, the Auction Rate Security is valued at par, plus any accrued but unpaid interest; [2]

[1] For purposes of this exemption, references to section 406 of ERISA should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[2] This exemption does not address tax issues. The Department has been informed by the Internal Revenue Service and the Department of the Treasury that they are considering providing limited relief from the requirements of sections 72(t)(4), 401(a)(9), and 4974 of the Code with respect to retirement plans that hold Auction Rate Securities. The Department has also been informed by the Internal Revenue Service that if Auction Rate

(h) With respect to an in-kind exchange described in section (I)(a) or section II(a), the exchange involves the transfer by a Plan of an Auction Rate Security in return for a Delivered Security, as such term is defined in section IV(j), where:

(1) The exchange is unconditional;

(2) For purposes of the exchange, the Auction Rate Security is valued at par, plus any accrued but unpaid interest;

(3) The Delivered Security is valued at fair market value, as determined at the time of the in-kind exchange by a third party pricing service or other objective source;

(4) The Delivered Security is appropriate for the Plan and a security that the Plan is otherwise permitted to hold under applicable law; [3] and

(5) The total value of the Auction Rate Security (i.e., par plus any accrued but unpaid interest) is equal to the fair market value of the Delivered Security;

(i) With respect to a loan described in section I(b) or II(b):

(1) The loan is documented in a written agreement containing all of the material terms of the loan, including the consequences of default;

(2) The Plan does not pay an interest rate that exceeds one of the following three rates as of the commencement of the loan:

(A) The coupon rate for the Auction Rate Security;

(B) The Federal Funds Rate; or

(C) The Prime Rate;

(3) The loan is unsecured; and

(4) The amount of the loan is not more than the total par value of the Auction Rate Securities held by the Plan.

IV. Definitions

(a) The term ''affiliate'' means: any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(b) The term ''Auction Rate Security'' or ''ARS'' means a security:

(1) That is either a debt instrument (generally with a long-term nominal maturity) or preferred stock; and

(2) With an interest rate or dividend that is reset at specific intervals through a Dutch auction process;

(c) The term ''Beneficial Owner'' means: the individual for whose benefit the Title II Only Plan is established and includes a relative or family trust with respect to such individual;

(d) The term ''Clearing Broker'' means: a member of a securities exchange that acts as a liaison between an investor and a clearing corporation and that helps to ensure that a trade is settled appropriately, that the transaction is successfully completed and that is responsible for maintaining the paper work associated with the clearing and executing of a transaction;

(e) The term ''Independent'' means a person who is: (1) not Citigroup or an affiliate; and (2) not a relative (as defined in ERISA section 3(15)) of the party engaging in the transaction;

(f) The term ''Introducing Broker'' means: a registered broker that is able to perform all the functions of a broker except for the ability to accept money, securities, or property from a customer;

(g) The term ''Sponsor'' means: a plan sponsor as described in section 3(16)(B) of the Act and any Affiliates;

(h) The term ''Plan'' means: any plan described in section 3(3) of the Act and/or section 4975(e)(1) of the Code;

(i) The term ''Title II Only Plan'' means: any plan described in section 4975(e)(1) of the Code which is not an employee benefit plan covered by Title I of ERISA;

(j) The term ''Delivered Security means a security that is: (1) Listed on a national securities exchange (excluding OTC Bulletin Board-eligible securities and Pink Sheets-quoted securities); or (2) a U.S. Treasury obligation; or (3) A fixed income security that has a rating at the time of the exchange that is in one of the two highest generic rating categories from an independent nationally recognized statistical rating organization (*e.g.*, a highly rated municipal bond or a highly rated corporate bond); or (4) A certificate of deposit insured by the Federal Deposit Insurance Corporation. Notwithstanding the above, the term ''Delivered Security'' shall not include any Auction Rate Security, or any related Auction Rate Security, including derivatives or securities materially comprised of Auction Rate Securities or any illiquid securities.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice of Proposed Exemption published in the **Federal Register** on November 7, 2008 at 73 FR 66260.

FOR FURTHER INFORMATION CONTACT: Chris Motta of the Department, telephone (202) 693–8540. (This is not a toll-free number.)

Robert W. Baird & Co. Incorporated, Located in Milwaukee, Wisconsin

[Prohibited Transaction Exemption 2009–07; Exemption Application Number D–11484]

Exemption

Section I. Transactions Involving Plans Described In Both Title I and Title II of ERISA

The restrictions of section 406(a)(1)(A) through (D) and section 406(b) of ERISA, and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply, effective February 1, 2008, to the following transactions, if the conditions set forth in section III have been met: [4]

(a) The sale or exchange of an Auction Rate Security (as defined in section IV(b)) by a Plan (as defined in section IV(h)) to the Sponsor (as defined in section IV(g)) of such Plan; or

(b) A lending of money or other extension of credit to a Plan in connection with the Plan's holding of an Auction Rate Security, from: (1) Robert W. Baird & Co. Incorporated or any of its current or future affiliates or subsidiaries (Baird); (2) an Introducing Broker (as defined in section IV(f)); or (3) a Clearing Broker (as defined in section IV(d)); where the loan is: (i) repaid in accordance with its terms; and (ii) guaranteed by the Plan Sponsor.

II. Transactions Involving Plans Described In Title II of ERISA Only

The sanctions resulting from the application of section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply, effective February 1, 2008, to the following transactions, if the conditions set forth in section III have been met:

(a) The sale or exchange of an Auction Rate Security by a Title II Only Plan (as defined in section IV(i)) to the Beneficial Owner (as defined in section IV(c)) of such Plan; or

(b) A lending of money or other extension of credit to a Title II Only

Securities are purchased from a Plan in a transaction described in sections I and II at a price that exceeds the fair market value of those securities, then the excess value would be treated as a contribution for purposes of applying applicable contribution and deduction limits under sections 219, 404, 408, and 415 of the Code.

[3] The Department notes that the Act's general standards of fiduciary conduct also would apply to the transactions described herein. In this regard, section 404 requires, among other things, that a fiduciary discharge his duties respecting a plan solely in the interest of the plan's participants and beneficiaries and in a prudent manner. Accordingly, a plan fiduciary must act prudently with respect to, among other things: (1) The decision to exchange an Auction Rate Security for a Delivered Security; and (2) the negotiation of the terms of such exchange (or a cash sale or loan described above), including the pricing of such securities. The Department further emphasizes that it expects plan fiduciaries, prior to entering into any of the transactions, to fully understand the risks associated with these types of transactions following disclosure by Citigroup of all relevant information.

[4] For purposes of this exemption, references to section 406 of ERISA should be read to refer as well to the corresponding provisions of section 4975 of the Code.

Plan in connection with the Plan's holding of an Auction Rate Security, from: (1) Baird; (2) an Introducing Broker; or (3) a Clearing Broker; where the loan is: (i) repaid in accordance with its terms and; (ii) guaranteed by the Beneficial Owner.

III. Conditions

(a) Baird acted as a broker or dealer, non-bank custodian, or fiduciary in connection with the acquisition or holding of the Auction Rate Security that is the subject of the transaction;

(b) For transactions involving a Plan (including a Title II Only Plan) not sponsored by Baird for its own employees, the decision to enter into the transaction is made by a Plan fiduciary who is Independent (as defined in section IV (e)) of Baird. Notwithstanding the foregoing, an employee of Baird who is the Beneficial Owner of a Title II Only Plan may direct such Plan to engage in a transaction described in section II, if all of the other conditions of this section III have been met;

(c) The last auction for the Auction Rate Security was unsuccessful;

(d) The Plan does not waive any rights or claims in connection with the loan or sale as a condition of engaging in the transaction;

(e) The Plan does not pay any fees or commissions in connection with the transaction;

(f) The transaction is not part of an arrangement, agreement or understanding designed to benefit a party in interest;

(g) With respect to any sale described in section I (a) or section II (a):

(1) The sale is for no consideration other than cash payment against prompt delivery of the Auction Rate Security; and

(2) For purposes of the sale, the Auction Rate Security is valued at par, plus any accrued but unpaid interest; [5]

(h) With respect to an in-kind exchange described in section (I)(a) or section II(a), the exchange involves the transfer by a Plan of an Auction Rate Security in return for a Delivered Security, as such term is defined in section IV(j), where:

(1) The exchange is unconditional;

(2) For purposes of the exchange, the Auction Rate Security is valued at par, plus any accrued but unpaid interest;

(3) The Delivered Security is valued at fair market value, as determined at the time of the in-kind exchange by a third party pricing service or other objective source;

(4) The Delivered Security is appropriate for the Plan and a security that the Plan is otherwise permitted to hold under applicable law; [6] and

(5) The total value of the Auction Rate Security (i.e., par plus any accrued but unpaid interest) is equal to the fair market value of the Delivered Security;

(i) With respect to a loan described in section I(b) or II(b):

(1) The loan is documented in a written agreement containing all of the material terms of the loan, including the consequences of default;

(2) The Plan does not pay an interest rate that exceeds one of the following three rates as of the commencement of the loan:

(A) The coupon rate for the Auction Rate Security;

(B) The Federal Funds Rate; or

(C) The Prime Rate;

(3) The loan is unsecured; and

(4) The amount of the loan is not more than the total par value of the Auction Rate Securities held by the Plan.

IV. Definitions

(a) The term ''affiliate'' means any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(b) The term ''Auction Rate Security'' or ''ARS'' means a security:

(1) That is either a debt instrument (generally with a long-term nominal maturity) or preferred stock; and

(2) With an interest rate or dividend that is reset at specific intervals through a Dutch auction process;

(c) The term ''Beneficial Owner'' means: the individual for whose benefit the Title II Only Plan is established and includes a relative or family trust with respect to such individual;

(d) The term ''Clearing Broker'' means: a member of a securities exchange that acts as a liaison between an investor and a clearing corporation and that helps to ensure that a trade is settled appropriately, that the transaction is successfully completed and that is responsible for maintaining the paperwork associated with the clearing and executing of a transaction;

(e) The term ''Independent'' means a person who is: (1) not Baird or an affiliate; and (2) not a relative (as defined in ERISA section 3(15)) of the party engaging in the transaction;

(f) The term ''Introducing Broker'' means: a registered broker that is able to perform all the functions of a broker except for the ability to accept money, securities, or property from a customer;

(g) The term ''Sponsor'' means: a plan sponsor as described in section 3(16)(B) of the Act and any Affiliates;

(h) The term ''Plan'' means: any plan described in section 3(3) of the Act and/or section 4975(e)(1) of the Code;

(i) The term ''Title II Only Plan'' means: any plan described in section 4975(e)(1) of the Code which is not an employee benefit plan covered by Title I of ERISA;

(j) The term ''Delivered Security means a security that is: (1) Listed on a national securities exchange (excluding OTC Bulletin Board-eligible securities and Pink Sheets-quoted securities); or (2) a U.S. Treasury obligation; or (3) A fixed income security that has a rating at the time of the exchange that is in one of the two highest generic rating categories from an independent nationally recognized statistical rating organization (*e.g.*, a highly rated municipal bond or a highly rated corporate bond); or (4) A certificate of deposit insured by the Federal Deposit Insurance Corporation. Notwithstanding the above, the term ''Delivered Security'' shall not include any Auction Rate Security, or any related Auction Rate Security, including derivatives or securities materially comprised of Auction Rate Securities or any illiquid securities.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice of Proposed Exemption published in the **Federal Register** on November 7, 2008 at 73 FR 66263.

FOR FURTHER INFORMATION CONTACT: Chris Motta of the Department, telephone (202) 693–8540. (This is not a toll-free number.)

[5] This exemption does not address tax issues. The Department has been informed by the Internal Revenue Service and the Department of the Treasury that they are considering providing limited relief from the requirements of sections 72(t)(4), 401(a)(9), and 4974 of the Code with respect to retirement plans that hold Auction Rate Securities. The Department has also been informed by the Internal Revenue Service that if Auction Rate Securities are purchased from a Plan in a transaction described in sections I and II at a price that exceeds the fair market value of those securities, then the excess value would be treated as a contribution for purposes of applying applicable contribution and deduction limits under sections 219, 404, 408, and 415 of the Code.

[6] The Department notes that the Act's general standards of fiduciary conduct also would apply to the transactions described herein. In this regard, section 404 requires, among other things, that a fiduciary discharge his duties respecting a plan solely in the interest of the plan's participants and beneficiaries and in a prudent manner. Accordingly, a plan fiduciary must act prudently with respect to, among other things: (1) The decision to exchange an Auction Rate Security for a Delivered Security; and (2) the negotiation of the terms of such exchange (or a cash sale or loan described above), including the pricing of such securities. The Department further emphasizes that it expects plan fiduciaries, prior to entering into any of the transactions, to fully understand the risks associated with these types of transactions following disclosure by Baird of all relevant information.

Raymond James & Associates, Inc., Located in St. Petersburg, Florida.

[Prohibited Transaction Exemption 2009–08; Exemption Application Number D–11490]

Exemption

Section I. Transactions Involving Plans Described In Both Title I and Title II of ERISA

The restrictions of section 406(a)(1)(A) through (D) and section 406(b) of ERISA, and the sanctions imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply, effective February 1, 2008, to the following transactions, if the conditions set forth in section III have been met: [7]

(a) The sale or exchange of an Auction Rate Security (as defined in section IV (b)) by a Plan (as defined in section IV(h)) to the Sponsor (as defined in section IV (g)) of such Plan; or

(b) A lending of money or other extension of credit to a Plan in connection with the Plan's holding of an Auction Rate Security, from: (1) Raymond James & Associates, Inc. or any of its current or future affiliates or subsidiaries (Raymond James); (2) an Introducing Broker (as defined in section IV (f)); or (3) a Clearing Broker (as defined in section IV (d)); where the loan is: (i) repaid in accordance with its terms; and (ii) guaranteed by the Plan Sponsor.

II. Transactions Involving Plans Described In Title II of ERISA Only

The sanctions resulting from the application of section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply, effective February 1, 2008, to the following transactions, if the conditions set forth in section III have been met:

(a) The sale or exchange of an Auction Rate Security by a Title II Only Plan (as defined in section IV(i)) to the Beneficial Owner (as defined in section IV(c)) of such Plan; or

(b) A lending of money or other extension of credit to a Title II Only Plan in connection with the Plan's holding of an Auction Rate Security, from: (1) Raymond James; (2) an Introducing Broker; or (3) a Clearing Broker; where the loan is: (i) repaid in accordance with its terms and; (ii) guaranteed by the Beneficial Owner.

III. Conditions

(a) Raymond James acted as a broker or dealer, non-bank custodian, or fiduciary in connection with the acquisition or holding of the Auction Rate Security that is the subject of the transaction;

(b) For transactions involving a Plan (including a Title II Only Plan) not sponsored by Raymond James for its own employees, the decision to enter into the transaction is made by a Plan fiduciary who is Independent (as defined in section IV(e)) of Raymond James. Notwithstanding the foregoing, an employee of Raymond James who is the Beneficial Owner of a Title II Only Plan may direct such Plan to engage in a transaction described in section II, if all of the other conditions of this section III have been met;

(c) The last auction for the Auction Rate Security was unsuccessful;

(d) The Plan does not waive any rights or claims in connection with the loan or sale as a condition of engaging in the transaction;

(e) The Plan does not pay any fees or commissions in connection with the transaction;

(f) The transaction is not part of an arrangement, agreement or understanding designed to benefit a party in interest;

(g) With respect to any sale described in section I(a) or section II(a):

(1) The Sale is for no consideration other than cash payment against prompt delivery of the Auction Rate Security; and

(2) For purposes of the sale, the Auction Rate Security is valued at par, plus any accrued but unpaid interest; [8]

(h) With respect to an in-kind exchange described in section (I)(a) or section II(a), the exchange involves the transfer by a Plan of an Auction Rate Security in return for a Delivered Security, as such term is defined in section IV(j), where:

(1) The exchange is unconditional;

(2) For purposes of the exchange, the Auction Rate Security is valued at par, plus any accrued but unpaid interest;

(3) The Delivered Security is valued at fair market value, as determined at the time of the in-kind exchange by a third party pricing service or other objective source;

(4) The Delivered Security is appropriate for the Plan and a security that the Plan is otherwise permitted to hold under applicable law; [9] and

(5) The total value of the Auction Rate Security (i.e., par plus any accrued but unpaid interest) is equal to the fair market value of the Delivered Security;

(i) With respect to a loan described in section I(b) or II(b):

(1) The loan is documented in a written agreement containing all of the material terms of the loan, including the consequences of default;

(2) The Plan does not pay an interest rate that exceeds one of the following three rates as of the commencement of the loan:

(A) The coupon rate for the Auction Rate Security;

(B) The Federal Funds Rate; or

(C) The Prime Rate;

(3) The loan is unsecured; and

(4) The amount of the loan is not more than the total par value of the Auction Rate Securities held by the Plan.

IV. Definitions

(a) The term ''affiliate'' means any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(b) The term ''Auction Rate Security'' or ''ARS'' means a security:

(1) That is either a debt instrument (generally with a long-term nominal maturity) or preferred stock; and

(2) With an interest rate or dividend that is reset at specific intervals through a Dutch auction process;

(c) The term ''Beneficial Owner'' means: the individual for whose benefit the Title II Only Plan is established and includes a relative or family trust with respect to such individual;

(d) The term ''Clearing Broker'' means: a member of a securities exchange that acts as a liaison between an investor and a clearing corporation and that helps to ensure that a trade is settled appropriately, that the transaction is successfully completed

[7] For purposes of this exemption, references to section 406 of ERISA should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[8] This exemption does not address tax issues. The Department has been informed by the Internal Revenue Service and the Department of the Treasury that they are considering providing limited relief from the requirements of sections 72(t)(4), 401(a)(9), and 4974 of the Code with respect to retirement plans that hold Auction Rate Securities. The Department has also been informed by the Internal Revenue Service that if Auction Rate Securities are purchased from a Plan in a transaction described in sections I and II at a price that exceeds the fair market value of those securities, then the excess value would be treated as a contribution for purposes of applying applicable contribution and deduction limits under sections 219, 404, 408, and 415 of the Code.

[9] The Department notes that the Act's general standards of fiduciary conduct apply to the transactions described herein. In this regard, section 404 requires, among other things, that a fiduciary discharge his duties respecting a plan solely in the interest of the plan's participants and beneficiaries and in a prudent manner. Accordingly, a plan fiduciary must act prudently with respect to, among other things: (1) The decision to exchange an Auction Rate Security for a Delivered Security; and (2) the negotiation of the terms of such exchange (or a cash sale or loan described above), including the pricing of such securities. The Department further emphasizes that it expects plan fiduciaries, prior to entering into any of the transactions, to fully understand the risks associated with these types of transactions following disclosure by Raymond James of all relevant information.

and that is responsible for maintaining the paper work associated with the clearing and executing of a transaction;

(e) The term ''Independent'' means a person who is: (1) Not Raymond James or an affiliate; and (2) not a relative (as defined in ERISA section 3(15)) of the party engaging in the transaction;

(f) The term ''Introducing Broker'' means: a registered broker that is able to perform all the functions of a broker except for the ability to accept money, securities, or property from a customer;

(g) The term ''Sponsor'' means: a plan sponsor as described in section 3(16)(B) of the Act and any Affiliates;

(h) The term ''Plan'' means: any plan described in section 3(3) of the Act and/or section 4975(e)(1) of the Code;

(i) The term ''Title II Only Plan'' means: any plan described in section 4975(e)(1) of the Code which is not an employee benefit plan covered by Title I of ERISA;

(j) The term ''Delivered Security'' means a security that is: (1) Listed on a national securities exchange (excluding OTC Bulletin Board-eligible securities and Pink Sheets-quoted securities); or (2) a U.S. Treasury obligation; or (3) A fixed income security that has a rating at the time of the exchange that is in one of the two highest generic rating categories from an independent nationally recognized statistical rating organization (*e.g.*, a highly rated municipal bond or a highly rated corporate bond); or (4) A certificate of deposit insured by the Federal Deposit Insurance Corporation. Notwithstanding the above, the term ''Delivered Security'' shall not include any Auction Rate Security, or any related Auction Rate Security, including derivatives or securities materially comprised of Auction Rate Securities or any illiquid securities.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice of Proposed Exemption published in the **Federal Register** on November 7, 2008 at 73 FR 66266.

FOR FURTHER INFORMATION CONTACT: Chris Motta of the Department, telephone (202) 693–8540. (This is not a toll-free number.)

Northwestern Mutual Investment Services, LLC, Located in Milwaukee, Wisconsin.

[Prohibited Transaction Exemption 2009–09; Exemption Application Number D–11505]

Exemption

Section I. Transactions

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply, effective September 30, 2008, to the sale (the Sale) by a Plan (as defined in section II(d)) of an Auction Rate Security (as defined in section II(b) to Northwestern Mutual Investment Services, LLC (NMIS), provided that the following conditions are met: [10]

(a) The Plan acquired the Auction Rate Security (ARS) in connection with brokerage services provided by NMIS;

(b) The last auction for the ARS was unsuccessful;

(c) The Sale is made in connection with a written offer by NMIS (the Offer) containing all of the material terms of the Sale;

(d) The Sale is for no consideration other than cash payment against prompt delivery of the ARS;

(e) The amount of the Sale is equal to the greater of:

(1) The fair market value of the ARS as of the date of the Sale, as determined by a qualified, independent appraiser; or

(2) The sum of the price paid by the Plan for the ARS and any accrued but unpaid interest; [11]

(f) The Plan does not waive any rights or claims in connection with the Sale;

(g) The decision to accept the Offer or retain the ARS is made by a Plan fiduciary or Plan participant or IRA owner, who (in all cases) is Independent (as defined in section II (c)) of NMIS; [12]

(h) Neither NMIS nor any affiliate exercises investment discretion or renders investment advice [within the meaning of 29 CFR 2510.3–21(c)] with respect to the decision to accept the Offer or retain the ARS;

(i) The Plan does not pay any commissions or transaction costs with respect to the Sale;

(j) The Sale is not part of an arrangement, agreement or understanding designed to benefit a party in interest to the Plan;

(k) NMIS and its affiliates, as applicable, maintain, or cause to be maintained, for a period of six (6) years from the date of the Sale such records as are necessary to enable the persons described below in paragraph (l)(i), to determine whether the conditions of this exemption have been met, except that—

(i) No party in interest with respect to a Plan which engages in a Sale, other than NMIS and its affiliates, as applicable, shall be subject to a civil penalty under section 502(i) of the Act or the taxes imposed by section 4975(a) and (b) of the Code, if such records are not maintained, or not available for examination, as required, below, by paragraph (l)(i); and

(ii) A separate prohibited transaction shall not be considered to have occurred solely because, due to circumstances beyond the control of NMIS or its affiliates, as applicable, such records are lost or destroyed prior to the end of the six-year period;

(l)(i) Except as provided below in paragraph (l)(ii), and notwithstanding any provisions of subsections (a)(2) an (b) of section 504 of the Act, the records referred to above in paragraph (k) are unconditionally available at their customary location for examination during normal business hours by—

(A) Any duly authorized employee or representative of the Department, the Internal Revenue Service, or the U.S. Securities and Exchange Commission; or

(B) Any fiduciary of any Plan that engages in a Sale, or any duly authorized employee or representative of such fiduciary; or

(C) Any employer of participants and beneficiaries and any employee organization whose members are covered by a Plan that engages in the Sale, or any authorized employee or representative of these entities; or

(D) Any IRA owner, participant or beneficiary of a Plan that engages in a Sale, or duly authorized employee or representative of such IRA owner, participant or beneficiary;

(ii) None of the persons described above in paragraph (l)(i)(B)–(D) shall be authorized to examine trade secrets of NMIS, or commercial or financial information which is privileged or confidential; and

(iii) Should NMIS refuse to disclose information on the basis that such information is exempt from disclosure, NMIS shall, by the close of the thirtieth (30th) day following the request,

[10] For purposes of this exemption, references to section 406 of ERISA should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[11] In the event that the fair market value of an ARS exceeds the sum of its par value plus any accrued, but unpaid, interest as of the date of the Sale, NMIS will credit the difference to the Plan, with interest equal to the Federal Funds rate plus 125 basis points.

[12] The Department notes that the Act's general standards of fiduciary conduct apply to the transactions described herein. In this regard, section 404 requires, among other things, that a fiduciary discharge his duties respecting a plan solely in the interest of the plan's participants and beneficiaries and in a prudent manner. Accordingly, a plan fiduciary must act prudently with respect to, among other things, the decision to engage (or to not engage) in a Sale. The Department further emphasizes that it expects a plan fiduciary, prior to entering into a Sale (or, alternately, prior to deciding to retain an ARS), to fully understand the risks associated with such a decision, following disclosure by NMIS of all relevant information.

provide a written notice advising that person of the reasons for the refusal and that the Department may request such information.

Section II. Definitions

(a) The term ''affiliate'' means: any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(b) The term ''Auction Rate Security'' or ''ARS'' means a security:

(1) That is either a debt instrument (generally with a long-term nominal maturity) or preferred stock; and

(2) With an interest rate or dividend that is reset at specific intervals through a Dutch auction process;

(c) The term ''Independent'' means a person who is: (1) not NMIS or an affiliate; and (2) not a relative (as defined in ERISA section 3(15)) of the party engaging in the transaction; and

(d) The term ''Plan'' means: any plan described in section 3(3) of the Act and/or section 4975(e)(1) of the Code.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice of Proposed Exemption published in the **Federal Register** on November 7, 2008 at 73 FR 66268.

FOR FURTHER INFORMATION CONTACT: Chris Motta of the Department, telephone (202) 693–8540. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption is supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 24th day of February 2009.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. E9–4235 Filed 2–26–09; 8:45 am]

BILLING CODE 4510–29–P

MILLENNIUM CHALLENGE CORPORATION

[MCC 09–07]

Notice of Quarterly Report (October 1, 2008–December 31, 2008)

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: The Millennium Challenge Corporation (MCC) is reporting for the quarter October 1, 2008 through December 31, 2008 respect to both assistance provided under Section 605 of the Millennium Challenge Act of 2003 (Pub.L. 108–199, Division D (the Act)), and transfers or allocations of funds to other federal agencies pursuant to Section 619(b) of the Act. The following report shall be made available to the public by means of publication in the **Federal Register** and on the Internet Website of the MCC (*http://www.mcc.gov*) in accordance with Section 612(b) of the Act.

ASSISTANCE PROVIDED UNDER SECTION 605

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Country: Madagascar Year: 2009 Quarter 1 Total Obligation: $109,773,000 Entity to which the assistance is provided: MCA Madagascar Total Quarterly Disbursement: $6,222,776				
Land Tenure Project	$36,028,000	Increase Land Titling and Security.	$17,142,693	Legislative proposal reflecting the National Land Tenure Program submitted to Parliament and passed. Number of land disputes reported and resolved in the target zones and sites of implementation. Percentage of land documents inventoried, restored, and/or digitized. Average time and cost required to carry out property transactions. Percent of reported land conflicts resolved on titled land in zone 3, 4, 5 during the title regularization operations. Percentage of land in the zones that is demarcated and ready for titling.
Finance Project	$32,445,000	Increase Competition in the Financial Sector.	$14,549,224	The number of savings accounts and outstanding value of accounts from primary banks. Maximum check clearing delay. Volume of funds in payment system and number of transactions. Increased public awareness of new financial instruments as measured by surveys within intervention zones and large towns.

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
				The amount of government debt issued with maturities in excess of 52 weeks. The number of new individual investors buying government debt securities. The number of bank branches of the Central Bank of Madagascar capable of accepting auction tenders. Percentage of all loans included in the central database.
Agricultural Business Investment Project.	$17,683,000	Improve Agricultural Projection Technologies and Market Capacity in Rural Areas.	$9,762,473	Number of rural producers receiving or soliciting information from Agricultural Business Centers about the opportunities. Intervention zones identified and description of beneficiaries within each zone submitted. Number of visitors receiving information from National Coordinating Center with respect to business opportunities. Change in farm income due to improved production and marketing practices. Change in enterprise income due to improved production and marketing practices. Number of farmers and business employing technical assistance received.
Program Administration * and Control, Monitoring and Evaluation.	$23,617,000	.....	$14,351,711	
Pending subsequent reports **.	.....	.....	$460,963	

* Program administration funds are used to pay items such as salaries, rent, and the cost of office equipment.

** These amounts represent disbursements made that will be allocated to individual projects in the subsequent quarter(s) and reported as such in subsequent quarterly report(s).

Country: Honduras Year: 2009 Quarter 1 Total Obligation: $215,000,000
Entity to which the assistance is provided: MCA Honduras Total Quarterly Disbursement: $15,297,903

Rural Development Project	$52,344,239	Increase the productivity and business skills of farmers who operate small and medium-size farms and their employees.	$24,866,742	Increase in farm income resulting from Rural Development Project. Funds lent by MCA-Honduras to financial institutions. Increase in employment income resulting from Rural Development Project. Number of Program farmers harvesting high-value horticulture crops. Number of hectares harvesting high-value horticulture crops.
Transportation Project	$147,299,772	Reduce transportation costs between targeted production centers and national, regional and global markets.	$19,263,386	Freight shipment cost from Tegucigalpa to Puerto Cortes. Price of basic food basket. Number of days per year road is passable.
Program Administration * and Control, Monitoring and Evaluation.	$15,355,989	.....	$4,552,618	
Pending subsequent reports **.	.....	.....	$1,559,688	

Country: Cape Verde Year: 2009 Quarter 1 Total Obligation: $110,078,488
Entity to which the assistance is provided: MCA Cape Verde Total Quarterly Disbursement: $7,794,448

Watershed and Agricultural Support.	$11,001,130	Increase agricultural production in three targeted watershed areas on three islands.	$4,035,499	Increase in horticultural productivity. Increase in annual income. Value-added for farms and agribusiness.
Infrastructure Improvement	$83,160,208	Increase integration of the internal market and reduce transportation costs.	$23,417,059	Volume of goods shipped between Praia and other islands. Mobility Ratio: Percentage of beneficiary population who take at least 5 trips per month. Savings on transport costs from improvements.

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Private Sector Development.	$2,081,223	Spur private sector development on all islands through increased investment in the priority sectors and through financial sector reform.	$468,509	Value added in priority sectors above current trends. Volume of private investment in priority sectors above current trends.
Program Administration * and Control, Monitoring and Evaluation.	$13,835,927	.....	$6,578,966	
Pending subsequent reports **.	.....	.....	$333,611	
Country: Nicaragua Year: 2009 Quarter 1 Total Obligation: $174,710,890 Entity to which the assistance is provided: MCA Nicaragua Total Quarterly Disbursement: $9,834,608				
Property Regularization Project.	$22,000,000	Increase Investment by strengthening property rights.	$5,800,844	Value of investment on land. Value of urban land. Value of rural land. Number of days to conduct a land transaction. Total cost to conduct a land transaction.
Transportation Project	$105,193,200	Reduce transportation costs between Leon and Chinandega and national, regional and global markets.	$14,886,975	Price of a basket of goods. Travel Time.
Rural Business Development Project.	$32,897,500	Increase the value added of farms and enterprises in the region.	$13,344,818	Annual percentage increase in value-added of clients of business office. Number of jobs created. Number of program farm plots harvesting higher-value crops or reforesting under improvement of Water Supply Activities.
Program Administration *, Due Diligence, Monitoring and Evaluation.	$14,620,190	.....	$7,915,248	
Pending subsequent reports **.	.....	.....	$1,869,184	
Country: Georgia Year: 2009 Quarter 1 Total Obligation: $295,300,000 Entity to which the assistance is provided: MCA Georgia Total Quarterly Disbursement: $9,951,861				
Regional Infrastructure Rehabilitation.	$216,600,000	Key Regional Infrastructure Rehabilitated.	$51,180,914	Reduction in Akhalkalaki-Ninotsminda-Teleti journey time. Reduction in vehicle operating costs. Increase in internal regional traffic volumes. Decreased technical losses in gas through the main North-South pipeline. Reduction in the production of greenhouse gas emissions measured in tons of CO_2 equivalent. Increased collection rate of the Georgian Gas Company (GOGC). Number of household beneficiaries served by Regional Infrastructure Development projects. Actual operations and maintenance expenditures.
Regional Enterprise Development.	$47,350,000	Enterprises in Regions Developed.	$23,617,178	Increase in annual revenue in portfolio companies. Increase in number of portfolio company employees and number of local suppliers. Increase in portfolio companies' wages and payments to local suppliers. Jobs created. Increase in aggregate incremental net revenue to project assisted firms. Direct household net income. Direct household net income for market information initiative beneficiaries. Number of beneficiaries.
Program Administration *, Due Diligence, Monitoring and Evaluation.	$31,350,000	.....	$12,009,936	
Pending subsequent reports **.	.....	.....	−$3,693,439	

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Country: Vanuatu Year: 2009 Quarter 1 Total Obligation: $65,690,000 Entity to which the assistance is provided: MCA Vanuatu Total Quarterly Disbursement: $1,775,827				
Transportation Infrastructure Project.	$60,587,816	Facilitate transportation to increase tourism and business development.	$23,857,941	Number of Tourists. Number of days per year road is closed. Number of S–W Bay, Malekula flights cancelled per year due to flooding. Vessel wait time at wharf.
Program Administration *, Due Diligence, Monitoring and Evaluation.	$5,102,184	.....	$3,958,043	
Pending subsequent reports **.	.....	.....	−$1,879,728	
Country: Armenia Year: 2009 Quarter 1 Total Obligation: $235,650,000 Entity to which the assistance is provided: MCA Armenia Total Quarterly Disbursement: $4,237,885				
Irrigated Agriculture Project (Agriculture and Water).	$145,080,000	Increase agricultural productivity Improve and Quality of Irrigation.	$14,866,835	Increase in hectares covered by high value added horticultural and fruit crops. Percentage of respondents satisfied with irrigation services. Share of Water User Association water charges as percentage of Water User Association annual operations and maintenance costs. Number of farmers using improved on-farm water management practices. Annual increase in irrigated land in Project area. State budget expenditures on maintenance of irrigation system. Value of loans provided under the project.
Rural Road Rehabilitation Project.	$67,100,000	Better access to economic and social infrastructure.	$7,478,640	Government budgetary allocations for routine maintenance of the entire road network. Average daily traffic in Project area. Kilometers of Package 1 road sections rehabilitated. Kilometers of Package 2 road sections rehabilitated. Kilometers of Package 3 road sections rehabilitated.
Program Administration *, Due Diligence, Monitoring and Evaluation.	$23,470,000	.....	$5,858,227	
Pending subsequent reports **.	.....	.....	$227,775	
Country: Benin Year: 2009 Quarter 1 Total Obligation: $307,298,040 Entity to which the assistance is provided: MCA Benin Total Quarterly Disbursement: $1,503,595				
Access to Financial Services.	$19,650,000	Expand Access to Financial Services.	$1,352,393	Operational self-sufficiency of participating microfinance institutions. Number of microfinance institutions supervised by the microfinance cellule. Total incremental increase in value of new credit extended and savings received by financial institutions participating in the project. Share value of all loans outstanding that have one or more installments of principal over 30 days past due. Total number of loans guaranteed by land titles per year.
Access to Justice	$34,270,000	Improved Ability of Justice System to Enforce Contracts and Reconcile Claims.	$1,127,987	Number of cases processed at the arbitration center. Percentage of all cases in the ''Tribunal de Premiere Instance'' courts per year. Percentage of all cases resolved in court of appeals per year. Average distance to reach TPI. Number of enterprises registered through the registration center. Average number of days required to register an enterprise.

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Access to Land	$36,020,000	Strengthen property rights and increase investment in rural and urban land.	$7,589,679	Total value of additional investments in target rural land parcels. Total value of additional investments in target urban land parcels.
Access to Markets	$169,447,000	Improve Access to Markets through Improvements to the Port of Cotonou.	$4,411,156	Total metric tons of exports and imports passing through Port of Cotonou per year.
Program Administration *, Due Diligence, Monitoring and Evaluation.	$47,911,040		$10,458,375	
Pending subsequent reports **.			$960,420	
Country: Ghana Year: 2009 Quarter 1 Total Obligation: $547,009,000 Entity to which the assistance is provided: MCA Ghana Total Quarterly Disbursement: $11,512,323				
Agriculture Project	$240,984,001	Enhance Profitability of cultivation, services to agriculture and product handling in support of the expansion of commercial agriculture among groups of smallholder farms.	$20,101,632	Number of hectares irrigated. Number of days to conduct a land transaction. Number of land disputes in the pilot registration districts. Registration of land rights in the pilot registration districts. Metric tons of products passing through post-harvest treatment. Portfolio-at-risk of agriculture loan fund. Value of loans disbursed to clients from agricultural loan fund. Number of additional loans. Vehicle operating costs on minor, medium and major rehabilitated roads.
Rural Development	$101,288,000	Strengthen the rural institutions that provide services complementary to, and supportive of, agricultural and agriculture business development.	$973,565	Time/quality per procurement. Score card of citizen satisfaction with services. Gross enrollment rates. Gender parity in school enrollment. Distance to collect water. Time to collect water. Distance to sanitation facility. Travel time to sanitation facility. Incidence of guinea worm, diarrhea or bilharzias. Average number of days lost due to guinea worm, diarrhea or bilharzias. Percentage of households, schools, and agricultural processing plants in target districts with electricity. Number of inter-bank transactions. Value of deposit accounts in rural banks.
Transportation	$143,104,000	Reduce the transportation costs affecting agriculture commerce at sub-regional levels.	$2,723,420	Volume capacity ratio. Vehicles per hour at peak hour. Travel time at peak hour. International roughness index. Annual average daily vehicle and passenger traffic.
Program Administration *, Due Diligence, Monitoring and Evaluation.	$61,632,999		$11,349,979	
Pending subsequent reports **.			$1,341,715	

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Country: El Salvador Year: 2009 Quarter 1 Total Obligation: $460,940,000 Entity to which the assistance is provided: MCA El Salvador Total Quarterly Disbursement: $4,583,638				
Human Development Project.	$95,073,000	Increase human and physical capital of residents of the Northern Zone to take advantage of employment and business opportunities.	$1,101,729	Number of students enrolled in the Chalatenango Center functioning as a MEGATEC institute. Graduation rate of students enrolled in the Chalatenango Center functioning as a MEGATEC institute. Number of students enrolled in participating middle technical schools. Graduation rate of students enrolled in participating middle technical schools. Number of students enrolled in non-formal training activities. Graduation rate of students enrolled in non-formal training activities. Number of households with access to water in the Northern Zone. Number of households with access to basic sanitation in the Northern Zone. Number of households with electricity in the Northern Zone. Number of individuals that benefit annually from the strategic infrastructure projects.
Productive Development Project.	$87,466,000	Increase production and employment in the Northern Zone.	$2,446,413	Investment in productive chains by selected beneficiaries.
Connectivity Project	$233,560,000	Reduce travel cost and time within the Northern Zone, with the rest of the country, and within the region.	$364,100	Weighted average of the International Roughness Index for the rehabilitation of the Transnational Highway. Weighted average of the International Roughness Index for the rehabilitation of the network of connecting roads.
Program Administration * and Control, Monitoring and Evaluation.	$44,841,000	.....	$5,120,171	
Pending Subsequent Report **.	.....	.....	$8,035,440	
Country: Mali Year: 2009 Quarter 1 Total Obligation: $460,811,164 Entity to which the assistance is provided: MCA Mali Total Quarterly Disbursement: $6,499,300				
Bamako Sénou Airport Improvement Project.	$181,444,264	Establish an independent and secure link to the regional and global economy.	$1,673,194	Number of weekly flight arrivals and departures. Average time for passengers to complete departures and arrivals procedures.
Industrial Park Project	$2,643,432	Develop a platform for industrial activity to be located within the Airport domain.	$2,438,070	Occupancy level. Average number of days required for operator to connect to Industrial Park water and electricity services.
Alatona Irrigation Project ..	$234,884,675	Increase the agricultural production and productivity in the Alatona zone of the ON.	$4,031,870	Weighted average of the International Roughness Index for the rehabilitation of the Niono-Goma Coura road. Annual average daily count of vehicles on the Niono-Goma Coura road. Total amount of land irrigated by the Project in the Alatona zone. Average water volume delivered at the farm level in the Alatona zone. Crop water requirements as a percentage share of water supply at the canal headworks in the Alatona Zone. Number of 5 and 10 hectare farm plots allocated in the Alatona zone. Total market garden parcels allocated in the Alatona zone. Number of titles registered in the land registration office granted to households in the Alatona zone. Number of students enrolled in schools established by the Project.

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
				Graduation rate of students enrolled in schools established by the Project. Number of farms adopting at least one new extension technique as a percentage of all farms receiving technical assistance under the Project. Total amount of credit extended in loan portfolios by participating microfinance institutions and banks in the Alatona zone. Number of active clients of microfinance institutions and banks in the Alatona zone.
Program Administration * and Control, Monitoring and Evaluation.	$41,838,793	.....	$8,742,254	
Pending Subsequent Report **.	.....	.....	−$85,257	
Country: Mongolia Year: 2009 Quarter 1 Total Obligation: $284,911,363 Entity to which the assistance is provided: MCA Mongolia Total Quarterly Disbursement: $1,125,722				
Property Rights Project	$23,062,286	Increase security and capitalization of land assets held by lower-income Mongolians, and increased peri-urban herder productivity and incomes.	$22,989	Immovable property value of hashaa plots Households accessing bank credit Hashaa plots directly registered by the Property Rights Project Income of herder households on long-term lease land Herd mortality rate Number of herder groups adopting intensive/semi-intensive farm management techniques
Rail Project	$188,378,000	Increase rail traffic and shipping efficiency.	$0	Increase in GDP due to rail improvements. Freight turnover. Mine traffic. Percent of wagons leased by private firms. Railway operating ratio. Customer satisfaction. Wagon time to destination. Average locomotive availability.
Vocational Education Project.	$25,512,856	Increase employment and income among unemployed and under-employed Mongolians.	$33,773	Annual salary. Rate of employment. Non-governmental funding of vocational education. Students completing newly designed long-term programs. Certified vocational education teachers. Percent of active teachers receiving certification training.
Health Project	$17,027,119	Increase the adoption of behaviors that reduce non-communicable diseases (NCDIs) among target populations and improved medical treatment and control of NCDIs.	$110,204	Diabetes and hypertension controlled. Cervical cancer prevention. Percentage of cancer cases diagnosed in early stages. Percentage of those with known diagnosis of hypertension/diabetes out of all actual cases in adult population. Women screened for breast and cervical cancer. Counseling for diabetes and hypertension.
Program Administration * and Control, Monitoring and Evaluation.	$30,931,102	.....	$2,615,561	
Pending subsequent reports **.	.....	.....	$0	
Country: Mozambique Year: 2009 Quarter 1 Total Obligation: $506,924,053 Entity to which the assistance is provided: MCA Mozambique Total Quarterly Disbursement: $2,662,982				
Water and Sanitation Project.	$203,585,393	Increase access to reliable and quality water and sanitation facilities.	$0	Value of productive days gained due to less diarrhea, cholera and/or malaria. School attendance days gained due to less diarrhea, cholera and/or malaria. Number (Percent) of businesses with access to improved water sources.

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Road Rehabilitation Project	$176,307,480	Increase access to productive resources and markets.	$5,325	Reduction in time for rural/urban households to access improved water sources. Number (Percent) of urban households with access to improved water sources. Number (Percent) of rural households with access to improved water sources. Number (Percent) of urban households with access to improved sanitation facilities. Increase in agricultural production among communities affected by road rehabilitation works. Increase in the number of new businesses within 5 km of rehabilitated roads. Reduction in vehicle operating costs as a result of rehabilitated roads. Time savings due to a reduction in time to travel a fixed length of rehabilitated road. Weighted average of the International Roughness Index for the rehabilitated roads. Average annual daily traffic volume on rehabilitated roads disaggregated by vehicle type.
Land Tenure Services Project.	$39,068,307	Establish efficient, secure land access for households and investors.	$49,186	Increase (Percent) in value of new investments on land. Number of new businesses. Reduction (Percent) in time to right to land usage. More efficient, free and secure land transfers/transactions. Increase (Percentage) in parcel-holder land value. Reduction (Percent) in costs to right to land usage.
Farmer Income Support Project.	$17,432,211	Improve coconut productivity and diversification into cash crop.	$144,441	Reduction (Percentage) in loss of coconut production and coconut products' sales. Increased income (Percentage) from sales from intercropping activities to small farm plot holders. Increased number (Percentage) of live coconut trees. Increased productive capacity (Percentage) of coconut trees.
Program Administration * and Control, Monitoring and Evaluation.	$70,530,662	.....	$3,753,079	
Pending Subsequent Report **.	.....	.....	$28,481	
Country: Lesotho Year: 2009 Quarter 1 Total Obligation: $362,551,000 Entity to which the assistance is provided: MCA Lesotho Total Quarterly Disbursement: $2,826,528				
Water Project	$164,027,584	Improve the water supply for industrial and domestic needs, and enhance rural livelihoods through improved watershed management.	$653,612	Increased urban access to potable water supply. Increase in volume of water delivered after treatment at Metolong site. Decrease in percentage of urban water that is not accounted for (non-revenue losses plus physical losses). Number of people covered per year in rural areas with MCC funded rural water supply. Number of new VIP latrines provided to households.
Health Project	$122,398,000	Increase access to life-extending ART and essential health services by providing a sustainable delivery platform.	$1,209,155	Increase in the percentage of health facilities providing full package of standard services for level of center (MoHSW 2007 standard). Increase in TB treatment success rate. Increase in the percentage of health facilities staffed with standard number and type of qualified staff (MoHSW 2007 standard). Increase in the number of patients treated in health centers in Lesotho. Increase in immunization rate (measles). Number of people receiving ARV treatment (number). Increase in annual enrollment at National Health Training College. Increase in average referred tests performed at the central laboratory per quarter during the past year.

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Private Sector Development Project.	$36,508,000	Stimulate investment by improving access to credit, reducing transaction costs and increasing the participation of women in the economy.	$612,043	Increase in average number of blood units collected per quarter during the past year. Increase in the percentage of the adult population listed by a private credit bureau with current information on repayment history, unpaid debts or credit outstanding. Increase in the number of payments associated with salaries and pensions made through EFT per year. Land used as collateral (number of mortgage bonds registered). Land transaction costs (percent of property value). Land transaction times (median number of days necessary to complete a procedure). Increase in the number of pending civil cases in the High Court. Gender equality index (percent change in index of knowledge, attitudes, and practices for supporting gender equality in economic rights).
Program Administration * and Control, Monitoring and Evaluation.	$39,917,416	.....	$4,981,073	
Pending Subsequent Report **.	.....	.....	−$619,361	
Country: Morocco Year: 2009 Quarter 1 Total Obligation: $697,500,000 Entity to which the assistance is provided: MCA Lesotho Total Quarterly Disbursement: $1,671,198				
Fruit Tree Productivity	$305,646,685	Reduce volatility of agricultural production and increase volume of fruit agricultural production.	$1,174,399	Total annual volume of production of dates and olives. Cropped area covered by olive trees. Survival rate of newly planted olive trees after 2 years project-supported establishment period. Yield of rehabilitated olive trees. Cropped area covered by date trees. Yield of rehabilitated date palms.
Small Scale Fisheries	$115,344,499	Improve quality of fish moving through domestic channels and assure the sustainable use of fishing resources.	$0	State of fish stock. Domestic fish consumption level. Fisherman net revenue. Average fisherman sales price at PDA. Volume sold at wholesale markets. Fish sale price. Average sales price. Volume of sales among mobile fish vendors.
Artisan and Fez Medina	$106,285,975	Increase value added to tourism and artisan sectors.	$0	Average revenue of potters receiving Artisan Production Activity. Employment and wages among Project graduates. Tourist arrivals. Artisan profits (artisans engaged in product finishing and points of sale). Employment created. SME value added.
Financial Services	$46,186,346	Increase supply and decrease costs of financial services available to microenterprises.	$0	Gross loan portfolio outstanding of microcredit associations. Portfolio at risk >30 days ratio. Operating Expense Ratio.
Enterprise Support	$35,478,707	Improved survival rate of new SMEs and INDH-funded income generating activities; increased revenue for new SMEs and INDH-funded income generating activities.	$0	Average annual sales of participating businesses. Survival rate of participating businesses.
Program Administration * and Control, Monitoring and Evaluation.	$88,557,788	.....	$1,260,272	
Pending Subsequent Report **.	$0	.....	$12,420	

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Country: Tanzania Year: 2009 Quarter 1 Total Obligation: $698,136,000 Entity to which the assistance is provided: MCA Tanzania Total Quarterly Disbursement: $419,516				
Energy Sector	$206,471,000	Increase value added to businesses.	$0	TBD.
Transport Sector	$372,776,000	Increase cash crop revenue and aggregate visitor spending.	$0	TBD.
Water Sector Project	$67,135,000	Increase investment in human and physical capital and to reduce the prevalence of water-related disease.	$0	TBD.
Program Administration * and Control, Monitoring and Evaluation.	$51,754,000		$838,527	
Pending Subsequent Report **.	$0		−$103,825	
Country: Burkina Faso (CIF ONLY) Year: 2009 Quarter 1 Total Obligation: $16,101,065 Entity to which the assistance is provided: MCA Burkina Faso Total Quarterly Disbursement: −$1,715,817				
Roads Project	$337,983	Enhance access to markets through investments in the road network.	$0	TBD.
Rural Land Governance Project.	$1,105,412	Increase investment in land and rural productivity through improved land tenure security and land management.	$0	TBD.
Agriculture Development Project.	$4,771,602	Expand the productive use of land in order to increase the volume and value of agricultural production in project zones.	$0	TBD.
Bright 2 Schools Project	$3,000,000	Increase primary school completion rates.	$1,000,000	TBD.
Program Administration * and Control, Monitoring and Evaluation.	$6,886,068		$547,240	
Pending Subsequent Report **.			−$2,477	

* For Quarterly Disbursements, the Bright 2 Schools Project has a negative value due to new OMB guidance to transfer this amount to USAID. This adjustment resulted in a $2 million decrease in cumulative disbursements for this country.

Country: Namibia (CIF ONLY) Year: 2009 Quarter 1 Total Obligation: $19,543,175 Entity to which the assistance is provided: MCA Namibia Total Quarterly Disbursement: $0				
Education Project	$8,976,296	Improve the education sector's effectiveness, efficiency and quality.	$0	TBD.
Tourism Project	$2,475,145	Increase incomes and create employment opportunities by improving the marketing, management and infrastructure of Etosha National Park.	$0	TBD.
Agriculture Project	$1,369,139	Sustainably improve the economic performance and profitability of the livestock sector and increase the volume of the indigenous natural products for export.	$0	TBD.
Program Administration * and Control, Monitoring and Evaluation.	$6,722,595		$0	

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Pending Subsequent Report **.	.....	.....	$0	

* Program administration funds are used to pay items such as salaries, rent, and the cost of office equipment.
** These amounts represent disbursements made that will be allocated to individual projects in the subsequent quarter(s) and reported as such in subsequent quarterly report(s).

619(b) Transfer or Allocation of Funds

U.S. agency to which funds were transferred or allocated	Amount	Description of program or project
USAID	$558,000	Threshold Program.

Dated: February 18, 2009.

James Mazzarella,

Managing Director, Congressional Affairs, Acting Vice President, Congressional and Public Affairs, Millennium Challenge Corporation.

[FR Doc. E9–4255 Filed 2–26–09; 8:45 am]

BILLING CODE 9211–03–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

Notice of Availability of a Final Environmental Impact Statement and a Final Conformity Determination for the Proposed Federated Indians of the Graton Rancheria Casino and Hotel Project, Sonoma County, CA

AGENCY: National Indian Gaming Commission (NIGC), Interior.

ACTION: Notice of Availability (NOA).

SUMMARY: In accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA) 42 U.S.C. 4321 *et seq.*, the NIGC, in cooperation with the Federated Indians of the Graton Rancheria (the ''Graton Rancheria''), has prepared a Final Environmental Impact Statement (FEIS) for a proposed casino and hotel project/action to be located in Sonoma County, California. The purpose of the proposed project/action is to help address the socio-economic needs of the Graton Rancheria. The FEIS includes an analysis of potential environmental impacts on those resources as a result of implementing each of the alternatives. A Response to Comments document is included within the FEIS which provides agency responses to substantive environmental comments raised during the DEIS comment period. The alternatives considered in detail within the FEIS are: (A) A casino/hotel project on the ''Wilfred Site'' (the proposed project/action), (B, C) a casino/hotel project on the ''Stony Point Site,'' (D) a reduced intensity casino/hotel project on the ''Stony Point'' site, (E) an alternate use project on the ''Stony Point'' site, (F) a casino/hotel project on the ''Lakeville Site,'' (G) a no proposed project/action alternative, and (H) a reduced intensity casino/hotel on the ''Wilfred Site.'' This notice advises the public that the NIGC has filed the FEIS with the U.S. Environmental Protection Agency (EPA).

In accordance with Section 176 of the Clean Air Act 42 U.S.C. 7506, and the EPA general conformity regulations 40 CFR part 93, subpart B, a Final Conformity Determination (FCD) has been prepared for the proposed project. The FCD is contained within Appendix W of the FEIS.

DATES: Pursuant to the Council on Environmental Quality (CEQ) NEPA Regulations (40 CFR 1506.10), the publication of this NOA in the **Federal Register** initiates a 30-day waiting period for the Federal decision. Thus, a Record of Decision (ROD) on the proposed project/action will be issued no sooner than 30 days after the release of the FEIS.

FOR FURTHER INFORMATION CONTACT: For further information or to request a copy of the FEIS, please contact: Brad Mehaffy, NEPA Compliance Officer, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington DC 20005, Phone: (202) 632–7003, Ext. 256, Fax: (202) 632–7066, E-mail: *graton_eis@nigc.gov*.

The FEIS is available for public review at the Rohnert Park—Cotati Regional Library and Santa Rosa Central Library, general information, including directions and office hours is available online at: *http://www.sonoma.lib.ca.us/branches/* or by calling (707) 584–9121 for the Rohnert Park—Cotati Regional Library or (707) 545–0831 for the Santa Rosa Central Library. The FEIS can also be viewed at *http://www.gratoneis.com.*

SUPPLEMENTARY INFORMATION: The proposed federal action is the NIGC's approval of a gaming management contract between the Graton Rancheria and SC Sonoma Management LLC. The approval of the gaming management contract would result in the development of a resort hotel, casino, and supporting facilities. The facility will be managed by SC Sonoma Management LLC on behalf of the Graton Rancheria, pursuant to the terms of a gaming management contract.

The NIGC has afforded other government agencies and the public extensive opportunity to participate in the preparation of this FEIS. The NIGC published a Notice of Intent (NOI) in the **Federal Register** on February 12, 2004, briefly describing the proposed project/action and announcing the NIGC's intent to prepare an EIS. The CEQ Regulations for implementing NEPA require a process, referred to as ''scoping,'' for determining the range of environmental issues to be addressed during the environmental review of a proposed project/action (40 CFR 1501.7). The scoping process included an initial determination of environmental issues to be studied and documented in the EIS by soliciting comments from agencies, organizations and individuals. During the scoping process, the NIGC solicited comments from the general public (providing a 50-day comment period and including a public hearing) and offered Cooperating Agency status to both Federal and non-Federal agencies, including the Bureau of Indian Affairs (BIA), the EPA, the U.S. Army Corps of Engineers (USACE), the California Department of Transportation (Caltrans), the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG) and the County of Sonoma. An EIS Scoping Report was published in August 2004, which summarized public scoping comments and identified the

BIA, USACE, Caltrans, and Sonoma County as cooperating agencies. Due to a change in project alternatives, the NIGC released a supplemental NOI (**Federal Register** September 29, 2005) and Scoping Report (January 2006).

A NOA for the Draft Environmental Impact Statement (DEIS) was published in the **Federal Register** on March 9, 2007. The DEIS addressed the issues and concerns summarized within the scoping reports, to the extent required by NEPA. Seven alternatives were evaluated in detail in the DEIS, including development on one of three alternatives sites (Wilfred, Stony Point, and Lakeville) and a no action alternative. The proposed project/action (Alternative A) includes a casino/hotel resort on a site west of Rohnert Park (the Wilfred site). The casino/hotel resort would include restaurants, a hotel, an entertainment venue, gaming space, banquet/meeting space, and a pool and spa. In addition to the casino/hotel facility, the proposed development would also include on-site parking and an on-site tertiary wastewater treatment plant.

Alternative B consists of the development of a casino/hotel resort nearly identical to that proposed under Alternative A, but located on the northwest corner of an adjacent site, slightly further west of Rohnert Park (the Stony Point site). Alternative C also consists of the development of a casino/hotel resort nearly identical to that proposed under Alternative A. However, the Alternative C casino/hotel resort would be located on the northeast corner of the Stony Point site. Alternative D consists of a smaller-scale version of Alternative B. Alternative E consists of a business park development located on the northwest corner of the Stony Point site. Alternative F consists of the development of a casino/hotel resort nearly identical to that proposed under Alternative A but located on a different site in southern Sonoma County near the intersection of State Route 37 and the Lakeville Highway (the Lakeville site). Alternative G is the no project/action alternative, under which the NIGC would not approve the management contract.

The DEIS was available for public comment from March 9, 2007 to June 5, 2007. The DEIS was available for an 88-day review and comment period, 43 days longer than what is required by NEPA, and 28 days longer than what is recommended in the NIGC NEPA Procedures Manual. Two public hearings were held on the Draft EIS, April 4, 2007 at the Spreckles Performing Arts Center, Rohnert Park, CA and April 5, 2007 at the Wells Fargo Performing Arts Center, Santa Rosa, CA.

Eight alternatives are evaluated in detail in the FEIS, including development on one of three alternatives sites (Wilfred, Stony Point, and Lakeville) and a no action alternative. Based on comments received by cooperating agencies and at the request of the Tribe, a full, detailed analysis of an eighth alternative (Alternative H) has been added to the FEIS analysis. Alternative H is a reduced intensity casino alternative with the same components as the reduced intensity Alternative D but located on the Wilfred Site.

The Clean Air Act requires federal agencies to assure that their actions conform to applicable implementation plans for achieving and maintaining the National Ambient Air Quality Standards for criteria air pollutants. The NIGC prepared a FCD for the proposed action/project described above. The FCD is included in Appendix W of the FEIS.

Authority: This notice is published in accordance with Sections 1506.6 of the Council of Environmental Quality Regulations 40 CFR, Parts 1500 through 1508 implementing the procedural requirements of the NEPA of 1969, as amended 42 U.S.C. 4371 *et seq.* This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.

Dated: February 13, 2009.

Philip N. Hogen,

Chairman.

[FR Doc. E9–4263 Filed 2–26–09; 8:45 am]

BILLING CODE 7565–01–P

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee #13883; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Astronomy and Astrophysics Advisory Committee (#13883).

Date and Time: March 5, 2009, 2 p.m.–4 p.m. EDT.

Place: Teleconference.

National Science Foundation, Room 1060, Stafford I Building, 4201 Wilson Blvd., Arlington, VA, 22230.

Type of Meeting: Open.

Contact Person: Dr. Craig B. Foltz, Acting Division Director, Division of Astronomical Sciences, Suite 1045, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703–292–4908.

Reason for Late Notice: Due to scheduling complications. At the last meeting, February 19, it was decided that another meeting via teleconference was required to review the draft annual report before the March 15 submission.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies.

Agenda: To discuss the Committee's draft annual report due 15 March 2009.

Dated: February 24, 2009.

Susanne E. Bolton,

Committee Management Officer.

[FR Doc. E9–4188 Filed 2–26–09; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel in Earth Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Earth Sciences Proposal Review Panel (1569).

Date & Time: April 1–3, 2009; 8:30 a.m.–5 p.m. each day.

Place: Stafford I Conference Center, National Science Foundation, 4201 Wilson Blvd., Room 770, Arlington, VA 22230.

Type of Meeting: Part-Open—see Agenda, below.

Contact Person: Dr. David Lambert, Program Director, Instrumentation & Facilities Program, Division of Earth Sciences, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292–8558.

Purpose of Meeting: To carry out review of IRIS management and leadership as stipulated in cooperative agreement EAR–0552316.

Agenda

Closed:

April 1 from 8:30 a.m.–9:30 a.m.: Organization meeting, introductions, review of charge to review panel, discussion of COI; and 1 p.m.–5 p.m.: panel discussion, write up of summary of findings and recommendations.

April 2 from 8:30 a.m.–5 p.m.: Write up of summary of findings and recommendations;

April 3 from 8:30 a.m.–5 p.m.: Complete panel summary and recommendations.

Open:

April 1 from 9:30 a.m.–12 a.m.: Presentation by IRIS management and Q&A between panel and IRIS.

Reason for Closing: During the closed sessions, the panel will be reviewing information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt

under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: February 24, 2009.

Susanne Bolton,

Committee Management Officer.

[FR Doc. E9–4187 Filed 2–26–09; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–369 and 50–370; NRC–2009–0081]

Duke Energy Carolinas, LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–9 and NPF–17 issued to Duke Energy Carolinas, LLC (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The proposed amendments revise the McGuire Nuclear Station, Units 1 and 2, licensing basis by adopting the alternative source term (AST) radiological analysis methodology as allowed by Title 10 of the *Code of Federal Regulations*, Part 50, Section 50.67, ''Accident Source Term, for the Loss of Coolant Accident.'' This amendment request represents full scope implementation of the AST as described in NRC Regulatory Guide 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors, Revision 0.''

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No. AST is an updated methodology used to evaluate the dose consequences of the Loss of Coolant Accident (LOCA). This type of change is analytical, thus, does not increase the probability of an accident previously evaluated. It has been demonstrated that the dose consequences of the re-analyzed accident remain within the dose limits of 10 CFR 50.67 and Regulatory Guide 1.183.

This proposed change assumes an increase in the amount of unfiltered air in-leakage into the control room. The current Technical Information Document (TID) based McGuire dose consequence analysis for the LOCA assumed control room unfiltered in-leakage of 10 scfm. Tracer gas testing performed at McGuire revealed that unfiltered in-leakage into the control room exceeded this amount by as much as 167 scfm as discussed in McGuire's response to NRC GL 2003–01 dated February 19, 2004. Use of the AST methodology can accommodate a larger control room pressurization unfiltered in-leakage rate without exceeding any regulatory dose limits.

A comparison of the AST analysis results and the TID values (UFSAR Table 15–12) shows that the EAB and LPZ (off-site) doses decrease while the control room dose increases. The new AST based analysis not only implements changes which affect both off-site and control room doses, such as the change in source term methodology, it also includes changes to the LOCA model which only impact the control room dose, and are responsible for the increased result. These new attributes include a control room in-leakage model that reflects the control room tracer gas testing results and a recomputed control room shine component of the post LOCA control room dose. The dose consequences of the revised analysis, however, are below the 10 CFR 50.67 acceptance criteria for both off-site and control room doses and are not considered a significant increase.

AST radiological methodology does not adversely affect accident initiators or precursors. Nor will it alter or prevent the ability of structures, systems, and components from performing their intended function to mitigate the consequences of an accident.

Therefore, this LAR will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the LAR create the possibility of a new or different kind of accident from any accident previously evaluated?

No. AST is an updated methodology that was used to re-evaluate the dose consequences of the McGuire UFSAR previously analyzed accidents. This new analysis does not cause any change in the post accident operation of any plant system, structure, or component.

This LAR does not involve an addition or modification to any plant system, structure, or component. This change does not affect the post accident operation of any plant system, structure, or component as directed in plant procedures. New or modified equipment or personnel failure modes that might initiate a new or different type accident are not created as a result of the proposed change.

Therefore, no new or different accident is created by changing to the AST methodology prescribed in Regulatory Guide 1.183.

3. Does this LAR involve a significant reduction in a margin of safety?

No. Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following accident conditions. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The proposed re-analysis of the LOCA dose consequences using AST will have no affect on the performance of these barriers. This LAR does not involve an addition or modification to any plant system, structure, or component. This change will not affect the post accident operation of any plant system, structure, or component as directed in plant procedures.

Therefore, the proposed LAR will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the

Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, TWB–05–B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

Within 60 days after the date of publication of this notice, any person's) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested person's) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov*, or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html*. Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing

system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC electronic filing Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday. The electronic filing Help Desk can be contacted by telephone at 1–866–672–7640 or by e-mail at *MSHD.Resource@nrc.gov*.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/ehd_proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, Participants are requested not to include copyrighted materials in their submissions.

For further details with respect to this license amendment application, see the application for amendment and supplements dated March 20, 2008, May 28, 2008, October 6, 2008, December 17, 2008 and February 12, 2009, which are available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov*.

Dated at Rockville, Maryland, this 23rd day of February 2009.

For The Nuclear Regulatory Commission.

John Stang,

Senior Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E9–4228 Filed 2–26–09; 8:45 am]

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 F–9, OMB Control No. 3235–0377, SEC File No. 270–333.

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 collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management Budget for extension and approval.

Form F–9 (17 CFR 239.39) is a registration statement under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) that is used to register investment grade debt or investment grade preferred securities that are offered for cash or in connection with an exchange, offer and are either non-convertible or not convertible for a period of at least one year from the date of issuance and thereafter are only convertible into a security of another class of the issuer. The purpose of the information collection is to permit verification of compliance with securities law requirements and to assure the public availability and dissemination of such information. The principal function of the Commission's forms and rules under the securities laws' disclosure provisions is to make information available to the investors. We estimate that Form F–9 takes approximately 25 hours per response and it is filed by 18 respondents. We further estimate that 25% of the 25 hours per response (6.25 hours) is prepared by the issuer for an annual reporting burden of 113 hours (6.25 hours per response × 18 responses).

Written comments are invited on: (a) Whether this 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: February 23, 2009.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–4184 Filed 2–26–09; 8:45 am]

BILLING CODE 8011–01–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 F–10; OMB Control No. 3235–0380; SEC File No. 270–334.

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 collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management Budget for extension and approval.

Form F–10 (17 CFR 239.40) is a registration statement under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) that is used by certain Canadian ''substantial issuers'' (those issuers with at least 36 calendar months of reporting history with a securities commission in Canada and a market value of common stock of at least C$360 million and an aggregate market value of common stock held by non-affiliates of at least C$75 million). The purpose of the information collection is to facilitate cross-border offerings by specified Canadian issuers. We estimate that Form F–10 takes 25 hours per response and is filed by 75 respondents. We further estimate that 25% of the 25 hours per response (6.25 hours) is prepared by the issuer for an annual reporting burden of 469 hours (6.25 hours per response × 78 responses).

Written comments are invited on: (a) Whether this proposed collections 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: February 23, 2009.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–4185 Filed 2–26–09; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59434; File No. SR–BSE–2008–56]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Order Granting Approval of Proposed Rule Change Relating to BOX Rules Governing Doing Business With the Public

February 23, 2009.

On December 9, 2008, the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on January 13, 2009.[3] The Commission received no comments on the proposed rule change. This order approves the proposed rule change.

I. Description of the Proposed Rule Change

The Exchange proposed to amend Chapter XI of the Boston Options Exchange (''BOX'') Rules by replacing the term ''Registered Options and Security Futures Principal'' (''ROSFP'') with ''Registered Options Principal'' (''ROP''). Although ROP was recently changed to ROSFP in the BOX Rules, the Exchange believes that the change from ROP to ROSFP may have created confusion among BOX participants, and that reverting to ROP will alleviate this confusion. Furthermore, the Exchange believes that reverting to ROP will provide consistency with the rules of other options exchanges, most of which use ROP rather than ROSFP.[4] The Exchange notes that the reversion to ROP does not affect the qualifications required to transact options business with the public.

The Exchange also proposed amending Chapter XI, Section 13 of the BOX Rules to clarify that an options confirmation need not disclose the exchange or exchanges on which an options transaction is executed. The rule will continue to require that written confirmations contain a description of each transaction in the options contract, the underlying security, the type of option, the option expiration month, exercise price, number of option contracts, premium, commissions, date of transaction and settlement date, and shall indicate whether the transaction is a purchase or sale and whether a principal or agency transaction. The confirmation shall also distinguish by appropriate symbols between Exchange transactions and other transactions in options contracts. This change will maintain consistency with other exchanges which have recently filed similar rule proposals.[5]

Lastly, the Exchange proposed elimination of the definition of ''closing purchase transaction'' as defined in Chapter I, Section 1 of the BOX Rules. The term ''closing purchase transaction'' does not appear in any other provision of the BOX Rules. Therefore, the definition is unnecessary.

II. Discussion and Findings

After careful review of the proposed rule change, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[6] in general, and Section 6(b)(5) of the Act,[7] in particular, in that it is designed to promote just and equitable principles of trade, facilitate transactions in securities, remove

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 59211 (January 7, 2009), 74 FR 1734 (January 13, 2009).

[4] *See* Securities Exchange Act Release No. 58932 (November 12, 2008), 73 FR 69696 (November 19, 2008) (SR–FINRA–2008–032) (changing the term ''Registered Options and Security Futures Principal'' to ''Registered Options Principal''). *See also* Securities Exchange Act Release No. 58129 (July 9, 2008), 73 FR 40895 (SR–ISE–2008–21); Securities Exchange Act Release No. 57738 (April 29, 2008), 73 FR 25805 (May 7, 2008) (SR–Amex–2007–129); and Securities Exchange Act Release No. 56971 (December 14, 2007), 72 FR 72804 (December 21, 2007) (SR–CBOE–2007–106) (approving elimination of the positions and titles of Senior Registered Options Principal and Compliance Registered Options Principal).

[5] *See* Securities Exchange Act Release No. 58980 (November 19, 2008), 73 FR 72091 (November 26, 2008) (SR–CBOE–2008–61). *See also* Securities Exchange Act Release No. 58932 (November 12, 2008), 73 FR 69696 (November 19, 2008) (SR–FINRA–2008–032) (approving change clarifying confirmation disclosure requirements).

[6] 15 U.S.C. 78(f)(b).

[7] 15 U.S.C. 78(f)(b)(5).

impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.[8] The Commission believes that the proposal is consistent with Section 6(b)(5) of the Exchange Act because the proposed rule change will clarify the use of certain terms consistent with their use by other self-regulatory organizations, and also will clarify the Exchange's options confirmation procedure rules.

III. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–BSE–2008–56) be, and hereby is, approved.[9]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–4183 Filed 2–26–09; 8:45 am]

BILLING CODE 8011–01–P

[8] In approving this proposal, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 17c(f).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59427; File No. SR–CBOE–2009–008]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Options Regulatory Fee

February 20, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 18, 2009, the Chicago Board Options Exchange, Incorporated (''CBOE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') proposes to amend its Fees Schedule relating to the Options Regulatory Fee. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/legal*), at the Exchange's Office of the Secretary, 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, CBOE 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. CBOE 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

(a) Purpose

In October 2008, the Exchange filed a proposed rule change to eliminate Registered Representative Fees and establish a transaction-based ''Options Regulatory Fee'' (''ORF'').[3] The ORF was to be effective January 1, 2009. In December 2008 and January 2009, the Exchange filed proposed rule changes waiving the ORF for January and February, to allow additional time for the Exchange, the Options Clearing Corporation (''OCC'') and firms to put in place appropriate procedures to implement the fee.[4]

The Exchange has reevaluated the current amount of the ORF in light of the waiver of the ORF for the first two months of 2009 and recent volume levels. The Exchange has determined that it would experience a regulatory revenue shortfall for 2009 if the ORF remained at $.0045 per contract. To avoid a regulatory revenue shortfall for 2009, the Exchange proposes to change the ORF from $.0045 per contract to $.006 per contract. The amount of the ORF will be one-cent in the case of a one-contract trade, *i.e.*, there is a minimum one-cent charge per trade. The Exchange represents that the proposed new ORF rate would generate approximately the same amount of revenue for calendar year 2009 that would have been generated by the current ORF if the ORF had not been waived for two months.

As stated in its rule filing establishing the ORF, the Exchange will monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed regulatory costs. The Exchange expects to monitor regulatory costs and revenues at a minimum on an annual basis. If the Exchange determines regulatory revenues exceed regulatory costs, the Exchange would adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify members of adjustments to the ORF via regulatory circular.

The Exchange also proposes to delete references to Registered Representative fees from Section 12 of the Fees Schedule. All of the proposed rule changes will become operative on March 1, 2009.

(b) Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (''Act'')[5], in general, and furthers the objectives of Section 6(b)(4)[6] of the Act in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Exchange believes the revised ORF is reasonable because it relates to the recovery of the costs of supervising and regulating members and it is expected to generate approximately the same amount of revenue for calendar year 2009 that would have been generated by the current ORF if the ORF had not been waived for the first two months of 2009.

[3] *See* Securities Exchange Act Release No. 58817 (October 20, 2008), 73 FR 63744 (October 27, 2008). The ORF is $.0045 per contract and is assessed to each member for all options transactions executed by the member that are cleared by The Options Clearing Corporation (''OCC'') in the customer range (i.e., that clear in a customer account at OCC), excluding Options Intermarket Linkage Plan (''Linkage'') orders. The ORF is imposed upon all such transactions executed by a member, even if such transactions do not take place on the Exchange. The ORF is collected indirectly from members through their clearing firms by OCC on behalf of the Exchange.

[4] *See* Securities Exchange Act Release No. 59182 (December 30, 2008), 74 FR 730 (January 7, 2009), and Securities Exchange Act Release No. 59355 (February 3, 2009), 74 FR 6677 (February 10, 2009).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of 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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and subparagraph (f)(2) of Rule 19b–4 [8] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2009–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2009–008. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–CBOE–2009–008 and should be submitted on or before March 20, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–4153 Filed 2–26–09; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59430; File No. SR–NYSE–2009–15]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Establishing a Fee for Its New Risk Management Gateway Service

February 20, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 12, 2009, the New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to establish a fee for its new Risk Management Gateway (''RMG'') service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to offer, through its wholly-owned subsidiary NYSE Euronext Advanced Trading Solutions, Inc., the Risk Management Gateway (''RMG'') service to NYSE member organizations. NYSE Transact Tools, Inc, a division of the NYSE Euronext Advanced Trading Solutions Group (''NYXATS''), owns RMG.[3] This proposed rule change establishes fees for that service.

Background

On December 12, 2008, the Exchange filed with the Securities and Exchange Commission to establish its RMG service.[4] RMG is a service designed to facilitate the ability of Sponsoring Member Organizations to monitor and oversee the sponsored access activity of their Sponsored Participants. NYXATS offers an order-verification service to Sponsoring Member Organizations that acts as a risk filter by causing the orders of Sponsored Participants to pass through RMG prior to entering the Exchange's trading systems for execution. When a Sponsored Participant's order passes through RMG,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The establishment of fees on the NYSE Alternext for the same services was formally submitted to the Securities and Exchange Commission through a separate filing, SR–NYSEALTR–2009–12.

[4] *See* Securities Exchange Act Release No. 59354 (February 3, 2009), 74 FR 6683 (February 10, 2009) (SR–NYSE–2008–101).

RMG software determines whether the order complies with order criteria that the Sponsoring Member Organization has established for that Sponsored Participant. The order criteria reviewed by RMG may include the size of the order or the credit limit that the Sponsoring Member Organization has established for the Sponsored Participant.

If the order is consistent with the parameters set by the Sponsoring Member Organization, RMG allows the order to continue along its path to the Exchange's trading systems. If the order falls outside of those parameters, then RMG returns the order to the Sponsored Participant. RMG will only return an order to the Sponsored Participant when the order fails to comply with the criteria set by the Sponsoring Member Organization.

The Exchange does not require Sponsoring Member Organizations to use RMG. Sponsoring Member Organizations are free to use a competing risk-management service or to use none at all.

The Exchange believes that RMG will offer its member organizations another option in the efficient risk management of its Sponsored Participant's access to the NYSE.

Fees

NYXATS proposes to charge each Sponsoring Member Organization Three Thousand Dollars ($3,000) per month for the first Connection plus One Thousand Dollars ($1,000) per month for each additional Connection.

A ''Connection'' is defined as up to 1000 messages per second inbound, regardless of the connection's actual capacity (i.e., if the NYXT infrastructure allows any single End User connection to support more than 1000 messages per second inbound, such connection will be deemed to be multiple Connections).

The Exchange believes that the proposed fee would be fair and reasonable and would reflect an equitable allocation of charges among members and others. The fee compares favorably with the fees that NYXATS' competitors charge for similar services. Of course, the marketplace will determine if the fee is too high relative to the value that the RMG service provides because any market participant that feels that the fee is too high will simply elect to use the risk management services of one of NYXATS' competitors.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the ''1934 Act'') for this proposed rule change are the requirement under Section 6(b)(4)[5] that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange believes that RMG will promote marketplace efficiency by providing security safeguards to the trading of securities by means of sponsored access and believes that the proposed fee is fair and reasonable for the reasons cited above.

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 Exchange 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

The foregoing proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act[6] and Rule 19b–4(f)(2) thereunder,[7] because it establishes or changes a due, fee, or other charge applicable only to a member imposed by the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2009–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2009–15. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro/shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSE–2009–15 and should be submitted on or before March 20, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–4182 Filed 2–26–09; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59429; File No. SR–NYSEALTR–2009–12]

Self-Regulatory Organizations; NYSE Alternext US LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Establishing a Fee for Its New Risk Management Gateway Service

February 20, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 12, 2009, NYSE Alternext US LLC (''NYSE Alternext'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to establish a fee for its new Risk Management Gateway (''RMG'') service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to offer, through NYSE Euronext Advanced Trading Solutions, Inc., the RMG service to NYSE Alternext members and member organizations. NYSE Transact Tools, Inc, a division of the NYSE Euronext Advanced Trading Solutions Group (''NYXATS''), owns RMG. RMG is a part of the NYSE Alternext Trading Systems (defined below) operated on behalf of the Exchange by New York Stock Exchange LLC (''NYSE'').[3] This proposed rule change establishes fees for that service.

Background

As described more fully in a related rule filing,[4] NYSE Euronext acquired The Amex Membership Corporation (''AMC'') pursuant to an Agreement and Plan of Merger, dated January 17, 2008 (the ''Merger''). In connection with the Merger, the Exchange's predecessor, the American Stock Exchange LLC (''Amex''), a subsidiary of AMC, became a subsidiary of NYSE Euronext called NYSE Alternext US LLC, and continues to operate as a national securities exchange registered under Section 6 of the Securities Exchange Act of 1934, as amended (the ''Act'').[5] The effective date of the Merger was October 1, 2008.

In connection with the Merger, on December 1, 2008, the Exchange relocated all equities trading conducted on the Exchange legacy trading systems and facilities located at 86 Trinity Place, New York, New York (the ''86 Trinity Trading Systems''), to trading systems and facilities located at 11 Wall Street, New York, New York (the ''Equities Relocation''). The Exchange's trading systems and facilities at 11 Wall Street (the ''NYSE Alternext Trading Systems'') are operated by the NYSE on behalf of the Exchange.[6]

In order to implement the Equities Relocation, the Exchange adopted NYSE Rules 1–1004 as the NYSE Alternext Equities Rules to govern trading on the NYSE Alternext Trading Systems. Rule 54—NYSE Alternext Equities provides that only members are permitted to ''* * * make or accept bids or offers, consummate transactions, or otherwise transact business on the Floor for any security admitted to dealings on the [Exchange] * * *.''[7]

On December 12, 2008, the Exchange filed with the Securities and Exchange Commission to establish its RMG service.[8] RMG is a service designed to facilitate the ability of Sponsoring Member Organizations to monitor and oversee the sponsored access activity of their Sponsored Participants. NYXATS offers an order-verification service to Sponsoring Member Organizations that acts as a risk filter by causing the orders of Sponsored Participants to pass through RMG prior to entering the Exchange's trading systems for execution. When a Sponsored Participant's order passes through RMG, RMG software determines whether the order complies with order criteria that the Sponsoring Member Organization has established for that Sponsored Participant. The order criteria reviewed by RMG may include the size of the order or the credit limit that the Sponsoring Member Organization has established for the Sponsored Participant.

If the order is consistent with the parameters set by the Sponsoring Member Organization, RMG allows the order to continue along its path to the Exchange's trading systems. If the order falls outside of those parameters, then RMG returns the order to the Sponsored Participant. RMG will only return an order to the Sponsored Participant when the order fails to comply with the criteria set by the Sponsoring Member Organization.

The Exchange does not require Sponsoring Member Organizations to use RMG. Sponsoring Member Organizations are free to use a competing risk-management service or to use none at all.

The Exchange believes that RMG will offer its member organizations another option in the efficient risk management of its Sponsored Participant's access to the NYSE.

Fees

NYXATS proposes to charge each Sponsoring Member Organization Three Thousand Dollars ($3,000) per month for the first Connection plus One Thousand Dollars ($1,000) per month for each additional Connection.

A ''Connection'' is defined as up to 1000 messages per second inbound, regardless of the connection's actual capacity (*i.e.*, if the NYXT infrastructure allows any single End User connection to support more than 1000 messages per second inbound, such connection will be deemed to be multiple Connections).

The Exchange believes that the proposed fee would be fair and reasonable and would reflect an equitable allocation of charges among members and others. The fee compares favorably with the fees that NYXATS' competitors charge for similar services. Of course, the marketplace will determine if the fee is too high relative

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The establishment of fees on the NYSE for the same services was formally submitted to the Securities and Exchange Commission through a separate filing, SR–NYSE–2009–15.

[4] *See* Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–NYSE–2008–60 and SR–Amex 2008–62) (approving the Merger).

[5] 15 U.S.C. 78f.

[6] *See* Securities Exchange Act Release No. 58705 (October 1, 2008), 73 FR 58995 (October 8, 2008) (SR–Amex 2008–63) (approving the Equities Relocation).

[7] *See* also Rule 2—NYSE Alternext Equities.

[8] *See* Securities Exchange Act Release No. 59353 (February 3, 2009), 74 FR 6935 (February 11, 2009) (SR–NYSEALTR–2008–12).

to the value that the RMG service provides because any market participant that feels that the fee is too high will simply elect to use the risk management services of one of NYXATS' competitors.

Technical Amendment to Price List

The Exchange further proposes through this filing to revise the date on the price list to reflect that it is applicable for the current year ''2009''.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the ''1934 Act'') for this proposed rule change are the requirement under Section 6(b)(4)[9] that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange believes that RMG will promote marketplace efficiency by providing security safeguards to the trading of securities by means of sponsored access and believes that the proposed fee is fair and reasonable for the reasons cited above.

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 Exchange 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

The foregoing proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act[10] and Rule 19b–4(f)(2) thereunder,[11] because it establishes or changes a due, fee, or other charge applicable only to a member imposed by the Exchange.

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.

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

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–NYSEALTR–2009–12 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-NYSEALTR–2009–12. 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, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSEALTR–2009–12 and should be submitted on or before March 20, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–4181 Filed 2–26–09; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 6535]

Culturally Significant Objects Imported for Exhibition Determinations: ''Francis Bacon: A Centenary Retrospective''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Francis Bacon: A Centenary Retrospective'', imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Metropolitan Museum of Art, New York, NY, from on or about May 20, 2009, until on or about August 16, 2009, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8048). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 19, 2009.

C. Miller Crouch,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E9–4249 Filed 2–26–09; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6534]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Birth of Christianity: A Jewish Story''

AGENCY: Department of State.

ACTION: Notice; correction.

SUMMARY: On November 25, 2008, notice was published on page 71714 of the **Federal Register** (volume 73, number 228) of determinations made by the Department of State pertaining to the exhibition ''The Birth of Christianity: A Jewish Story.'' The referenced notice is corrected as to an additional object to be included in the exhibition. Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the additional object in the exhibition: ''The Birth of Christianity: A Jewish Story,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the additional exhibit object at the Houston Museum of Natural Science, Houston, TX, from on or about March 1, 2009, until on or about April 12, 2009, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit object, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 20, 2009.

C. Miller Crouch,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E9–4250 Filed 2–26–09; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Maryland Department of Transportation

[Waiver Petition Docket Number FRA–2009–0010]

The Maryland Department of Transportation (MTA) seeks a permanent waiver of compliance from 49 CFR 213.245 *Vehicle Qualification Testing,* as part of its recent purchase of new model MP36PH–3C locomotives for operation by its MARC train service on the National Passenger Railroad Corporation's (Amtrak) Northeast Corridor (NEC) at 100 miles per hour (mph) and three inches cant deficiency.

MTA would like the FRA to allow qualification of these locomotives to occur without using the instrumented wheel-sets (IWS) test specified in § 213.245. MTA has stated that this test is costly and not economically justified, given the long service history of the same truck that is currently in operation with similar locomotives. MTA further explains that the truck used on the MP36PH–3C locomotive has an extensive history of service on the Amtrak NEC with MARC GP39 and GP40 locomotives, and have been successfully tested to 110 mph.

MP36PH–3C's are used by Caltrain, MRCOG, UTA, and SCRRA, although not at FRA Class 6 speeds. MTA argues that the MP36PH–3C locomotive has similar carbody, weight, truck assemblies, and wheel profile as the GO Transit (Toronto) MP40PH–3C locomotive, which has been successfully tested at the Transportation Technology Center, Inc (TTCI) for safe operation up to 103 mph. The MP40PH–3C was approved by Transport Canada and Canadian National Railroad (CN). An important factor here is that in lieu of IWS, TTCI measured wheel/rail forces estimated by NUCARS simulations modeling software and by using wayside measuring systems such as strain gauges on instrumented rails.

MTA proposes to qualify these locomotives on the Amtrak NEC at speeds up to 112 mph by monitoring truck frame lateral accelerations at positions above each of the four axles; and both vertical and lateral accelerations of the carbody on the cab floor and on the floor at the rear end of the locomotive. These will be evaluated against the 49 CFR 213.333 *Vehicle Track Interaction Limits.* MTA will have NUCARS simulations performed by TTCI for the specific parameters to evaluate wheel-rail forces for speeds and track geometry of the MARC route over the Amtrak NEC.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2009–0010) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the 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).

Issued in Washington, DC on February 23, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9–4207 Filed 2–26–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2009–0010]

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 WINDSONG.

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–2009–0010 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 30, 2009.

ADDRESSES: Comments should refer to docket number MARAD–2009–0010. 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 WINDSONG is:

Intended Use: ''Sailing instruction and pleasure charter.''

Geographic Region: ''MA, CT, NY, NJ, DE, MD, VA, NC, SC, GA, FL''

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: February 19, 2009.

By Order of the Maritime Administrator.

Leonard Sutter,

Secretary, Maritime Administration.

[FR Doc. E9–4154 Filed 2–26–09; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35191]

Wisconsin & Southern Railroad Co.—Trackage Rights Exemption—Union Pacific Railroad Company

Pursuant to a written trackage rights agreement, Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to Wisconsin & Southern Railroad Co. (WSOR) over a line of railroad extending between UP milepost 4.0 in Kohler, WI, and UP milepost 1.2 at Kohler Junction near Sheboygan, WI, a distance of approximately 2.8 miles.[1]

This transaction is related to a concurrently filed petition for exemption for the acquisition and operation of certain other rail lines in *Wisconsin & Southern Railroad Co.—Acquisition and Operation Exemption—Union Pacific Railroad Company,* STB Finance Docket No. 35144. In that proceeding, WSOR seeks an exemption under 49 U.S.C. 10502 to acquire and operate a permanent exclusive freight operating easement over 10.95 miles of railroad known as the Kohler Industrial Lead that is currently owned by UP. WSOR states that the State of Wisconsin Department of Transportation (WisDot) has executed an agreement to purchase the right-of-way and railroad assets comprising the line from UP, with WSOR to acquire the freight easement and associated common carrier obligation directly from UP. WSOR also seeks to acquire and operate approximately 1,000 feet of UP spur track. WSOR has requested expedited action in this proceeding.

This transaction is also related to a concurrently filed petition for declaratory order in *Wisconsin Department of Transportation—Petition for Declaratory Order—Rail Line in Sheboygan County, WI,* STB Finance Docket No. 35195. In that proceeding, WisDot seeks a finding that its acquisition of the right-of-way and railroad assets will not render it a rail common carrier.

WSOR states that it proposes to consummate this transaction on or about April 15, 2009.

The trackage rights agreement will allow WSOR to provide rail service to the facilities of the Cargill Malt Plant in Kohler and to interchange with UP in Sheboygan.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law No. 110–161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing, or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term ''solid waste'' is defined in section 1004

[1] A redacted version of the proposed trackage rights agreement between UP and WSOR was filed with the notice of exemption. The full version of the draft agreement was concurrently filed under seal along with a motion for protective. The motion is being addressed in a separate decision. As required by 49 CFR 1180.6(a)(7)(ii), the parties must filed a copy of the executed agreement within 10 days of the date the agreement is executed.

of the Solid Waste Disposal Act, 42 U.S.C. 6903.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed at least 7 days before the exemption becomes effective.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35191, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John D. Heffner, 1750 K Street, NW., Suite 200, Washington, DC 20006, and on Mack H. Schumate, Union Pacific Railroad Company, 101 N. Wacker Drive, Suite 1920, Chicago, IL 60606.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 20, 2009.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9–4065 Filed 2–26–09; 8:45 am]

BILLING CODE 4915–01–P

Federal Register

Friday,
February 27, 2009

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities to Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5280–N–07]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7266, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Air Force:* Mr. Robert Moore, Air Force Real Property Agency, 143 Billy Mitchell Blvd., Suite 1, San Antonio, TX 78226; (210) 925–3047; *Army:* Ms. Veronica Rines, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, DAIM–ZS, Room 8536, 2511 Jefferson Davis Hwy, Arlington, VA 22202; (703) 601–2545; *Coast Guard:* Commandant, United States Coast Guard, Attn: Melissa Evans, 1900 Half St., SW., CG–431, Washington, DC 20593–0001; (202) 475–5628; *Energy:* Mr. Mark Price, Department of Energy, Office of Engineering & Construction Management, MA–50, 1000 Independence Ave, SW., Washington, DC 20585: (202) 586–5422; *GSA:* Mr. Gordon Creed, Acting Deputy Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th & F Streets, NW., Washington, DC 20405; (202) 501–0084; *Interior:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW, MS2603, Washington, DC 20240; (202) 208–5399; *Navy:* Mrs. Mary Arndt., Acting Director, Department of the Navy, Real Estate Services, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9305; *VA:* Mr. George L. Szarcman, Acting Director, Real Property Service (183C), Department of Veterans Affairs, 811 Vermont Avenue, NW., Room 555, Washington, DC 20420; (202) 565–5398; (These are not toll-free numbers).

Dated: February 17, 2009.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM REPORT FOR 02/27/2009

Suitable/Available Properties

Building

Arizona

Bldg. 149
Desert View
Grand Canyon AZ 86023
Landholding Agency: Interior
Property Number: 61200830001
Status: Excess
Comments: 791 sq. ft., needs rehab, most recent use—residential, off-site use only

California

Boyle Heights SSA Bldg.
N. Breed St.
Los Angeles CA 90033
Landholding Agency: GSA
Property Number: 54200840010
Status: Surplus
GSA Number: 9–G–CA–1676
Comments: 10,815 sq. ft., requires seismic strengthening to satisfy substantial life-safety criteria; expected lateral loads in structure rather high

Colorado

Bldg. 2
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501

Landholding Agency: VA
Property Number: 97200430001
Status: Unutilized
Comments: 3298 sq. ft., needs major rehab, presence of asbestos/lead paint

Bldg. 3
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501
Landholding Agency: VA
Property Number: 97200430002
Status: Unutilized
Comments: 7275 sq. ft., needs major rehab, presence of asbestos/lead paint

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230006
Status: Excess
Comments: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810003
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comments: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comments: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 1
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310001
Status: Unutilized
Comments: 20,287 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 3
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310002
Status: Unutilized
Comments: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 4
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310003
Status: Unutilized
Comments: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 13
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310004
Status: Unutilized
Comments: 8971 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 42
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310007
Status: Unutilized
Comments: 5025 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 60
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310008
Status: Unutilized
Comments: 18,126 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 122
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310009
Status: Unutilized
Comments: 37,135 sq. ft., needs extensive repairs, presence of asbestos, most recent use—dining hall/kitchen

Maine

Bldg. 1010
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Landholding Agency: Interior
Property Number: 61200830007
Status: Unutilized
Comments: 14200 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 1046
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Landholding Agency: Interior
Property Number: 61200830008
Status: Unutilized
Comments: 178 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 1172
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Landholding Agency: Interior
Property Number: 61200830009
Status: Unutilized
Comments: 1200 sq. ft., presence of asbestos/lead paint, most recent use—shed, off-site use only

Bldg. 1210
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Landholding Agency: Interior
Property Number: 61200830011
Status: Unutilized
Comments: 108 sq. ft., most recent use—shed, off-site use only

Bldg. 1213
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Landholding Agency: Interior
Property Number: 61200830012
Status: Unutilized
Comments: 544 sq. ft., most recent use—maintenance, off-site use only

Bldgs. 1224, 1232
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Landholding Agency: Interior
Property Number: 61200830013
Status: Unutilized
Comments: 543/768 sq. ft., most recent use—storage, off-site use only

Maryland

Bldg. 348
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910007
Status: Unutilized
Comments: 5728 sq. ft., most recent use—office, off-site use only

Bldgs. NA128, NA134
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910008
Status: Unutilized
Comments: 12,700 sq. ft., possible asbestos, most recent use—warehouse, off-site use only

Bldg. 99RL
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910012
Status: Unutilized
Comments: possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Bldg. 81NS
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910013
Status: Unutilized
Comments: 3968 sq. ft., possible asbestos, most recent use—dental clinic, off-site use only

Bldg. NA60
Naval Support Activity

Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910014
Status: Unutilized
Comments: 16,380 sq. ft., presence of asbestos, most recent use—shops/offices, off-site use only

Bldg. NA62
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910015
Status: Unutilized
Comments: 800 sq. ft., most recent use—pavilion, off-site use only

Bldg. NA330
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910016
Status: Unutilized
Comments: 15,810 sq. ft., possible asbestos/lead paint, most recent use—office space, off-site use only

Bldgs. 295NS, 296NS
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910017
Status: Unutilized
Comments: 5250 sq. ft., possible asbestos/lead paint, most recent use—alert forces operation, offsite use only

Michigan

Trenton Border Patrol Station
23100 West Road
Brownstown MI 48183
Landholding Agency: GSA
Property Number: 54200910003
Status: Excess
GSA Number: 1–X–MI–828–1
Comments: 3989 sq. ft., possible asbestos/lead paint, most recent use—office/storage

Missouri

Federal Bldg/Courthouse
339 Broadway St.
Cape Girardeau MO 63701
Landholding Agency: GSA
Property Number: 54200840013
Status: Excess
GSA Number: 7–G–MO–0673
Comments: 47,867 sq. ft., possible asbestos/lead paint, needs maintenance & seismic upgrades, 30% occupied—tenants to relocate within 2 yrs

New York

Agriculture Inspection Station
193 Meridan Road
Champlain NY 12919
Landholding Agency: GSA
Property Number: 54200910004
Status: Excess
GSA Number: 1–G–NY–0950–1
Comments: 2869 sq. ft., possible asbestos/lead paint

Bldg. 3
VA Medical Center
Batavia Co: Genesee NY 14020
Landholding Agency: VA
Property Number: 97200520001
Status: Unutilized
Comments: 5840 sq. ft., needs rehab, presence of asbestos, most recent use—offices, eligible for Natl Register of Historic Places

Pennsylvania

Fmr Visitor Ctr/Cyclorama Bldg
National Military Park
Gettysburg PA 17325
Landholding Agency: Interior
Property Number: 61200830002
Status: Excess
Comments: Needs major rehab, off-site use only

Texas

Border Patrol Station
Sanderson TX 79843
Landholding Agency: GSA
Property Number: 54200910006
Status: Excess
GSA Number: 7–X–TX–1097
Comments: 1500 sq. ft., most recent use—office/garage

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comments: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comments: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Arkansas

Tracts SG–2–8a, 8b
Portions
Apache Junction AR 85220
Landholding Agency: Interior
Property Number: 61200910001
Status: Excess
Comments: 1.36 acres, water treatment plant access

California

Tract 1607
Lake Sonoma
Rockpile Rd.
Geyserville CA 85746
Landholding Agency: GSA
Property Number: 54200840011
Status: Surplus
GSA Number: 9–GR–CA–1504
Comments: Approx. 139 acres, northern portion not accessible because of steep slopes, rare manzanita species

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comments: 4 acres; landslide area

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Landholding Agency: VA
Property Number: 97199740002
Status: Unutilized
Comments: Golf course, easement requirements

Michigan

Former Elf Comm. Facility
3041 County Road
Republic MI 49879
Landholding Agency: GSA
Property Number: 54200840012
Status: Excess
GSA Number: 1–N–MI–0827
Comments: 6.69 acres w/transmiter bldg, support bldg., gatehouse, endangered species

Texas

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comments: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities

Washington

6798 sq. ft. land
Navy Region Northwest
Bremerton WA
Landholding Agency: Navy
Property Number: 77200830024
Status: Unutilized
Comments: Vacant land

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comments: 12.4 acres, serves as buffer between center and private property, no utilities

Building

Arizona

Water Conservation Lab
4331 E. Broadway Rd.
Phoenix AZ 85040
Landholding Agency: GSA
Property Number: 54200820013
Status: Excess
GSA Number: 9–A–AZ–846–1
Comments: 11365 sq. ft. main bldg w/11 additional bldgs. & 66 paved parking spaces, easement restrictions, zoning issue

California

Social Security Building
505 North Court Street
Visalia Co: Tulare CA 93291
Landholding Agency: GSA
Property Number: 54200610010
Status: Surplus
GSA Number: 9–G–CA–1643
Comments: 11,727 sq. ft., possible lead paint, most recent use—office

Old Customs House

12 Heffernan Ave.
Calexico CA 92231
Landholding Agency: GSA
Property Number: 54200710016
Status: Surplus
GSA Number: 9–G–CA–1658
Comments: 16,108 sq. ft., possible asbestos/lead paint, zoned commercial, major repairs for long term use, historic building

Defense Fuel Support Pt.
Estero Bay Facility
Morro Bay CA 93442
Landholding Agency: GSA
Property Number: 54200810001
Status: Surplus
GSA Number: 9–N–CA–1606
Comments: Former 10 acre fuel tank farm w/associated bldgs/pipelines/equipment, possible asbestos/PCBs

Hawaii

Bldg. 2652
Navy Aloha Center
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200710039
Status: Underutilized
Comments: 9125 sq. ft., most recent use—office

Indiana

Fed. Bldg./Courthouse
507 State Street
Hammond IN 46320
Landholding Agency: GSA
Property Number: 54200710003
Status: Excess
GSA Number: 1–G–IN–590
Comments: 43,133 sq. ft., presence of asbestos, most recent use—office, National Register of Historic Places

Radio Tower
Cannelton Locks & Dam
Perry IN
Landholding Agency: GSA
Property Number: 54200830020
Status: Excess
GSA Number: 1–D–IN–569E
Comments: Tower/88 sq. ft. comm storage bldg., heavily wooded area

John A. Bushemi USARC
3510 W 15th Ave
Gary IN 46404
Landholding Agency: GSA
Property Number: 54200830027
Status: Excess
GSA Number: 1–D–IN–0602
Comments: 18,689 sq. ft. admin bldg & 3780 sq. ft. maintenance bldg

Massachusetts

Federal Office Bldg
Main & Bridge St.
Springfield MA 01101
Landholding Agency: GSA
Property Number: 54200740002
Status: Excess
GSA Number: MA–6262–1
Comments: 30,000 sq. ft., 27% occupied, recommend complete system upgrade

Michigan

Social Security Bldg.
929 Stevens Road
Flint MI 48503
Landholding Agency: GSA
Property Number: 54200720020
Status: Excess
GSA Number: 1–G–MI–822
Comments: 10,283 sq. ft., most recent use—office

Minnesota

Memorial Army Rsv Ctr
1804 3rd Avenue
International Falls Co: Koochiching MN 56649
Landholding Agency: GSA
Property Number: 54200620002
Status: Excess
GSA Number: 1–D–MN–586
Comments: 8992 sq. ft., presence of asbestos/lead paint, most recent use—admin/storage

Montana

Bldg. 1045
Kootenai
Hwy 508
Lincoln MT 59935
Landholding Agency: GSA
Property Number: 54200830007
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 1385 sq. ft., most recent use—residence, off-site use only

Bldg. 1063
Kootenai
Hwy 508
Lincoln MT 59935
Landholding Agency: GSA
Property Number: 54200830008
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 3145 sq. ft., most recent use—residence, off-site use only

Bldg. 1324
Kootenai
Hwy 508
Lincoln MT 59935
Landholding Agency: GSA
Property Number: 54200830009
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 2297 sq. ft., presence of asbestos, most recent use—bunkhouse, off-site use only

Bldg. 1325
Kootenai
Hwy 508
Lincoln MT 59935
Landholding Agency: GSA
Property Number: 54200830010
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 2297 sq ft., presence of asbestos, most recent use—bunkhouse, off-site use only

Bldg. 2326
Kootenai
Hwy 508
Lincoln MT 59935
Landholding Agency: GSA
Property Number: 54200830011
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 180 sq. ft., most recent use—storage, off-site use only

Bldg. 2641
Kootenai
Hwy 508
Lincoln MT 59935
Landholding Agency: GSA
Property Number: 54200830012
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 63 sq. ft., most recent use—storage, off-site use only

Bldg. 2000
Beaverhead MT 59762
Landholding Agency: GSA
Property Number: 54200830013
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 998 sq. ft., most recent use—office, off-site use only

Bldg. 3501
Jefferson MT
Landholding Agency: GSA
Property Number: 54200830014
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 50 ft., most recent use—tower, off-site use only

Bldg. 2002
Flathead
Big Fork MT 59911
Landholding Agency: GSA
Property Number: 54200830015
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 750 sq. ft., most recent use—office, off-site use only

Bldg. 1000
Lewis & Clark
Judith Basin MT 59479
Landholding Agency: GSA
Property Number: 54200830017
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 1432 sq. ft., most recent use—residence, off-site use only

Bldg. 2429
Lewis & Clark
Judith Basin MT 59479
Landholding Agency: GSA
Property Number: 54200830018
Status: Surplus
GSA Number: 7–A–MT–0627
Comments: 240 sq. ft., most recent use—shed, off-site use only

VA MT Healthcare 210 S. Winchester
Miles City Co: Custer MT 59301
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comments: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use—clinic/office/food production

Nebraska

Environmental Chemistry
Branch Laboratory 420 South 18th St., Omaha NE 68102
Landholding Agency: GSA
Property Number: 54200810010
Status: Excess
GSA Number: 7–D–NE–532
Comments: 11,250 sq. ft., needs repair, frequent basement flooding, requires large sump pumps, most recent use—laboratory

New Jersey

Camp Petricktown Sup. Facility
US Route 130
Pedricktown NJ 08067
Landholding Agency: GSA
Property Number: 54200740005

Status: Excess
GSA Number: 1–D–NJ–0662
Comments: 21 bldgs., need rehab, most recent use—barracks/mess hall/garages/quarters/admin., may be issues w/right of entry, utilities privately controlled, contaminants

New York

Fleet Mgmt. Center
5—32nd Street
Brooklyn NY 11232
Landholding Agency: GSA
Property Number: 54200620015
Status: Surplus
GSA Number: 1–G–NY–0872B
Comments: 12,693 sq. ft., most recent use—motor pool, heavy industrial

Federal Building
Brinkerhoff/Margaret Streets
Plattsburgh NY 12901
Landholding Agency: GSA
Property Number: 54200820005
Status: Surplus
GSA Number: 1–G–NY–0898–1A
Comments: 13,833 sq. ft., eligible for National Register of Historic Places w/National Ranking of 5, most recent use—office, federal tenants to relocate in August 2008

North Carolina

USCG Station Bldgs.
Cape Hatteras
Buxton Co: Dare NC
Landholding Agency: GSA
Property Number: 54200720002
Status: Excess
GSA Number: 4–U–ND–0747A
Comments: 5 bldgs./11 Other structures, contamination

Federal Building
241 Sunset Ave.
Asheboro Co: Randolph NC 27203
Landholding Agency: GSA
Property Number: 54200840007
Status: Excess
GSA Number: 4–G–NC–0746–2AB
Comments: 6935 sq. ft., needs rehab, presence of asbestos/possible lead paint, most recent use—office, covenant included noting building's National Register eligibility

North Dakota

Residence #1
Hwy 30/Canadian Border
St. John Co: Rolette ND 58369
Landholding Agency: GSA
Property Number: 54200620005
Status: Excess
GSA Number: 7–G–ND–0504
Comments: 1300 sq. ft., possible asbestos/lead paint, off-site use only

Residence #2
Hwy 30/Canadian Border
St. John Co: Rolette ND 58369
Landholding Agency: GSA
Property Number: 54200620006
Status: Excess
GSA Number: 7–G–ND–0505
Comments: 1300 sq. ft., possible asbestos/lead paint, off-site use only

Sherwood Garage
Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200630002
Status: Surplus
GSA Number: 7–G–ND–0512
Comments: 565 sq. ft., off-site use only

Noonan Garage
Hwy 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200630003
Status: Surplus
GSA Number: 7–G–ND–0511
Comments: 520 sq. ft., presence of asbestos, off-site use only

Westhope Garage
Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200630004
Status: Surplus
GSA Number: 7–G–ND–0513
Comments: 515 sq. ft., off-site use only

North House
10951 County Road
Hannah Co: Cavalier ND 58239
Landholding Agency: GSA
Property Number: 54200720008
Status: Surplus
GSA Number: 7–X–ND–0515–1A
Comments: 1128 sq. ft. residence, off-site use only

South House
10949 County Road
Hannah Co: Cavalier ND 58239
Landholding Agency: GSA
Property Number: 54200720009
Status: Surplus
GSA Number: 7–X–ND–0515–1B
Comments: 1128 sq. ft. residence, off-site use only

North House
Highway 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200720010
Status: Surplus
GSA Number: 7–X–ND–0517–1A
Comments: 1564 sq. ft. residence, off-site use only

South House
Highway 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200720011
Status: Surplus
GSA Number: 7–X–ND–0517–1B
Comments: 1564 sq. ft. residence, off-site use only

North House
Rt. 1, Box 66
Sarles Co: Cavalier ND 58372
Landholding Agency: GSA
Property Number: 54200720012
Status: Surplus
GSA Number: 7–X–ND–0516–1B
Comments: 1228 sq. ft. residence, off-site use only

South House
Rt. 1, Box 67
Sarles Co: Cavalier ND 58372
Landholding Agency: GSA
Property Number: 54200720013
Status: Surplus
GSA Number: 7–X–ND–0516–1A
Comments: 1228 sq. ft. residence, off-site use only

House #1
10925 Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200720014
Status: Surplus
GSA Number: 7–X–ND–0518–1B
Comments: 1228 sq. ft. residence, off-site use only

House #2
10927 Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200720015
Status: Surplus
GSA Number: 7–;X–ND–0518–1A
Comments: 1228 sq. ft. residence, off-site use only

North House
10913 Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200720016
Status: Surplus
GSA Number: 7–X–ND–0519–1B
Comments: 1218 sq. ft. residence, off-site use only

South House
10909 Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200720017
Status: Surplus
GSA Number: 7–X–ND–0519–1A
Comments: 1218 sq. ft. residence, off-site use only

Ohio

NIKE Site Cd-46
Felicity OH
Landholding Agency: GSA
Property Number: 31200740015
Status: Excess
GSA Number: 1–D–OH–0832
Comments: 8 bldgs., most recent use—Ohio Air Natl Guard site

PFC Joe R. Hastings
Army Reserve Center
3120 Parkway Dr.
Canton OH 44708
Landholding Agency: GSA
Property Number: 54200840008
Status: Excess
GSA Number: 1–D–OH–835
Comments: 27,603 sq.ft./admin bldg. & vehicle maint. bldg., presence of asbestos/lead paint/radon/PCBs

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Comments: 3 floors, potential utilities, needs major rehab, presence of asbestos/lead paint, historic property

Oregon

3 Bldgs/Land
OTHR–B Radar
Cty Rd 514
Christmas Valley OR 97641
Landholding Agency: GSA
Property Number: 54200840003
Status: Excess

GSA Number: 9–D–OR–0768
Comments: 14000 sq. ft. each/2626 acres, most recent use—radar site, right-of-way

U.S. Customs House
220 NW 8th Ave.
Portland OR
Landholding Agency: GSA
Property Number: 54200840004
Status: Excess
GSA Number: 9–D–OR–0733
Comments: 100,698 sq. ft., historical property/National Register, most recent use—office, needs to be brought up to meet earthquake code and local bldg codes, presence of asbestos/lead paint

Samoa

6 Housing Units
Lima & FA Streets
Tafuna AQ 96799
Landholding Agency: GSA
Property Number: 54200710001
Status: Surplus
GSA Number: 9–U–AS–002
Comments: 1722 or 1354 sq. ft., must negotiate long-term ground lease w/the Govt of American Samoa

Unit #25
Lima & FA Streets
Tafuna AQ
Landholding Agency: GSA
Property Number: 54200740001
Status: Surplus
GSA Number: 9–U–AS–002AB
Comments: 1722 sq. ft., presence of lead paint, most recent use—residential, off-site use only or negotiate ground lease with local govt

Texas

Bldgs. 5, 6, 7
Federal Center
501 West Felix Street
Ft. Worth Co: Tarrant TX 76115
Landholding Agency: GSA
Property Number: 54200640002
Status: Excess
GSA Number: 7–G–TX–0767–3
Comments: 3 warehouses with concrete foundation, off-site use only

Federal Center (Bldg 11A)
501 West Felix St.
Fort Worth TX 76115
Landholding Agency: GSA
Property Number: 54200840005
Status: Excess
GSA Number: 7–G–TX–0767AF
Comments: 8324 sq. ft., most recent use—office, off-site use only

Microwave Antenna Tower Site
353 PR 207
Ivanhoe TX 75447
Landholding Agency: GSA
Property Number: 54200840009
Status: Surplus
GSA Number: 7–D–TX–1104
Comments: 128 sq. ft. on 6.592 acres, most recent use—storage

Utah

ILS Middle Marker Annex
NE of Hill AFB
Tooele UT 84056
Landholding Agency: GSA
Property Number: 54200820004
Status: Excess
GSA Number: 7–D–UT–0421–AD
Comments: 320 sq. ft. metal bldg., 0.872 acres and 3.5 acres perpetual easements

Washington

Blaine Parking Lot
SR 543
Blaine WA 98230
Landholding Agency: GSA
Property Number: 54200830028
Status: Excess
GSA Number: 9–G–WA–1242
Comments: 2665 sq. ft., border crossing

Wisconsin

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comments: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Land

Arizona

Parking Lot
322 N 2nd Ave.
Phoenix AZ 85003
Landholding Agency: GSA
Property Number: 54200740007
Status: Surplus
GSA Number: AZ–6293–1
Comments: Approx. 21,000 sq. ft., parcel in OU3 study area for clean-up

SRP Ditch
24th St. & Jones Ave.
Phoenix AZ 85040
Landholding Agency: GSA
Property Number: 54200840001
Status: Surplus
GSA Number: AZ–0849–AA
Comments: Approx. 4131 sq. ft. unimproved land, floodplain

Colorado

Outer Marker—2.8 acres
Denver OUF
Denver CO
Landholding Agency: GSA
Property Number: 54200830022
Status: Surplus
GSA Number: 7–U–CO–0674
Comments: 2.8 acres

Outer Marker—0.084 acres
Denver JOY
Denver CO
Landholding Agency: GSA
Property Number: 54200830023
Status: Surplus
GSA Number: 7–U–CO–0675
Comments: 0.084 acres

Outer Marker—0.39 acres
Denver FUI
Denver CO
Landholding Agency: GSA
Property Number: 54200830024
Status: Surplus
GSA Number: 7–U–CO–0673
Comments: 0.3 acres

Outer Marker—0.39 acres
Denver DPP
Denver CO
Landholding Agency: GSA
Property Number: 54200830025
Status: Surplus
GSA Number: 7–U–CO–0676
Comments: 0.39 acres

Hawaii

6 Parcels
Naval Station
Pearl Harbor HI 96818
Landholding Agency: Navy
Property Number: 77200840012
Status: Unutilized
Comments: Various acres; encumbered by substantial improvements owned by a private navy tenant

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comments: Golf course

Maryland

3.54 acres
Andrews AFB
Upper Marlboro MD
Landholding Agency: GSA
Property Number: 54200810005
Status: Surplus
GSA Number: MD(R–11)0598–1
Comments: Strip parcel of land w/limited development potential

Massachusetts

FAA Site
Massasoit Bridge Rd.
Nantucket MA 02554
Landholding Agency: GSA
Property Number: 54200830026
Status: Surplus
GSA Number: MA–0895
Comments: Approx 92 acres, entire parcel within MA Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comments: 20 acres, used as exercise trails and storage areas, potential utilities

Oklahoma

Tracts 107, 202
Candy Lake Project
Osage OK
Landholding Agency: GSA
Property Number: 54200710004
Status: Surplus
GSA Number: 7–D–OK–0529–1–F, U
Comments: 604.92 acres, cattle grazing

Oregon

20 acres
Cow Hollow Park
Nyssa OR 97913
Landholding Agency: GSA
Property Number: 54200820007

Status: Excess
GSA Number: 9–I–OR–769
Comments: 20 acres w/shower/restroom, eligible for listing on Historic Register

Pennsylvania

Approx. 16.88
271 Sterrettania Rd.
Erie PA 16506
Landholding Agency: GSA
Property Number: 54200820011
Status: Surplus
GSA Number: 4–D–PA–0810
Comments: Vacant land

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized
Comments: Approx. 9.29 acres, used for patient recreation, potential utilities

Pennsylvania

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Directions: Between Campania and Wiltsie Streets.
Comments: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comments: 34.16 acres, open field, most recent use—recreation/buffer

Texas

FAA Outer Marker 18 R/L VYN
1420 Lakeside Pkwy
Flower Mound TX 75028
Landholding Agency: GSA
Property Number: 54200820017
Status: Surplus
GSA Number: 7–U–TX–1090
Comments: 1.428 acres, radar facility, published incorrectly on 8/15/08 as available

FAA Outer Marker 31R RAA
1600 Cooper Drive
Irving TX 75061
Landholding Agency: GSA
Property Number: 54200820018
Status: Surplus
GSA Number: 7–U–TX–1095
Comments: 0.305 acre, radar facility, published incorrectly on 8/15/08 as available

FAA Outer Marker 35R AJQ
300 W. Shady Grove
Grand Prairie TX 75050
Landholding Agency: GSA
Property Number: 54200820019
Status: Surplus
GSA Number: 7–U–TX–1094
Comments: 0.674 acre, radar facility, published incorrectly on 8/15/08 as available

FAA Outer Marker 36L
Grand Prairie TX 75050
Landholding Agency: GSA
Property Number: 54200830003
Status: Surplus
GSA Number: 7–U–TX–1101
Comments: 0.401 acre, radar facility

Wyoming

Cody Wyoming Property
Hwy 20
Park WY
Landholding Agency: GSA
Property Number: 54200840006
Status: Surplus
GSA Number: 7–I–WY–0547
Comments: 2.1 acres

Unsuitable Properties

Building

Alabama

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reasons: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reasons: Secured Area

Alaska

Admin. Site
624 Mill St.
Ketchikan Co: Gateway AK 99901
Landholding Agency: GSA
Property Number: 54200740004
Status: Excess
GSA Number: 9–I–AK–6296–1
Reasons: Within 2000 ft. of flammable or explosive material

Radar Tower
Potato Point Comm Site
Valdez AK
Landholding Agency: Coast Guard
Property Number: 88200710001
Status: Excess
Reasons: Secured Area; Not accessible by road; Within 2000 ft. of flammable or explosive material

Bldg. 12B
Integrated Support Command
Kodiak AK
Landholding Agency: Coast Guard
Property Number: 88200810003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Extensive deterioration; Secured Area

Bldg. 554
Integrated Support Command
Kodiak AK
Landholding Agency: Coast Guard
Property Number: 88200810004
Status: Excess
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Bldg. B02
USCG DGPS
Annette Island AK 99926
Landholding Agency: Coast Guard
Property Number: 88200820001
Status: Excess
Reasons: Secured Area

Bldg. B02
USCG DGPS
Gustavus AK 99826
Landholding Agency: Coast Guard
Property Number: 88200820002
Status: Excess
Reasons: Secured Area

Bldg. 10
LORAN Station
Carroll Inlet AK
Landholding Agency: Coast Guard
Property Number: 88200840001
Status: Excess
Reasons: Not accessible by road; Extensive deterioration

California

March Water Annex 2
Perris CA
Landholding Agency: GSA
Property Number: 54200810004
Status: Excess
GSA Number: 9–D–CA–1211
Reasons: Within airport runway clear zone

2 Trailers
Mades/Skyline Buddy
Paicines CA 95043
Landholding Agency: Interior
Property Number: 61200830003
Status: Excess
Reasons: Extensive deterioration

Bldg. 2533
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520005
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 13111
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520006
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 53325, 53326
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520007
Status: Excess
Reasons: Secured Area; Extensive deterioration

5 Bldgs.
Marine Corps Base 53421, 53424 thru 53427
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520008
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 61311, 61313, 61314
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520009

Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 61320–61324, 61326
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520010
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 62711 thru 62717
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520011
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 4
Naval Submarine Base
Point Loma CA
Landholding Agency: Navy
Property Number: 77200520014
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 8915, 8931
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530004
Status: Excess
Reasons: Extensive deterioration

Bldgs. 11, 112
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530005
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 805
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530006
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 810 thru 823
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530007
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 851, 859, 864
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530008
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 1146
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200530009
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 1370, 1371, 1372
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200530011
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 115
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200530012
Status: Excess
Reasons: Extensive deterioration

Bldg. 1674
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530027
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 2636, 2651, 2658
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530028
Status: Excess
Reasons: Extensive deterioration; Secured Area

4 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530029
Status: Excess
Directions: 26053, 26054, 26056, 26059
Reasons: Secured Area; Extensive deterioration

Bldgs. 53333, 53334
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530030
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 53507, 53569
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530031
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 170111
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530032
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. PM4–3
Naval Base
Oxnard Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200530033
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 1781
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200540001
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 398, 399, 404
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200540003
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 388, 389, 390, 391
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200540004
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 16
Naval Submarine Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200540017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 325
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200610001
Status: Unutilized
Reasons: Within airport runway clear zone; Extensive deterioration; Secured Area

Bldgs. 1647, 1648
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610010
Status: Excess
Reasons: Extensive deterioration

Bldg. 1713
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610011
Status: Excess
Reasons: Extensive deterioration

Bldg. 220189
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610014
Status: Excess
Reasons: Extensive deterioration

Bldg. 2295
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610015
Status: Excess
Reasons: Extensive deterioration

Bldgs. 22115, 22116, 22117
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610016
Status: Excess
Reasons: Extensive deterioration

Bldg. 143
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610017
Status: Excess
Reasons: Extensive deterioration

Bldgs. 213, 243, 273
Naval Air Station
Lemoore CA

Landholding Agency: Navy
Property Number: 77200610018
Status: Excess
Reasons: Extensive deterioration

Bldg. 303
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610019
Status: Excess
Reasons: Extensive deterioration

Bldg. 471
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610020
Status: Excess
Reasons: Extensive deterioration

Bldgs. 979, 928, 930
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610021
Status: Excess
Reasons: Extensive deterioration

Bldgs. 999, 1000
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610022
Status: Excess
Reasons: Extensive deterioration

Bldgs. 305, 353
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610023
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 358, 359, 360, 361
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610024
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 581
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610026
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. A25, A27
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610027
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 31926, 31927, 31928
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610058
Status: Excess
Reasons: Extensive deterioration

Bldg. 41326
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610059
Status: Excess
Reasons: Extensive deterioration

Bldg. 41816
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610060
Status: Excess
Reasons: Extensive deterioration

Bldgs. 1468, 1469
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630002
Status: Unutilized
Reasons: Secured Area

Bldg. 30869
Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200630005
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 2–8, 3–10
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630009
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 6–11, 6–12, 6–819
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630010
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 85
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630011
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 120, 123
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630012
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 724
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630013
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 764
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630014
Status: Unutilized
Reasons: Secured Area

Bldg. 115
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630015
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 323
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630016
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 488
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630017
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 842
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630018
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 927
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630019
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 1150
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630020
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 1361
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630021
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. PH546
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200640027
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. PH425
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200710001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. PM 134
Naval Base
Point Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200710023
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. PH837, PH1372
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200710024
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 523107
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710025
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710026
Status: Excess
Directions: 523112, 523113, 523114, 523115, 523116, 523117
Reasons: Extensive deterioration

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710027
Status: Excess
Directions: 523122, 523123, 523124, 523125, 523126, 523127
Reasons: Extensive deterioration

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710028
Status: Excess
Directions: 523132, 523133, 523134, 523135, 523136, 523137
Reasons: Extensive deterioration

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710029
Status: Excess
Directions: 523142, 523143, 523144, 523145, 523146, 523147
Reasons: Extensive deterioration

Bldgs. 523156, 523157
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710030
Status: Excess
Reasons: Extensive deterioration

Bldg. 30726
Naval Air Weapons
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200710047
Status: Excess
Reasons: Secured Area

Bldgs. PH284, PH339
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720001
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. PH805, PH1179
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720002
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. PH1207, PH1264, PH1288
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720003
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. PM 3–53, PM129, PM402
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. LP908
Naval Base
Laguna Peak
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720005
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. PM790
Naval Base
Oxnard CA 93043
Landholding Agency: Navy
Property Number: 77200720006
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 53402
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200720007
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 307
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720009
Status: Excess
Reasons: Secured Area

Bldg. 3135
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720010
Status: Excess
Reasons: Secured Area

Bldgs. 30727, 31409
Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200720011
Status: Excess
Reasons: Secured Area

Bldgs. 60142, 60158
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720012
Status: Unutilized
Reasons: Extensive deterioration; Not accessible by road

Bldgs. 60160, 60162, 60164
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720013
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 60203, 60210, 60211
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720014
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 60214, 60215
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720015
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 60227, 60243, 60250
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720016
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 60313
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720017
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 404
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200720032
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 3267
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720039
Status: Unutilized
Reasons: Secured Area

Bldgs. 11090, 98033
Naval Air Weapons
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200720054
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 41314, 41362
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200720055
Status: Excess
Reasons: Extensive deterioration

Bldgs. 192, 193, 410
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720063
Status: Excess
Reasons: Secured Area

Bldg. 415
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730013
Status: Unutilized
Reasons: Secured Area

Bldgs. 3363, 3364
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730014
Status: Unutilized
Reasons: Secured Area

4 Bldgs.
Naval Base
3185D, 3222, 3251, 3309
San Diego CA
Landholding Agency: Navy
Property Number: 77200730015
Status: Unutilized
Reasons: Secured Area

Portion/Bldg. T17
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200730016
Status: Underutilized
Reasons: Secured Area

Bldg. 297
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730017
Status: Unutilized
Reasons: Secured Area

Bldgs. 13, 87
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730022
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 243
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730023
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 381
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730024
Status: Excess
Reasons: Secured Area

4 Bldgs.
Naval Air Station 493, 663, 682, 784
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730025
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldg. 809
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730026
Status: Excess
Reasons: Secured Area

Bldg. 983
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730027
Status: Excess
Reasons: Secured Area

Bldg. 1459
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730028
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldg. 334
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730029
Status: Excess
Reasons: Secured Area

Bldgs. 124, 148
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740002
Status: Excess
Reasons: Secured Area

Bldgs. 314, 341, 636
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740003
Status: Excess
Reasons: Secured Area

Bldgs. 710, 802, 826
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740004
Status: Excess
Reasons: Secured Area

Bldgs. 60139, 60180
Naval Air Station
San Clemente CA
Landholding Agency: Navy
Property Number: 77200740005
Status: Excess
Reasons: Secured Area

Bldgs. 41313, 41314
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740006
Status: Excess
Reasons: Secured Area; Extensive deterioration

4 Bldgs.
Marine Corps Base
41359, 41362, 41365, 41366
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740007
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 43976
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740008
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 53440, 53831
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740009
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldg. 410365
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740010
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 259
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740015
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldg. 41356
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740017
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldg. 84
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200740018
Status: Excess
Reasons: Secured Area

4 Bldgs.
Marine Corps Base
41312, 53426, 53427, 53430
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200810008
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 2537, 2538
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200810009
Status: Excess
Reasons: Extensive deterioration

Bldgs. 43286, 43287
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200810010
Status: Excess
Reasons: Extensive deterioration

Bldg. 33007
Naval Air Weapons Station
China Lake CA
Landholding Agency: Navy
Property Number: 77200810011
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 22176, 62507, 410363
Marine Corps Base
Camp Pendleton CA
Landholding Agency: Navy

Property Number: 77200810021
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 25261, 41342, 41344
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200810026
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldg. 105
Naval Base
Point Loma Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200820005
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. PH1230
Naval Base
Port Hueneme CA 93043
Landholding Agency: Navy
Property Number: 77200820021
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 17, 37, 130
Naval Base
San Diego CA 92136
Landholding Agency: Navy
Property Number: 77200820023
Status: Excess
Reasons: Secured Area

Bldgs. 3053, 3328
Naval Base
San Diego CA 92136
Landholding Agency: Navy
Property Number: 77200820025
Status: Excess
Reasons: Secured Area

Bldgs. 3368, 3370
Naval Base
San Diego CA 92136
Landholding Agency: Navy
Property Number: 77200820026
Status: Excess
Reasons: Secured Area

Bldgs. 3591, 3592
Naval Base
San Diego CA 92136
Landholding Agency: Navy
Property Number: 77200820027
Status: Excess
Reasons: Secured Area

Bldg. 3603
Naval Base
San Diego CA 92136
Landholding Agency: Navy
Property Number: 77200820028
Status: Excess
Reasons: Secured Area; Floodway

Bldg. PH1230
Naval Base
Port Hueneme CA 93043
Landholding Agency: Navy
Property Number: 77200820029
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. PM28
Naval Base
Point Mugu CA 93042
Landholding Agency: Navy
Property Number: 77200820030
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. PH5295, PH5297
Naval Base
Oxnard CA 93042
Landholding Agency: Navy
Property Number: 77200820031
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

4 Bldgs.
Naval Base
Oxnard CA 93042
Landholding Agency: Navy
Property Number: 77200820032
Status: Unutilized
Directions: PH5303, PH5315, PH5318, PH5319
Reasons: Extensive deterioration; Secured Area

Bldgs. PH5323, PH5329
Naval Base
Oxnard CA 93042
Landholding Agency: Navy
Property Number: 77200820033
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 60180, 60139
San Clemente Island
Naval Base
Coronado CA
Landholding Agency: Navy
Property Number: 77200830001
Status: Excess
Reasons: Secured Area

Bldg. 148
Naval Amphibious Base
Coronado CA
Landholding Agency: Navy
Property Number: 77200830002
Status: Excess
Reasons: Secured Area

Bldgs. 13, 87, 124, 243
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830003
Status: Excess
Reasons: Secured Area

5 Bldgs.
Naval Air Station
307, 311, 314, 341, 381
North Island CA
Landholding Agency: Navy
Property Number: 77200830004
Status: Excess
Reasons: Secured Area

Bldgs. 493
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830005
Status: Excess
Reasons: Secured Area

Bldgs. 636, 663, 682
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830006
Status: Excess
Reasons: Secured Area

Bldgs. 710, 784
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830007
Status: Excess
Reasons: Secured Area

Bldgs. 802, 809, 826
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830008
Status: Excess
Reasons: Secured Area

Bldgs. 983, 1459
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830009
Status: Excess
Reasons: Secured Area

Bldg. 33005
Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200830011
Status: Excess
Reasons: Secured Area; within 2000 ft. of flammable or explosive material; Extensive deterioration

Bldgs. 2, 10, 59
Naval Base
Point Loma CA
Landholding Agency: Navy
Property Number: 77200830012
Status: Unutilized
Reasons: Secured Area

Bldgs. 25152, 41321, 41406
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200830022
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 1391
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200830025
Status: Excess
Reasons: Extensive deterioration

Bldgs. 1211, 1213, 1214, 1216
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200830026
Status: Excess
Reasons: Extensive deterioration

Bldgs. 52654, 52655
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200830027
Status: Excess
Reasons: Extensive deterioration

Bldgs. 453, 454, 508, 509
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200840003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldgs. 950, 952, 994
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200840004
Status: Unutilized
Reasons: Secured Area

4 Bldgs.
Marine Corps Base
14113, 14114, 14126, 21401
Camp Pendleton CA
Landholding Agency: Navy
Property Number: 77200840010
Status: Excess
Reasons: Secured Area; Extensive deterioration

4 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200910001
Status: Excess
Directions: 41350, 51916T, 62357T, 62367
Reasons: Extensive deterioration; Secured Area

6 Bldgs.
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200910002
Status: Excess
Directions: C38, C47, C85, C93B, C101, C102
Reasons: Extensive deterioration; Secured Area

Bldgs. 78, 126
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200910003
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldg. 19
USCG Integrated Sup Comm
San Pedro CA 90731
Landholding Agency: Coast Guard
Property Number: 88200820004
Status: Unutilized
Reasons: Extensive deterioration

Colorado

Bldg. 782
La Poudre Pass
Larimer CO 80517
Landholding Agency: Interior
Property Number: 61200830004
Status: Unutilized
Reasons: Extensive deterioration

Connecticut

Bldg. 486
Naval Submarine Base
New London CT 06349
Landholding Agency: Navy
Property Number: 77200910004
Status: Excess
Reasons: Extensive deterioration; Secured Area

District of Columbia

Bldg. 396
Naval Support Facility
Anacostia Annex DC 20373
Landholding Agency: Navy
Property Number: 77200630008
Status: Unutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Bldg. W22
Washington Navy Yard
Washington DC 20374
Landholding Agency: Navy
Property Number: 77200820035
Status: Underutilized
Reasons: Secured Area

Bldg. 171
Naval Station Anacostia
DC DC 20375
Landholding Agency: Navy
Property Number: 77200910021
Status: Unutilized
Reasons: Secured Area; Floodway

Florida

Army Rsv Aviation Support
Facility 49
8601 Avenue B
Orlando FL 32827
Landholding Agency: GSA
Property Number: 54200820002
Status: Excess
GSA Number: 4–D–FL–705–6EO
Reasons: Within airport runway clear zone

Bldg. U–150
Naval Air Station
Key West Co: Monroe FL 33040
Landholding Agency: Navy
Property Number: 77200520044
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. V1221 A
Naval Air Station
Sigsbee Park
Key West Co: Monroe FL 33040
Landholding Agency: Navy
Property Number: 77200530013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 969
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200540014
Status: Unutilized
Reasons: Secured Area

Bldgs. 1759, 1760
Naval Air Station
Jacksonville Co: Duval FL
Landholding Agency: Navy
Property Number: 77200540015
Status: Unutilized
Reasons: Secured Area

Bldg. 1917
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200540016
Status: Unutilized
Reasons: Secured Area

Bldgs. 1, 2
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540018
Status: Excess
Reasons: Secured Area; Floodway; Extensive deterioration

Bldg. 24
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540019
Status: Excess
Reasons: Extensive deterioration; Secured Area; Floodway

Bldg. 66
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540020
Status: Excess
Reasons: Floodway; Secured Area; Extensive deterioration

Bldg. 216
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540021
Status: Excess
Reasons: Extensive deterioration; Secured Area; Floodway

Bldgs. 437, 450
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540022
Status: Excess
Reasons: Extensive deterioration; Floodway; Secured Area

Bldgs. 1234, 1235
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540023
Status: Excess
Reasons: Secured Area; Extensive deterioration; Floodway

Bldg. 212
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200620011
Status: Unutilized
Reasons: Secured Area; Floodway; Extensive deterioration

Bldg. 508
Naval Station
Mayport FL 32228
Landholding Agency: Navy
Property Number: 77200620035
Status: Unutilized
Reasons: Secured Area; Floodway

Bldg. 834
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630022
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 2658
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630023
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 3483
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630024
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 6144
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630025
Status: Unutilized
Reasons: Extensive deterioration

Bldg. F11
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630026
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. A225, A409
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630027
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. A515
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630028
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. A635
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630029
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. A993, A994
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630030
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. A1068
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630031
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. A4021
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630032
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 4080
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630033
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

88 Facilities
Saufley Field
Pensacola FL 32508
Landholding Agency: Navy
Property Number: 77200740016
Status: Unutilized
Reasons: Within airport runway clear zone

Bldgs. C5, A329
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200810007
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 2, 5, 24, 26
Naval Air Station
Jacksonville Co: Duval FL
Landholding Agency: Navy
Property Number: 77200820006
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 104A, 136, 159
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200820007
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

6 Bldgs.
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200820008
Status: Unutilized
Directions: 323, 324, 338, 339, 347, 348
Reasons: Secured Area; Extensive deterioration

5 Bldgs.
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200820009
Status: Unutilized
Directions: 607, 612, 614B, 674, 675
Reasons: Extensive deterioration; Secured Area

Bldgs. 820, 890
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200820010
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 1756, 1937
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200820011
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Georgia

Bldg. 5101
Naval Submarine Base
Kings Bay Co: Camden GA 31547
Landholding Agency: Navy
Property Number: 77200520004
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration

Bldg. 0038
Naval Submarine Base
Kings Bay GA 31547
Landholding Agency: Navy
Property Number: 77200620036
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

7 Bldgs.
Marine Logistics Base
Albany GA
Landholding Agency: Navy
Property Number: 77200720040
Status: Excess
Directions: 7100, 7106, 7108, 7110, 5584, 7964, 7966
Reasons: Secured Area

Guam

Bldg. B–32
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520023
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 76, 77, 79
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520024
Status: Unutilized
Reasons: Extensive deterioration

4 Bldgs.
Naval Forces
261, 262, 263, 269
Marianas GU
Landholding Agency: Navy
Property Number: 77200520025
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 404NM
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520026
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 3150, 3268
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520030
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 5409, 5412, 5413
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520031
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 5500
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520032
Status: Unutilized
Reasons: Extensive deterioration

73 Bldgs.
Naval Computer Station
Marianas GU
Landholding Agency: Navy
Property Number: 77200520045
Status: Excess
Directions: A700–A716, A725, A728, A735, A741–A784, A803–A805, A811–A813, A829–A831

Reasons: Extensive deterioration; Secured Area

Bldgs. 2006, 2009
Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200520048
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 2014, 2916
Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200520049
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 277, 308
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610028
Status: Excess
Reasons: Secured Area

Bldgs. 1686, 1689, 1690
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610029
Status: Excess
Reasons: Secured Area

Bldgs. 1714, 1767, 1768
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610030
Status: Excess
Reasons: Secured Area

Bldgs. 1771, 1772, 1773
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610031
Status: Excess
Reasons: Secured Area

Bldgs. 1791, 1792
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610032
Status: Excess
Reasons: Secured Area

Bldgs. 3000, 3001
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610033
Status: Excess
Reasons: Secured Area

Bldgs. 3002, 3004, 3005
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610034
Status: Excess
Reasons: Secured Area

Bldgs. 3006, 3007
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610035
Status: Excess
Reasons: Secured Area

Steam Plant
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610036
Status: Excess
Reasons: Secured Area

Bldgs. 403, 404
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620013
Status: Unutilized
Reasons: Secured Area

Bldgs. 464, 729
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620014
Status: Unutilized
Reasons: Secured Area

Bldgs. 836, 837
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620015
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 11XC7
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620016
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 23YC1, 23YC2, 23YC3
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620017
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 23YC4, 23YC5
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620018
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 24YC7, 24YC8
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620019
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 26YC3, 26YC5
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620020
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Old Bus Stop
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620021
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

2 Guard Houses
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620022
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

9 Magazines
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620023
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 151, 152, 153
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200630001
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 4
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710002
Status: Unutilized
Reasons: Extensive deterioration

Bldg. C115
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710003
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 160
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710004
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 176
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710005
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 33
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710006
Status: Excess
Reasons: Extensive deterioration

Bldg. 219
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710007
Status: Excess
Reasons: Extensive deterioration

Bldg. 950
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710008
Status: Excess

Reasons: Extensive deterioration

Bldg. 1769
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710009
Status: Excess
Reasons: Extensive deterioration

Bldgs. 3186, 3187, 3188
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710010
Status: Excess
Reasons: Extensive deterioration

Bldgs. 4408, 4409
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710011
Status: Excess
Reasons: Extensive deterioration

Hazmat Storage
Naval Base
Polaris Point
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710012
Status: Excess
Reasons: Extensive deterioration

Storage Bldg.
Naval Base
Polaris Point
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710013
Status: Excess
Reasons: Extensive deterioration

Hawaii

Bldg. 346
Naval Station
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200610002
Status: Excess
Reasons: Extensive deterioration

Bank
Marine Corps Base
Kaneohe Bay HI 96863
Landholding Agency: Navy
Property Number: 77200830019
Status: Unutilized
Reasons: Secured Area

Bldgs. S378, 469
Naval Station
Ford Island
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200910005
Status: Underutilized
Reasons: Secured Area

Idaho

RCLR Facility
State Hwy 69
Meridian ID 83704
Landholding Agency: GSA
Property Number: 54200820014
Status: Excess
GSA Number: 9–U–ID–566
Reasons: Within 2000 ft. of flammable or explosive material

Indiana

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reasons: Extensive deterioration

Louisiana

Bldgs. 37, 89, 122
Naval Air Station
New Orleans LA 70143
Landholding Agency: Navy
Property Number: 77200810024
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 159, 418, 902
Naval Air Station
New Orleans LA 70143
Landholding Agency: Navy
Property Number: 77200810025
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldg. 11
Naval Support Activity
New Orleans LA 70142
Landholding Agency: Navy
Property Number: 77200810027
Status: Excess
Reasons: Extensive deterioration; Secured Area

Maine

Bldgs. 1008, 1009, 1140, 1155
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Landholding Agency: Interior
Property Number: 61200830010
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 1208, 1223
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Landholding Agency: Interior
Property Number: 61200830014
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 89, 129, 131
Portsmouth Naval Shipyard
Kittery ME
Landholding Agency: Navy
Property Number: 77200840013
Status: Excess
Reasons: Secured Area

Maryland

Bldg. 84NS
Naval Support Activity
Annapolis Co: Anne Arundel MD 21402
Landholding Agency: Navy
Property Number: 77200610038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Floodway

Bldg. 2075
Naval Surface Warfare
Indian Head MD
Landholding Agency: Navy
Property Number: 77200630043
Status: Excess
Reasons: Extensive deterioration

Bldgs. 311, 565, 565A
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910009
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 84NS, 232NS, 233NS
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910010
Status: Unutilized
Reasons: Extensive deterioration

10 Bldgs.
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200910011
Status: Unutilized
Directions: NA273, NA68, NA69, NA254, 242NS, NA5, NA7, NA51, NA71, NA72
Reasons: Extensive deterioration

Massachusetts

Bldg. 5202
USCG Air Station
Bourne MA 02540
Landholding Agency: Coast Guard
Property Number: 88200810002
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

3 Sheds
USCG Sector Southeastern
Falmouth MA 02543
Landholding Agency: Coast Guard
Property Number: 88200910001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Westview Street Wells
Lexington MA 02173
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reasons: Extensive deterioration

Michigan

Admin. Bldg.
Station Saginaw River
Essexville Co: Bay MI 48732
Landholding Agency: Coast Guard
Property Number: 88200510001
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Mississippi

Aircraft Hangar
State Hwy 61
Vicksburg MS
Landholding Agency: GSA
Property Number: 54200830019
Status: Excess
GSA Number: 4–D–MS–0565AA
Reasons: Within airport runway clear zone

Bldg. 9
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610039
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 22, 27, 41
Construction Battalion Center

Gulfport MS
Landholding Agency: Navy
Property Number: 77200610040
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 108, 181, 183
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610041
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 201
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610042
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 270, 270A–1, 270A–2
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610043
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 375, 420
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610044
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 95, 96
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720046
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area; Within 2000 ft. of flammable or explosive material

Bldg. 167
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720047
Status: Unutilized
Reasons: Secured Area

Bldgs. 212, 228
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720048
Status: Unutilized
Reasons: Secured Area

Bldgs. 266, 267
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720049
Status: Unutilized
Reasons: Secured Area

Bldgs. 351, 445
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720050
Status: Unutilized
Reasons: Secured Area

Bldgs. 182, 183
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200810014
Status: Unutilized
Reasons: Secured Area

Bldgs. 222, 230, 326
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200810015
Status: Unutilized
Reasons: Secured Area

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reasons: Floodway

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reasons: Extensive deterioration

Missouri

Bldg. 3
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340001
Status: Underutilized
Reasons: Secured Area

Bldg. 4
VA Medical Center
Jefferson Barracks Division
St. Louis MO
Landholding Agency: VA
Property Number: 97200340002
Status: Underutilized
Reasons: Secured Area

Bldg. 27
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340003
Status: Underutilized
Reasons: Secured Area

Bldg. 28
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340004
Status: Underutilized
Reasons: Secured Area

Bldg. 29
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340005
Status: Underutilized
Reasons: Secured Area

Bldg. 50
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340006
Status: Underutilized
Reasons: Secured Area

Nevada

3 Bldgs.
Nevada Test Site
23–790, 06–CP50, 26–2107
Mercury Co: Nye, NV 89023
Landholding Agency: Navy
Property Number: 77200510025
Status: Excess
Reasons: Other—contamination; Secured Area

Units 501–521
Naval Air Station
Fallon, NV
Landholding Agency: Navy
Property Number: 77200710017
Status: Excess
Reasons: Secured Area

New Jersey

Bldgs. 105, 111, 266
Naval Air Eng. Station
Lakehurst, NJ 08733
Landholding Agency: Navy
Property Number: 77200820001
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 464, 480
Naval Air Eng. Station
Lakehurst, NJ 08733
Landholding Agency: Navy
Property Number: 77200820002
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 539, 560, 565
Naval Air Eng. Station
Lakehurst, NJ 08733
Landholding Agency: Navy
Property Number: 77200820003
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 395, 468
Naval Air Engineering Station
Lakehurst, NJ 08733
Landholding Agency: Navy
Property Number: 77200910018
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 395, 468
Naval Air Eng. Station
Lakehurst, NJ 08733
Landholding Agency: Navy
Property Number: 77200910022
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 566
Naval Weapons Station
Colts Neck, NJ 07722

Landholding Agency: Navy
Property Number: 77200910023
Status: Unutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

New York

Bldg. 13
USCG Staten Island
Suffolk, NY 10305
Landholding Agency: Coast Guard
Property Number: 88200910002
Status: Excess
Reasons: Extensive deterioration; Secured Area

North Carolina

Frying Pan Light Station
Atlantic Ocean, NC
Landholding Agency: GSA
Property Number: 54200830004
Status: Excess
GSA Number: 4–U–NC–0749
Reasons: Floodway; Not accessible by road

Bldg. 82
Marine Corps Air Station
Cherry Point Co: Craven, NC 28533
Landholding Agency: Navy
Property Number: 77200510009
Status: Underutilized
Reasons: Secured Area

Bldg. 4314
Marine Corps Air Station
Cherry Point Co: Craven, NC 28533
Landholding Agency: Navy
Property Number: 77200510010
Status: Underutilized
Reasons: Secured Area

Bldg. 124
Marine Corps Air Station
Cherry Point Co: Craven, NC 28533
Landholding Agency: Navy
Property Number: 77200510023
Status: Underutilized
Reasons: Secured Area

Bldgs. 73, 95, 1018
Marine Corps Air Station
Cherry Point, NC
Landholding Agency: Navy
Property Number: 77200620003
Status: Unutilized
Reasons: Secured Area

Bldg. 499
Marine Corps Air Station
Cherry Point, NC
Landholding Agency: Navy
Property Number: 77200620038
Status: Unutilized
Reasons: Secured Area

Bldgs. 3177, 3885
Marine Corps Air Station
Cherry Point, NC
Landholding Agency: Navy
Property Number: 77200620039
Status: Unutilized
Reasons: Secured Area

Bldg. 4473
Marine Corps Air Station
Cherry Point, NC
Landholding Agency: Navy
Property Number: 77200620040
Status: Unutilized
Reasons: Secured Area

Bldg. 4523
Marine Corps Air Station
Cherry Point, NC
Landholding Agency: Navy
Property Number: 77200620041
Status: Unutilized
Reasons: Secured Area

RPFN 0S1
Group Cape Hatteras
Buxton Co: Dare, NC 27902
Landholding Agency: Coast Guard
Property Number: 88200540001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

RPFN 053
Sector N.C.
Atlantic Beach Co: Carteret, NC 28512
Landholding Agency: Coast Guard
Property Number: 88200540002
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Equip. Bldg.
Coast Guard Station
11101 Station St.
Emerald Isle, NC
Landholding Agency: Coast Guard
Property Number: 88200630001
Status: Unutilized
Reasons: Secured Area

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe, NC 28805
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reasons: Extensive deterioration

Ohio

National Guard Facility
1512 Oak Harbor Rd.
Fremont, OH 43420
Landholding Agency: GSA
Property Number: 54200830006
Status: Excess
GSA Number: 1–D–OH–834
Reasons: Within 2000 ft. of flammable or explosive material

Naval Reserve Center
Cleveland, OH 44114
Landholding Agency: Coast Guard
Property Number: 88200740002
Status: Unutilized
Reasons: Secured Area; Within airport runway clear zone; Within 2000 ft. of flammable or explosive material

Bldg. 105
VA Medical Center
Dayton Co: Montgomery, OH 45428
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reasons: Extensive deterioration

Pennsylvania

4 Tracts
101–03, 101–04, 101–05, 101–06
Valley Forge NHP
King of Prussia, PA 19406
Landholding Agency: Interior
Property Number: 61200830005
Status: Excess
Reasons: Extensive deterioration

Tracts 101–28, 101–29
Valley Forge NHP
Wayne, PA 19480
Landholding Agency: Interior
Property Number: 61200830006
Status: Excess
Reasons: Extensive deterioration

Bldgs. 13, 90, 93, 97
Naval Support Activity
Philadelphia, PA 19111
Landholding Agency: Navy
Property Number: 77200820012
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 431, 483
Naval Support Activity
Philadelphia, PA 19111
Landholding Agency: Navy
Property Number: 77200820013
Status: Excess
Reasons: Extensive deterioration; Within 2000 ft. of flammable or explosive material

Bldgs. 530, 534, 567, 585
Naval Support Activity
Philadelphia, PA 19111
Landholding Agency: Navy
Property Number: 77200820014
Status: Excess
Reasons: Extensive deterioration; Within 2000 ft. of flammable or explosive material

Bldgs. 618, 743
Naval Support Activity
Philadelphia, PA 19111
Landholding Agency: Navy
Property Number: 77200820015
Status: Excess
Reasons: Extensive deterioration

7 Bldgs.
Naval Support Activity
Philadelphia, PA
Landholding Agency: Navy
Property Number: 77200910019
Status: Excess
Directions: 9, 37, 619, 626, 636, 662, 947
Reasons: Secured Area

Rhode Island

Bldg. 305CP
Naval Station
Newport, RI 02841
Landholding Agency: Navy
Property Number: 77200820004
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldg. 1A–CC
Naval Station
Newport, RI 02841
Landholding Agency: Navy
Property Number: 77200820022
Status: Excess
Reasons: Secured Area

Bldg. 164
Naval Station
Newport, RI 02841
Landholding Agency: Navy
Property Number: 77200820036
Status: Excess
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material; Floodway

Bldgs. 348, 85CHI
Naval Station
Newport, RI
Landholding Agency: Navy
Property Number: 77200820043
Status: Unutilized

Reasons: Secured Area

Facility 670
Naval Station
Harbor Island
Newport, RI 02841
Landholding Agency: Navy
Property Number: 77200820044
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. A105, 1323
Naval Station
Newport, RI 02842
Landholding Agency: Navy
Property Number: 77200840015
Status: Excess
Reasons: Extensive deterioration

Bldgs. 391, 400, 658
Naval Station
Newport RI 02842
Landholding Agency: Navy
Property Number: 77200840016
Status: Excess
Reasons: Extensive deterioration; Secured Area

South Carolina

7 Bldgs.
Ft. Jackson
Richland SC 29207
Landholding Agency: Army
Property Number: 21200910001
Status: Excess
Directions: D5435, D5439, D5440, D5442, D5443, D5447, D5448
Reasons: Extensive deterioration; Secured Area

5 Bldgs.
Ft. Jackson
Richland SC 29207
Landholding Agency: Army
Property Number: 21200910002
Status: Excess
Directions: F6028, F6033, F6365, F6796, F7846
Reasons: Secured Area

5 Bldgs.
Ft. Jackson
Richland SC 29207
Landholding Agency: Army
Property Number: 21200910003
Status: Excess
Directions: G7352, G7846, H3206, H3207, H7373
Reasons: Secured Area

6 Bldgs.
Ft. Jackson
Richland SC 29207
Landholding Agency: Army
Property Number: 21200910004
Status: Excess
Directions: J5961, J5962, N7654, O7154, O7164, P8654
Reasons: Secured Area

Bldgs. 1000 thru 1021
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445
Landholding Agency: Navy
Property Number: 77200440018
Status: Unutilized
Reasons: Secured Area

Bldg. 102
Marine Corps Recruit Depot
Parris Island Co: Beaufort SC 29905
Landholding Agency: Navy
Property Number: 77200530017
Status: Unutilized
Reasons: Secured Area; Floodway; Extensive deterioration

21 Bldgs.
Naval Weapons Station
Goose Creek Co: Berkely SC 29445
Landholding Agency: Navy
Property Number: 77200620034
Status: Unutilized
Directions: 4, 167C, 174, 180, 350, 383, 400, 410, 769, 790, 823, 824, 904, 930, 930A, 953, 953A, 971, 975, 2305, 3526
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 1148
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445
Landholding Agency: Navy
Property Number: 77200630044
Status: Excess
Reasons: Extensive deterioration

Bldg. 200
Marine Corps Recruit Depot
Parris Island SC 29905
Landholding Agency: Navy
Property Number: 77200720018
Status: Unutilized
Reasons: Secured Area; Floodway

Bldgs. 908, 1ATX211–1ATX220
Naval Weapons Station
Goose Creek SC 29445
Landholding Agency: Navy
Property Number: 77200810029
Status: Unutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Bldgs. 40, 48, 856
Naval Weapons Station
Goose Creek SC 29445
Landholding Agency: Navy
Property Number: 77200810030
Status: Unutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Bldgs. 934, 2333
Naval Weapons Station
Goose Creek SC 29445
Landholding Agency: Navy
Property Number: 77200810031
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Tennessee

4 Bldgs.
Y–12 Natl Security Complex
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200910001
Status: Unutilized
Directions: 9201–05, 9622, 9769, 9983–HP
Reasons: Secured Area

Bldgs. 2, 3, 5
Naval/Marine Corps Rsv Ctr
Knoxville Co: Knox TN 37920
Landholding Agency: Navy
Property Number: 77200530018
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 9720–03, 9720–06
Y–12 Natl Nuclear Security Complex
Oak Ridge TN 37831
Landholding Agency: Navy
Property Number: 77200720038
Status: Unutilized
Reasons: Secured Area

Texas

Bldg. 1732
Naval Air Station
Corpus Christi Co: Nueces TX
Landholding Agency: Navy
Property Number: 77200540007
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 243
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640035
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 1430
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640036
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 1500
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640037
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 4151
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640038
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 3379, 3380
Naval Air Station
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200810023
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 1414, 3190
Naval Air Station
Joint Reserve Base
Ft. Worth TX 76127
Landholding Agency: Navy
Property Number: 77200830031
Status: Unutilized
Reasons: Secured Area

Utah

5 Bldgs.
Naval Industrial Ordnance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720033
Status: Unutilized
Directions: 4D, 6A, 6C, 8C, 10B
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

4 Bldgs.
Naval Industrial Ordnance Plant
Magna UT 84044

Landholding Agency: Navy
Property Number: 77200720034
Status: Unutilized
Directions: 11, 15, 16, 19
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Bldgs. 22A, 22B, 22C
Naval Industrial Ordnance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720035
Status: Unutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Bldgs. 23A, 23B, 23C
Naval Industrial Ordnance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720036
Status: Unutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

4 Bldgs.
Naval Industrial Ordnance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720037
Status: Unutilized
Directions: 33, 45B, 45C, 46D
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Virginia

Bldgs. 500, 501
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200640012
Status: Excess
Reasons: Extensive deterioration

Bldg. 628
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200640013
Status: Excess
Reasons: Extensive deterioration

Bldg. 2398
Naval Station
Norfolk VA
Landholding Agency: Navy
Property Number: 77200730021
Status: Excess
Reasons: Secured Area

Bldgs. 375, 502, 502A
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200810002
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 503, 503A, 504
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200810003
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 505, 505A
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200810004
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 1213, 1979
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200810005
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 2007, 2008
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200810006
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 439, 466
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200820016
Status: Excess
Reasons: Secured Area

Bldgs. 760, 761
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200820017
Status: Excess
Reasons: Secured Area

Bldgs. 1820, 1895
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200820018
Status: Excess
Reasons: Secured Area

Bldgs. 1977, 1978, 1983
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200820019
Status: Excess
Reasons: Secured Area

Bldg. CAD–RR
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200820020
Status: Excess
Reasons: Secured Area

Bldg. 3186
Naval Amphibious Base
Little Creek Co: Norfolk VA
Landholding Agency: Navy
Property Number: 77200840006
Status: Unutilized
Reasons: Secured Area

Bldg. NAB757
Naval Amphibious Little Creek
Norfolk VA
Landholding Agency: Navy
Property Number: 77200840008
Status: Unutilized
Reasons: Secured Area

19 Ammunition Bunkers
Naval Weapon Station
Ammo Plant 1 & 2
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200840009
Status: Excess
Reasons: Secured Area; Extensive deterioration

11 Bldgs.
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200840019
Status: Excess
Directions: 10, 11, 97, 97A, 98, 472, 526, 527, 528, 528A, 1592
Reasons: Secured Area; Extensive deterioration

8 Bldgs.
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200840020
Status: Excess
Directions: 109, 110, 500A, 501A, 627, 629, 1249, 1462
Reasons: Secured Area; Extensive deterioration

5 Bldgs.
Naval Amphibious Base
Norfolk VA
Landholding Agency: Navy
Property Number: 77200840021
Status: Unutilized
Directions: 3375, 3420, 3550, 3695, 3891
Reasons: Secured Area; Extensive deterioration

Bldg. 3605
Naval Amphibious
Little Creek
Norfolk VA
Landholding Agency: Navy
Property Number: 77200910020
Status: Unutilized
Reasons: Secured Area

Training Bldg.
USCG Integrated Support Ctr
Portsmouth Co: Norfolk VA 43703
Landholding Agency: Coast Guard
Property Number: 88200530001
Status: Excess
Reasons: Secured Area

Bldg. 011
Integrated Support Center
Portsmouth Co: Norfolk VA 43703
Landholding Agency: Coast Guard
Property Number: 88200620002
Status: Excess
Reasons: Secured Area

9 Bldgs.
USCG Cape Charles Station
Winters Quarters
Northampton VA 23310
Landholding Agency: Coast Guard
Property Number: 88200740001
Status: Unutilized
Reasons: Extensive deterioration

Navigation Center Trailer
USCG TISCOM
Alexandria VA 22315
Landholding Agency: Coast Guard
Property Number: 88200820003
Status: Excess
Reasons: Secured Area

Washington

Defense Fuel Supply Point
18 structures/21 acres
Mukilteo WA
Landholding Agency: Air Force

Property Number: 18200910001
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 529
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040020
Status: Excess
Reasons: Secured Area

Bldg. 8
Naval Reserve Center
Spokane WA 99205
Landholding Agency: Navy
Property Number: 77200430025
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 10, 11
Naval Reserve Center
Spokane WA 99205
Landholding Agency: Navy
Property Number: 77200430026
Status: Excess
Reasons: Extensive deterioration; Secured Area

Bldgs. 2656–2658
Naval Air Station
Lake Hancock
Coupeville Co: Island WA 98239
Landholding Agency: Navy
Property Number: 77200430027
Status: Unutilized
Reasons: Secured Area

Bldgs. 2652, 2705
Naval Air Station
Whidbey
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440010
Status: Unutilized
Reasons: Secured Area

Bldgs. 79, 884
NAS Whidbey Island
Seaplane Base
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440011
Status: Unutilized
Reasons: Secured Area

Bldg. 121
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440012
Status: Unutilized
Reasons: Secured Area

Bldg. 419
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440013
Status: Unutilized
Reasons: Secured Area

Bldgs. 2609, 2610
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440014
Status: Unutilized
Reasons: Secured Area

Bldg. 2753
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440015
Status: Unutilized
Reasons: Secured Area

Bldg. 108
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200510015
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 351
Puget Sound Naval Shipyard
Bremerton WA 98314
Landholding Agency: Navy
Property Number: 77200530026
Status: Unutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Bldg. 1032
Naval Base
Bangor Tower Site
Silverdale WA 98315
Landholding Agency: Navy
Property Number: 77200630045
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 71
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640007
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 82, 83
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640008
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 168, 188
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 729
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldgs. 910, 921
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640011
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldgs. 407, 447
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200640014
Status: Excess
Reasons: Secured Area

Bldg. 867
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200640015
Status: Excess
Reasons: Secured Area

Bldgs. 937, 975
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200640016
Status: Excess
Reasons: Secured Area

Bldg. 1449
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640017
Status: Unutilized
Reasons: Secured Area

Bldg. 1670
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640018
Status: Unutilized
Reasons: Secured Area

Bldgs. 2007, 2801
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640019
Status: Unutilized
Reasons: Secured Area

Bldgs. 6021, 6095
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640020
Status: Unutilized
Reasons: Secured Area

Bldgs. 6606, 6661
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640021
Status: Unutilized
Reasons: Secured Area

Bldgs. 726, 727, 734
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 901, 911
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 925, 938
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345

Landholding Agency: Navy
Property Number: 77200640024
Status: Unutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Bldg. 1020
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640025
Status: Unutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Fisher Transit Site
Easement
Jefferson WA
Landholding Agency: Navy
Property Number: 77200710015
Status: Excess
Reasons: Other—Remote Location

Bldgs. 437, 853
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710018
Status: Unutilized
Reasons: Secured Area

Bldg. 1039
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 1400, 1461
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 6026
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710021
Status: Unutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Bldgs. 6608, 6609, 6904
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 110, 116
Naval Air Station
Oak Harbor WA 98278
Landholding Agency: Navy
Property Number: 77200740013
Status: Excess
Reasons: Secured Area

Bldg. 839
Puget Sound Naval Shipyard
Bremerton WA 98314
Landholding Agency: Navy
Property Number: 77200740014
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 402, 403, 2634
Naval Air Station
Oak Harbor Co: Whidbey Island WA 96278
Landholding Agency: Navy
Property Number: 77200810020
Status: Excess
Reasons: Extensive deterioration

Bldg. 7658
Naval Base
Bangor WA
Landholding Agency: Navy
Property Number: 77200830017
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 986, 987
Naval Air Station
Whidbey Island
Oak Harbor WA 98278
Landholding Agency: Navy
Property Number: 77200840001
Status: Unutilized
Reasons: Secured Area

Bldg. 94
Naval Air Station
Whidbey Island
Oak Harbor WA 98278
Landholding Agency: Navy
Property Number: 77200840002
Status: Excess
Reasons: Secured Area

Bldgs. 20, 62, 2616, 2663
Naval Air Station
Whidbey Island WA
Landholding Agency: Navy
Property Number: 77200840017
Status: Excess
Reasons: Secured Area

SSA Federal Bldg.
304 Otter Ave.
Oshkosh WI 54901
Landholding Agency: GSA
Property Number: 54200820001
Status: Excess
GSA Number: 1–G–WI–603
Reasons: Within 2000 ft. of flammable or explosive material

Bldg. OV1
USCG Station
Bayfield WI 54814
Landholding Agency: Coast Guard
Property Number: 88200620001
Status: Excess
Reasons: Secured Area

Land

Alabama

Lock & Dam No.12/Boatyard
Black Warrior River
Tuscaloosa AL
Landholding Agency: GSA
Property Number: 54200830021
Status: Excess
GSA Number: 4–D–AL–0777
Reasons: Floodway

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reasons: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reasons: Floodway

California

Prospect Island
Solano CA 95690
Landholding Agency: GSA
Property Number: 54200910001
Status: Surplus
GSA Number: 9–I–CA–1674
Reasons: Floodway

Parcel L1
George AFB
Victorville CA 92394
Landholding Agency: GSA
Property Number: 54200910005
Status: Excess
GSA Number: 9–D–CA–06283
Reasons: Other—landlocked

Trailer Space
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200520013
Status: Unutilized
Reasons: Secured Area

Parcels 1, 2, 3, 4
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630003
Status: Underutilized
Reasons: Secured Area

Parcels 11, 12, 13, 14, 15
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630004
Status: Underutilized
Reasons: Secured Area

Sand Spit
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720008
Status: Underutilized
Reasons: Floodway

Florida

Encroachment No. GB–37
Perdido Key Co: Escambia FL
Landholding Agency: GSA
Property Number: 54200810009
Status: Excess
GSA Number: 4–D–FL–6208AB
Reasons: Floodway

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reasons: Other—Inaccessible

Georgia

Tract J–916
Allatoona Operations Project
Canton GA
Landholding Agency: GSA

Property Number: 54200820010
Status: Excess
GSA Number: 4–D–GA–0424AB
Reasons: Floodway

Hawaii

14.235 parcel
Marine Corps Base
Kaneohe HI 96863
Landholding Agency: Navy
Property Number: 77200830020
Status: Unutilized
Reasons: Secured Area

Indiana

approx. 0.2 acre
Naval Support Activity
Crane IN 47522
Landholding Agency: Navy
Property Number: 77200910006
Status: Underutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Kentucky

Craigs Creek Access Site
Markland Locks & Dam
Gallatin KY 41095
Landholding Agency: GSA
Property Number: 54200910002
Status: Excess
GSA Number: 4–D–KY–0623AA
Reasons: Floodway

Minnesota

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reasons: Other—landlocked

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reasons: Secured Area

Montana

Sewage Lagoons/40 acres
VA Center
Ft. Harrison MT 59639
Landholding Agency: VA
Property Number: 97200340007
Status: Excess
Reasons: Floodway

New Hampshire

274.71 acres
Berlin Co: Coos NH 03570
Landholding Agency: GSA
Property Number: 54200830005
Status: Excess
GSA Number: 1–J–NH–0501
Reasons: Other—landlocked

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010011
Status: Unutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

North Dakota

11 Missile Launch Facilities
Grand Forks ND
Landholding Agency: GSA
Property Number: 54200840002
Status: Surplus
GSA Number: 7–D–ND–0500
Reasons: Contamination

Pennsylvania

Portion/Tract 117
E. of Strabane Ave.
Canonsburg PA
Landholding Agency: GSA
Property Number: 54200820003
Status: Excess
GSA Number: 4–B–PA–811
Reasons: Contamination

South Carolina

Laurel Bay Tract
Marine Corps Air Station
Beaufort SC
Landholding Agency: Navy
Property Number: 77200830010
Status: Excess
Reasons: Secured Area

Utah

0.47 acre
Feeder Canal
Hyrum UT 84319
Landholding Agency: Interior
Property Number: 61200740007
Status: Excess
Reasons: Other—landlocked

0.47 acre
Hyrum Feeder Canal
Hyrum UT 84319
Landholding Agency: Interior
Property Number: 61200820004
Status: Excess
Reasons: Other—landlocked

Virginia

FAA Outer Marker 19R
Norman's Station Rd.
Chantilly VA 20151
Landholding Agency: GSA
Property Number: 54200820020
Status: Surplus
GSA Number: 11–VA–1103AA
Reasons: Within airport runway clear zone; Within 2000 ft. of flammable or explosive material

Washington

405 sq. ft./Land
Naval Base Kitsap
Bangor WA
Landholding Agency: Navy
Property Number: 77200520060
Status: Unutilized
Reasons: Secured Area

230 sq. ft. land
Naval Magazine
Indian Island WA
Landholding Agency: Navy
Property Number: 77200620037
Status: Underutilized
Reasons: Secured Area; Within 2000 ft. of flammable or explosive material

Tabook Transit Site
Easement
Jefferson WA
Landholding Agency: Navy
Property Number: 77200710016
Status: Excess
Reasons: Other—Remote Location

[FR Doc. E9–3755 Filed 2–26–09; 8:45 am]

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